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**ECONOMIC COMMISSION FOR EUROPE**

MEETING OF THE PARTIES TO THE CONVENTION ON  
ACCESS TO INFORMATION, PUBLIC PARTICIPATION  
IN DECISION-MAKING AND ACCESS TO JUSTICE  
IN ENVIRONMENTAL MATTERS

Third meeting  
Riga, 11–13 June 2008  
Item 6 (a) of the provisional agenda  
Procedures and mechanisms facilitating  
the implementation of the Convention:  
Reports on implementation

**IMPLEMENTATION REPORT SUBMITTED BY ALBANIA\***

*Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.*

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\* The present document was submitted on the above date due to resources constraints.

## **I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED**

1. This report was prepared by the Ministry of Environment, Forestry and Water Management (MoE).
2. This report was discussed with other ministries, including the Ministry of Health and the Ministry of Agriculture, Transport and Tourism. It was also made available on the MOE website and sent for comments to non-governmental organizations (NGOs).

## **II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT**

3. This is the second report for Albania, and the institution responsible for implementation of the Convention is the Ministry of Environment (MoE), including its structures in the Prefectures (Regional Environmental Agencies). Lack of funds from the State budget makes the implementation of the Convention difficult, especially on issues that directly affect the general public and/or the interested part of civil society.

## **III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3**

### **Article 3, paragraph 2**

#### *Interventions to the legal framework*

4. The principles of the Convention are widely mirrored and included in the Albanian Legislation more specifically in:
  - (a) The Constitution of the Republic;
  - (b) The Law for Environmental protection No. 8934 of 5 September 2002, (arts. 3, 10, 54, 55, 56, ch. X, arts. 77, 78, 79, 80)
  - (c) The Law for Environmental Impact Assessment No. 8990 of 23 January 2003, (arts. 17, 19, 20, 23, 26)
  - (d) In all specific environmental laws approved during the time frame 2003-2007;
  - (e) Code of Administrative Procedures
  - (f) Law for the Ombudsman (Arts. 14, 15, 16, 17)
  - (g) Law for Civil Emergencies No 8756 of 26 March 2001, (art. 8 (ë))

### **Article 3, paragraph 3**

5. Positive steps have been taken in environmental education in Albania in the past two years:
  - (a) At the elementary school level:
    - (i) The Regional Environment Centre in Albania (REC) in cooperation with MoE and the Ministry of Education and Science has begun to apply the Green Pack in the

elementary school;

(ii) UNICEF, in cooperate with MOE and the Ministry of Education, has begun a project “child to child” in primary schools.

(b) At the university level, a graduate diploma and master’s degree have been introduced at the Agro-Environment Department of Tirana Agricultural University. A master’s course in science and technology of the environment has also been introduced.

#### **Article 3, paragraph 4**

6. The first administrative measure has been to establish an Information Centre at the MoE. At this centre there is a specialist dealing with NGOs as their focal point for communication with the Ministry.

7. In 2005, the Strategies and Action Plan for Implementation of the Aarhus Convention entered into force.

8. The Ministry has formulated the Format–Request for the interested public. This request was on the website of the Ministry.

9. In Albania, three Aarhus Information Centres were opened:

(a) In Tirana city, this Centre is located in the first floor of the MoE.

(b) The second Aarhus Information Centre was opened in the north of Albania in the Shkodra Region;

(c) The third Aarhus Information Centre was opened in the south of Albania in the Vlora region;

10. The MoE has signed a memorandum of cooperation with the most active environmental NGOs (30 NGOs) in June 2002.

11. The MoE has signed the declaration of the European Commission for supporting the most active environmental NGOs.

12. The MoE has financially supported the NGOs through projects from the State budget. For 2003, the MoE has disbursed 1,547,600 Albanian leke (ALL), nearly € 11,459. For the year 2004 the NGO projects financed by the MoE and the Netherlands reached the sum of 30,000,100 ALL, approximately € 242,527, from other sources. In 2005-2006 the MoE and the Netherlands have supported 10 NGO projects with approximately 18,300,000 ALL.

#### **Article 3, paragraph 8**

13. There are no cases of prosecution, harassment or penalization of persons for exercising their rights in conformity with the Convention.

#### **IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3**

14. The following obstacles have been encountered:

- (a) Lack of effectiveness in implementing the memorandum of cooperation between the MoE and the NGOs.
- (b) The low level of environmental awareness, linked to the economic problems of the country.

#### **V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3**

15. No information was provided under this heading.

#### **VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3**

16. The MoE ([www.moe.gov.al](http://www.moe.gov.al)), Aarhus Information Centre ([www.aic.org.al](http://www.aic.org.al)).

#### **VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4**

##### **Article 4, paragraph 1**

17. The Convention's requirements have been reflected in the Constitution of the Republic of Albania, rendering them in constitutional articles. In addition, the Law for the Right to Information on Official Documents, and the Law for People's Ombudsman were approved. Public information and its participation in decision-making have also been treated within the Administrative Procedures Code, the Law for Organization and Functioning of Local Governance and the Law for Civic Emergencies. In all these legal acts, the right for information is ensured without an interest having to be stated. The time limit for answering the request for information is stated in the Law for the Right to Information on Official Documents and is 40 days after receiving the request. The answers to these requests have been immediate, as the number of written requests has been low. The most important percentage of the requests is individuals making requests in person to the Information and Communication Department (6-7 persons each day) of the MoE and taking any kind of material, according to the needs. Another form of information is the environmental publication of the MOE *Electronic Environmental Bulletin* (a monthly), which communicates the most important decisions and activities of the Ministry. The website of the Ministry is always available to the public.

**Article 4, paragraph 2**

18. There have been no cases of postponing the timeline of one month after receiving the request.

**Article 4, paragraph 3 and 4**

19. In the cases where the MOE did not have the requested information, the right address and person to be contacted which has that specific information has been provided. There have been no cases of unreasonable requests and there have been no cases of requests for material in course of completion etc.

20. With respect to paragraph 4, this kind of information is covered in article 29, paragraph 2, of the Law on environmental protection, No. 8934, of 5 September 2002.

**Article 4, paragraph 5**

21. In these cases, the applicant has been immediately informed of the public authority which holds the information.

**Article 4, paragraph 6**

22. No such cases have occurred.

**Article 4, paragraph 7**

23. No cases of refusal have occurred.

**Article 4, paragraph 8**

24. No charges are applied for providing information.

**VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF  
ARTICLE 4**

25. No information was provided under this heading.

**IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE  
PROVISIONS OF ARTICLE 4**

26. No information was provided under this heading.

**X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF  
ARTICLE 4**

27. Ministry of Environment, Forestry, Water Administration of Albania ([www.moe.gov.al](http://www.moe.gov.al)).

**XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING  
THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF  
ENVIRONMENTAL INFORMATION IN ARTICLE 5**

**Article 5, paragraph 1**

*Article 5, paragraph 1 (a)*

28. The public authorities which possess and update environmental information are the central and local authorities. Firstly, the authorities responsible for protection of the environment and its components are the MOE and the Regional Environmental Agencies. Second come the Environmental Inspectorate and other inspectorates, the Inter-ministerial Council for Implementation of Action Plans of Health and Environment, the Group for Keeping Desertification under Control, etc.

*Article 5, paragraph 1 (b)*

29. Secondly, other central authorities with assigned responsibilities to manage environmental resources, such as natural resources and minerals are at the second level. Within this group, line ministries and respective structures are included.

30. Thirdly, there are inter-sectoral authorities at the central and local levels, which manage the territory and/or water resources, such as the TACs of all levels, the national Waters and Basins Council, and the National Committee of Tourism, whose decision-making is directly related to the environment.

*Article 5, paragraph 1 (c)*

31. In emergencies, the information will be disseminated immediately from the National Committee for Emergencies and the cross border project.

**Article 5, paragraph 3**

32. The website of the Ministry and the REC website are always available to the public.

**Article 5, paragraph 4**

33. The MoE is obliged to publish the national State of the Environment report every two years. The last report was published in 2003-2004 and is available in hard copy and on the Internet. The next report was planned to be released in April 2006. The report is in the process of preparation.

**Article 5, paragraph 5**

34. In addition, in article 56 of the Law for Environmental Protection, all the details that relate to obligations of governmental authorities to make environmental information public are specified at a wider scale:

(a) Governmental authorities that collect environmental information make it public to the media or newspapers, or to whatever are appropriate channels, so that the public understands;

(b) Once the governmental authorities, physical and legal persons notice environmental pollution or damage, they inform the public of the negative impact and of measures taken to prevent those negative effects, in order to protect people and make them protect their health and safety;

(c) Buyers or consumers should be informed orally, or in writing by physical or legal persons, of the negative impacts of the service delivered regarding health and environment components;

(d) Classification of confidential data for national security is administered according to requirements of the Law nr. 8457, of 11 February 1999, "For governmental secret classified information".

35. To make the general public familiar with environmental information and requirements, the information centre of the MoE disseminates the *Environmental Bulletin* and distributes it free, on its website, for all public interested.

36. Another group of publications is the "Compendium of Environmental Legislation of Albania", a collection of information packages for different issues (e.g. energy, land use, legislation, forestry) and other legal documents that provide data to the public and guidelines for procedures. For instance, in the environmental field, the official documents for public access are strategies, action and management plans, monitoring programmes, state-of-the-Environment Reports, registers' content, licenses and group inspection reports, all the environmental directives of the BE in Albanian language versions, the "Red book", (we have published *Environmental protection area in Albania*), and the management plans from different areas in Albania (Narte, Llogara, etc.).

37. The same standards apply for the governmental structures responsible for water, land and territory planning, forests and meadows, mineral resources, etc. When we reach this level of transparency and communication, the relations between the government and the public on environment-related issues will reach another qualitative stage.

38. So far, many actors have contributed to publication- and information-related activities, especially REC and NGOs such as Milieu Contact, Mass Media and the Environment, etc.

**Article 5, paragraph 6**

39. Another stakeholder/information holder is the Albanian Chamber of Commerce and Industry, which informs the public on activities and products.

## **XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5.**

40. One obstacle that has been encountered is the lack of funds for other publications.

## **XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5**

41. The MoE publishes its own magazine on the environment and the compendium of Albanian environmental legislation (Albanian and English versions), and other stakeholders publish leaflets, posters, newspapers and other publications on specific occasions. There are no statistics on the amount of publications on environmental matters.

## **XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5**

42. The Ministry of Environment ([www.moe.gov.al](http://www.moe.gov.al)); Council of Ministers ([www.keshilliministrave.gov.al](http://www.keshilliministrave.gov.al)); Albanian Chamber of Commerce ([root@ccitr.tirana.al](mailto:root@ccitr.tirana.al)).

## **XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6**

### **Article 6, paragraph 1**

43. To ensure public participation in environmental impact assessment processes, the Law for Environmental protection stipulates that:

- (a) Within the process of environmental impact assessment (EIA) and strategic environmental assessment (SEA), all the interested groups do participate, especially local authorities, the general public and NGOs;
- (b) Throughout the decision-making process, the responsible authority provides the public with the documentation on the information required, within a certain timeline;
- (c) While making the decision, the responsible authority takes under consideration the opinion of local authorities, the public and NGOs.

44. However, for processes less important than EIA, such as for instance the drafting of management plans for protected areas, the Law for Protected Areas obliges the MoE to consider “the results generated from cooperation and advising activities with civil society groups, especially with community groups inside or around the respective protected area, including a summary of comments and their feedback on the proposal”.

### **Article 6, paragraph 2**

45. In the Law on EIA, this has entered at the implementation phase, including public participation, public discussion and consideration of its opinion, according to article 6, of

Convention. The article requires public participation in decision-making on certain activities, listed in annex I of the Convention and other unlisted activities, which might have a negative impact on the environment. The practical use of these requirements is the main objective of the MOE and the Regional Environmental Agencies. For some time, the community's opinion has been asked about any subject related to licensing procedures. A discussion is going on with the community of Vlora and other interested groups at the national level on the possibility of building a thermo power plant and oil tanks on the seaside. Based on such experiences, a more intensive debate between the Ministry, the local government and the community is expected for the coming years.

46. In response to the Vlora case, the MOE has undertaken a series of steps to create the possibility for the fulfillment of the commitments of the country in the framework of the Convention.

#### **XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6**

47. There is a lack of detailed procedures for public participation in the decision-making process.

#### **XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6**

48. No information was provided under this heading.

#### **XVIII. WEB SITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6**

49. The MoE website ([www.moe.gov.al](http://www.moe.gov.al)).

#### **XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7**

50. Several NGOs have participated in the drafting of the legislation package. Also, for the preparation of the Strategy for the Implementation of the Aarhus Convention, the process has been open to all NGOs for expressing their opinions on this matter. Probably the biggest consultation held by an Albanian Ministry was for the drafting of the National Environmental Strategies (NES). This involved circulating 672 NES information packs, 890 CDs and 370 printed versions of "Draft NES".

**XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7**

51. For the preparation of the National Strategy for Socio-Economic Development, we have had four years of experience in gathering the opinions of civil society on the environmental issues of this Strategy. NGOs and other groups interested in the environment have been invited to discuss these issues and their opinions are taken into consideration.

**XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7**

52. Environmental NGOs are not often interested in the processes related to the implementation of article 7.

**XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7**

53. No information was provided under this heading.

**XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7**

54. The MoE website ([www.moe.gov.al](http://www.moe.gov.al)).

**XXIV. EFFORTS MADE TO PROMOTE EFFECTIVE PUBLIC PARTICIPATION DURING THE PREPARATION BY PUBLIC AUTHORITIES OF EXECUTIVE REGULATIONS AND OTHER GENERALLY APPLICABLE LEGALLY BINDING RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8**

55. For the purposes of decision-making by the Council of Ministers, especially when dealing with protected areas and waste import as raw material for production, considering the opinion of the community living in the surrounding area is obligatory. A negative opinion from the community can block the decision-making process. The community is represented through the elected members of the council of commune, region or other local administrative unit.

**XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8**

56. There is a lack of knowledge of legislation in the communities, especially in rural areas.

**XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8**

57. No information was provided under this heading.

**XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8**

58. The MoE website ([www.moe.gov.al](http://www.moe.gov.al)).

**XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9**

59. The new legislation has been attentive to and supportive of the public's right to complain, by creating the necessary spaces for an administrative environmental review. For instance, in the law for Environmental Protection it is stressed that "anyone has the right to complain for activities that threaten, damage and pollute the environment, and to ask for a closing-down of the activity, in case of risk". Apart from the measures taken, the authorities are obliged to respond to the request within one month after receiving it. In addition, this general confirmation has been detailed in a separate law, for concrete cases. A more inclusive framework has also been completed for cases of judicial or administrative review.

60. For the right to environmental information the following normative acts exist:

- (a) The Code for Administrative Procedures (arts. 20 and 51-55)
- (b) Law no. 8934, of 5 September 2002 on Environmental Protection (arts. 1/2dh, 10/3, 77, 78)
- (b) Law no. 8503, of 30 June 1999 on the Right to Information on Official Documents.

**Article 9, paragraph 1**

61. Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law. He may press charges against a ministry or other public institutions at the Court of First Instance of the region where he or she lives.

62. With respect to a legal procedure that is free of charge, there is only the possibility of the Ombudsman taking the question under consideration. This is the only attorney who is free of charge. The Ministry of Environment does not have funds available to pay an attorney (so the person does not have to pay the expenses for the review before the court of law) to work on complaints from the public.

63. The decision of the court regarding the providing of information is binding for the public institutions that have refused the information.

**Article 9, paragraph 3**

64. According to national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment, but the criteria to be met by the public are not defined in the national legislation.

**Article 9, paragraph 4**

65. There is no distinction between normal judicial procedures and environmental ones. The law provides the basic rights for such procedures in general for all procedures, which are meant to be fair and with reasonable costs and time limits. The decisions of the court are written, published and available to the public. The people who presses charges receives a copy of the court's decision.

**Article 9, paragraph 5**

66. There are efforts to inform the public of this right to have access to a court of law, but there are no mechanisms to minimize or omit the financial obstacles to this purpose.

**XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9**

67. There is still no compatibility of the national judicial procedures with the requirements of the Convention. The implementation of the Convention necessitates changes to the Penal Code, and the intention is to insert "crimes against the environment" into this code. On the other hand, the judicial officers, judges and prosecutors are not familiar with environmental matters.

**XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9**

68. No information was provided under this heading.

**XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9**

69. The MoE website ([www.moe.gov.al](http://www.moe.gov.al)).

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION OF THE CONVENTION TO  
THE PROTECTION OF THE RIGHT OF EVERY PERSON OF PRESENT AND  
FUTURE GENERATIONS TO LIVE IN AN ENVIRONMENT ADEQUATE TO HIS OR  
HER HEALTH AND WELL-BEING**

70. While having been definitively positioned on the road of democracy, the public and the Albanian Government identify with the Convention their rights and obligations, and opportunities for involvement and inclusion. They are also considering the existing possibilities for reaching agreements and cooperation, for developing alternatives and solutions for a contemporary consideration of the environment, and for finding support for vital intentions and aspirations, not only for today, but also for the future.

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