Albania - Ensuring Public Participation in Decision Making: Best practices and Challenges

Aarhus Convention Task Force on Public Participation in Decision-making

Legislative framework

- Law No. 8672, dated 26.10.2000, “On the Aarhus Convention Ratification on public right to information, to participate in decision-making and to have access to justice in environmental matters”;

- DCM No. 994, dated 02.07.2008, “Public Participation in Environmental Decision Making”;


- DCM No. 247, dated 30.04.2014, “On the determination of the rules and requirements of the procedures for information and involvement of the public in environmental decision making”;
Public hearings are regularly held for EIA procedure and other decision-making processes

- At ministry level – for new legislation/national plans/programs, etc.
- At local authority level – regional plans, programs, projects, etc.

- Notification channels: website, email, papers, advertising boards
- Notification for strategic documents - 30 days prior to public hearing + no less than 30 days for comments
  - For particularly complex projects – up to 40 days for comments (new law)
  - The option of extension/ new issues come up

- Notification for legal acts: 30 days & no less than 10 days for comments (20 + 20 new law)
- Minutes – from 2 to 5 days, uploaded in Aarhus website, comments integrated in the explanatory report of the draft-documents, which is forwarded to Government & Parliament
Taking due account of comments and outcomes of public participation

http://mjedisi.gov.al/
Taking due account of comments and outcomes of public participation

Public hearings are regularly held at NEA level - for EIA procedures

• Preliminary & Advanced EIA
  – After 5 days – 20 days online publication
  – 20 days for comments + date of decision, decision uploaded on website
  – Timeframe for complaints

• Notification channels: website, email, papers, advertising boards.

• Minutes – no later than 2 weeks, uploaded in NEA website,
• Explain what and what not is considered and why; reclaims to MoE

• Integral part of the EIA documentation, otherwise refusal by NEA
New legislation


• Law No 146/2014 – On Notification and Public Consultation” – regulates the process of notifying the public on drafting legislative work and other strategic national and local documents;

• Establishes the Commissioner for the right of Information: to address all complaints if public right to information and consultation has been infringed by the public authority;

• Transparency Programs for all public institutions made obligatory;
• Public Consultation Coordinator in every public institution
• New unique electronic register, yearly public reports on all planned acts, number of planned public hearings;
• Yearly public reporting on all approved acts, number of public hearings, number of adopted recommendations and refused ones;
Best practices

2010: Coal plant in Durres, Enel project

2012: Vlora landfill

2013: Ban on Waste import

2013: Dismantling of chemical weapons
Challenges

• Legislation framework and instruments to guarantee public participation in decision-making is in place;

• A matter of democratic mindset;
• Raising capacities and developing the spirit of democratic decision-making culture;
• Less formal and more substantial public hearings (esp. at local level);
• Inter-institutional coordination;
• Civil Society;
• Promoting best practices;
Raising awareness and capacities

• During 2014: 12 regional trainings on obligations deriving from Aarhus Convention for regional Environmental structures, local authorities, general public, civil society, Aarhus centers, etc., on EIA procedures, information, etc.

• During 2015: 12 planned trainings for ESPOO convention, public hearings procedures and obligations in trans-boundary context projects; regional staff, local authorities, general public;
Thank You!

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