

Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of Ministry of Environment of Albania [name of the Party or the Signatory] in accordance with decisions I/8, II/10 and IV/4.

Name of officer responsible for submitting the national report:

Signature: **Alqi BLLAKO,**

General Secretary

Ministry of Environment of Albania

Date: 17.02.2017

Implementation report

Please provide the following details on the origin of this report

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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer: First step: Translation of the material

Second step: Sending e-mail to Stakeholders (including all persons from line ministries who have environmental information and take decisions regarding environment and Non Profit Organizations which have undertaken activities in the field of implementation of Aarhus Convention in Albania, and also to civil society experts who are aware and enforce this Convention in Albania).

Third Step: Collection of information and comments from Line Institutions especially from Ministry of Economy, General Directorate of Roads, Environmental Associations, REC, OSCE, UNDP.

Fourth Step: Inclusion of comments and organization of hearing on the submitted comments.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:N/A

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;

(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles

of the Convention internationally; including:

- (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
- (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
- (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
- (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
- (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Answer: *There are a number of Albanian laws and subordinate regulations related to the implementation of the provisions of Article 3 of the Convention, as specified in the previous national report. However, since the completion of the third report certain environmental laws and regulations relevant to environmental protection have been amended.*

- *New Law on Right to Information, No 119/2014, which provides Albanian citizens to take information and obliges all Ministries and structures at central level to draft a transparency program which shall be published in the websites of Ministries. This law obliges any central and subordinate institution to designate the information coordinator in every Ministry and also publication of his data to be contacted by the public, in the website of the Institution.*
- *The law "On the environmental protection", no.10 431, dated 9.6.2011, which transposes the environmental protection principles from the Treaty and which are common to a large number of environmental acquis directives, included the public right on access information and participating in decision making process on environmental issues . It also transposes a number of definitions, which are again common to a number of environmental directives.*

In the Law on Environment Protection (January 20011) under article 46, "Public information on environmental matters" in principle is given the definition of environmental information, which is in accordance with the Convention and Directive 2003/4/EC on public access to environmental information and it is stated the liability of relevant public authorities to make available to the public the environmental information that they have.

Law No 146/2014 "On Public information and Consultation" regulates the process of public information and consultation for draft laws, national and local strategic project documents and also policies with high public interest. This law determines procedural rules which shall be implemented to guarantee transparency and public participation in policy making and decision making processes by public bodies. Furthermore this law aims to enhance transparency, accountability and integrity of public authorities.

- The law “On the environmental impact assessment”, No.10 440, date 07.07.2011 which aims to improve the existing EIA system has been reviewed and approved also by the Council of Ministers and is under final procedures for its approval in the Parliament. This law fully transposes the Council Directive of 27 June 1985 “On the assessment of the effects of certain public and private projects on the environment” as amended by Directive 97/11/EC, Directive 2003/35/EC and Directive 2009/31/EC.

This law provides the determination of requirements, responsibilities, regulations and procedures on the assessment of significant negative environmental impacts in the Republic of Albania, of proposed private or public projects.

- Law no. 91 was approved dated 28.02.2013 “On the strategic environmental assessment”. The law transposes the Directive 2001/42/EC “On the assessment of the effects of certain plans and programmes on the environment”.
- DCM No 247, dated 30.04.2014 “On determination of regulations, requirements and procedures on public information and involvement in environmental decision making”. This decision is a subordinate legal act of Law No 10 440, dated 07.07.2011 “On Environmental Impact Assessment (EIA)”. The Decision determines concrete regulations pursuant to the requirements of Directive 85/337/EEC “on the assessment of the effects of certain public and private projects on the environment” codified in 2012 (Celex: 32011L0092: OJ L026, 28.01.2012, p. 0001-0021). Through this act are specified all the procedures followed on public information and consultation for activities which need environmental impact assessment. In this DCM are also determined time limits to be met in full accordance with Aarhus Convention. It also clarifies the procedures which the public shall follow if not properly informed and is not respected their right to take in consideration their opinion during consultation process.

DCM No 16, dated 4.1.2012 “On the right of public access to environmental information” approximated Albanian legislation completely with European legal framework, respectively Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 “on public access to environmental information”, and also specifically fulfilling obligations rising from ratification of Aarhus Convention.

This decision guarantees public access to environmental information, liability of respective public authorities to respect that right, both in terms of time limits and form, content and way of supplying information.

According to paragraph 3: Albanian environmental legislation also sets objectives for environmental education. Therefore Article 58 on “Education and Training on Environmental Protection” of the Law No.10 431, dated 09.06.2011 “On environmental protection”, states:

1. The ministry in charge of education, in cooperation with the ministry (for Env) and the ministry in charge of labour shall ensure the implementation of education and training on environmental protection and sustainable development within the educational and training system, as well as promote the development of the environmental protection system and advancement of environmental protection.

2. For the purpose of implementation of education concerning sustainable development, the ministry in charge of education, in cooperation with the ministry (for Env) and the ministry in charge of labour, shall establish guidelines for an educational programme in accordance with the priorities and objectives of the National Strategy for Development and Integration of the Republic of Albania.

On the initiative of the Ministry of Environment was drafted “National Program on Environmental Education in Nine Year Education Schools in Albania, 2015-2017, which was

signed by the Minister of Environment and Minister of Education. The National Plan is also accompanied with an Action Plan which details actions to be taken by schools on environmental education.

Regarding paragraph 4: It is adopted Law No 10 093, dated 9.3.2009 "On organization and functioning of the agency in support to Civil Society". The subject of this law is the organization and functioning of the Agency in Support to Civil Society (ASCS), following and determination of applicable procedures on funds distribution in support to civil society.

The Law on Environmental Protection (article 3) stipulates:

3. The authorities under paragraph 1 of the present Article ensure the manner and conditions of joint actions of citizens and institutions with the purpose of an integrated and even achievement of environmental protection objectives. "Public authority" means:

(i). Central and Local government or other public administration, including public advisory bodies, at national, regional or local level;

(ii). any natural or legal person performing public administrative functions, including specific duties, activities or services in relation to the environment; and

c. any natural or legal person having public responsibilities or functions, or providing public services, relating to the environment under the control of a body or person falling within (i) or (ii).

According to paragraph 7: Law on Environmental Protection (Article 45) Principle of Integrated Approach provides that :

1. The purpose of the principle of integrated approach is the prevention of environmental risk and/or the reduction of environmental risk to the environment as a whole.

2 Public Authorities, in the process of developing and adopting physical planning documents shall take into account the vulnerability of the environment, the relation towards landscape balance and values, relation towards non-renewable and renewable natural assets, cultural heritage and material assets and the totality of their mutual interaction as well as the interaction between existing and planned projects.

Further the article 11 of the Principle of Joint Responsibility and Cooperation mentions that:

1. When endorsing the Environmental Protection Strategy, programmes, intervention plans and regulations, when issuing permits or implementing financial policy, control or other environmental measures, co-operation between and joint actions of public authorities are essential.

2. The Republic of Albania shall ensure cooperation and solidarity in resolving global and intergovernmental environmental issues especially through international agreements, by cooperating with other countries for issues related to notifying other countries on trans boundary environmental effects, ecological accidents as well as through international exchange of environmental information.

3. The authorities under paragraph 1 of the present Article ensure the manner and conditions of joint actions of citizens and institutions with the purpose of an integrated and even achievement of environmental protection objectives.

During this report period is adopted Law "On Public Notification and Consultation", No 146/2014. This law is implemented for regulations and procedures on public notification and consultation which are developed by public bodies in policy making and decision making processes in the Republic of Albania. This law regulates the process of public notification and consultation on draft laws, national and local strategic documents and also for policies with high public interest. This new law has provided all strategic

documents, plans, programs and legal acts, to be adopted after submitting in the Council of Ministers materials which prove the organization of public information and taking in consideration his opinion on these official documents.

In this law are determined procedural regulations which shall be implemented to guarantee transparency and public participation in policy making and decision making process by public bodies.

Regarding paragraph 8: It is established the Administrative Court, which has representation in any district of Albania.

IV. Obstacles encountered in the implementation of article 3

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Answer: Also, with respect to paragraph 4, the continued lack of financial means of the ministry to support environmental activities, organized by the civil society, remains a major obstacle to proper implementation of paragraph 4.

Problems are still noticed in the practical implementation in certain fields, public attraction in decision making.

V. Further information on the practical application of the general provisions of article 3

*Provide further information on the **practical application of the general provisions of article 3.***

*Answer: In comparison with previous Reports, Albania doesn't have any substantial development. Hereby we provide the main **responsibilities within the MoEFWA, its institutions and structures for the article 3 of Convention currently:***

(Based on description of MoEFWA tasks and responsibilities , its bodies and structures):

- **MoEFWA - Aarhus Focal Point:** General responsibility for the Convention implementation.
- **MoEFWA:** Support to the projects of non-profit organizations. Currently, funds for supporting NGO projects are limited. The financial supports by the MoEFWA have been provided for different NGO-s only in the framework of the Environmental days.
- **MoEFWA:** Awareness raising on Aarhus issues and environmental education
- **The Information Center of the MoEFWA and the Aarhus Centre** have been involved in awareness raising on Aarhus issues in a more active way.
- **Regional Environmental Areas (REAs):** Undertake awareness activities for the protection of the environment and cooperate with the community, the public and environmental NGO-s and professional business organizations (according to the EPL Art. 69)., The REAs should pay more attention to this provision of the current Environmental Protection Law. However, they would need strengthened capacities to be engaged in such activities.
- **Aarhus Centre:** providing general information about the Convention and its

implementation, engaged in awareness raising about the Convention

- *The Aarhus Centre in Tirana and especially the Aarhus centers in Shkodra and Vlora are engaged in organizing events, trainings on the Aarhus Convention. They also, provide information on Aarhus Convention and its implementation; organize some public hearings on draft laws, draft documents, or on draft EIA reports and discussion events based on local needs/problems. This activity is still small scale and ad-hoc based.*
- *The main change after entry in force of the new law on Environmental Protection (January 2013) is that the MoE has to focus its work on developing and implementing environmental policies and legislation; while the National Environment Agency (NEA) has a stronger role, though still acting as an institution subordinated to the Minister, but having independence in decision-making and carrying out its functions as under the Minister's responsibility, exerting its jurisdiction in all the territory of the Republic of Albania through its central office and through its regional (Qark) branches, the Regional Environment Agencies. The Agency has taken over some former functions of the MoE to be the central regulatory authority for environmental permitting, for ensuring the implementation of environmental liability, while keeping or expanding some of its former functions. NEA is responsible for monitoring the state of the environment and preparing the National Programme on Environmental Monitoring, preparing and publishing the State of Environment Reports and carrying out relevant scientific or any other research.*

Practical measures taken on dissemination of environmental information 2014-2017:

Pursuant to the new Law on Information Right, No 119/2014, every Central Institution has designated the Information Coordinator for the Institution and has also published contact addresses on the website of the institution. Information coordinators of each institution, including here Line Ministries and subordinate institutions, which have environmental information, have created the register of applications which is accessible in every website of institutions and shall be necessarily updated every three months.

Now every institution has approved the Program of Institutional Transparency to provide official Information and it is defined the list with all information categories which the institution is liable to give actively, where are included data on the budget, procurement and also information, plans, programs, legislation, projects financed by the institution or when the institution is the beneficiary. Moreover, is set up the online program, where applications for information can be through online means and answers shall be accessible also through electronic means. Information coordinators are designated also in institutions subordinate under the Ministry of Environment (National Environmental Agency, National Agency of Protected Areas and State Inspectorate of Environment and Forestry), resulting in providing environmental information to the public in a shorter period of time. National Environmental Agency and National Agency of Protected Areas have created their own websites and not only produce environmental information and publish it but are also working to create Systems for Managing Environmental Information (through EIMS project of UNDP, and Natura 2000 financed by European Union). To increase accountability in providing official information, Albanian Government has created the position of the Commissioner on the Right to Information, who supervises the work performed by public institutions regarding the provision of information through supervision of law enforcement and fulfilment of legal liabilities by Information Coordinator. In cases when no answer is provided, now administrative measures are not taken for the institution but for the coordinator who has not fulfilled its responsibility to answer to the person or to the person responsible in the institution. Publications

Ministry of Environment follows the publication of monthly Electronic Bulletin, which is

distributed to about 700 e-mail addresses.

Also National Environmental Agency publishes annual Environment State Report for every monitoring year; the last report which is accessible in the website of the Agency is Environment State Report 2015.

From 2014, Ministry of Environment and National Agency of Protected Areas using also social media Facebook, Twitter to disseminate environmental information.

According to paragraph 3

Progress is achieved on the environmental education for the elementary and secondary school in Albania. All schools have integrated environmental education into their curricula. Green schools, or green facility promotion, are another main component of environmental education policies, recently undertaken activities within the project "Green School" Albania. This initiative is supported by the Ministry of Environment and Ministry of Education and supported by UNICEF. During the month of May 2013 preparation of a manual for these schools was completed. In this manual steps to be taken by schools that want to pursue this initiative are defined, as well as structures to be set up, detailing the obligations and benefits of schools that are involved in this initiative. During 2012, this project included about 400 elementary teachers in environmental education training program, as well as about 2,500 students in environmental demonstration activities. Following the experience gained from these trainings, new projects were proposed by teachers and students. Out of them 11 environmental projects in Albanian schools were selected, to be financed by the Albanian Mobile Communication Company during September- October 2013, aiming to improve environmental elements in these schools.

During 2013-2015, the Ministry of Environment pursuant to National Program on Environmental Education, has organized, at national level, open environmental hours with pupils of nine year education schools. There were developed open environmental hours in about 96 schools for about 8.800 pupils.

During the development of educational subjects, pupils take more environmental information in grade IV, V, VI and VIII, through subjects "Natural Knowledge" and "Biology and Health Education". These results support the results taken by the analyse of education subjects according to which the highest environmental information is taken from these two subjects and disseminated in the same grades as mentioned above.

During 2014 and as follows the work has been mainly concentrated at raising awareness at local level. To this end has been of great help the establishment of Protected Areas Agency where promotion of natural values is mainly done with protected areas, with residents and stakeholders around these areas.

Also in cooperation with REC, Albania has worked on the presentation of Air Package in Tirana schools.

An organization which has given its contribution in the field of Environmental Education is Mileukontakt, which has undertaken an awareness program with nine year education schools in Tirana on environmental education regarding energy efficiency and chemicals.

Regarding paragraph 4 *the establishment of the Agency of Support to Civil Society has brought a new spirit of cooperation and transparency for Civil Society in the Republic of Albania.*

Regional Environment Centre (REC) Albania, also provides a possibility for support to civil society in the field of environment, which in the context of the program "Albanian Civil Society for a European Environment (ACHIEVE)" finances winning projects which are implemented by civil society in the field of environment.

<http://albania.rec.org/projektet/238/ojf,%20legislacion,%20perafrimi%20ne%20be,%20m-jedis>

With respect to paragraph 7, item (i) *a positive fact to be reported is the functioning of*

the Tirana Aarhus Center Board, comprised of representatives from all line ministries, who have also served as valuable Points of Contact for the implementation of the Convention.

Now for each field has been designated and nominated the contact point with Line Ministries or subordinate institutions which cover environmental matters, in the context of Interinstitutional Working Groups. They are part of different working groups which meet in the Ministry of Environment for certain environmental matters.

During 2013-2014 the Ministry of Environment, with the state budget, has organized several trainings with all the employees of municipalities and regional REAs in the country to understand their role in providing environmental information, that these municipalities have available, and cooperation with involved actors. Matters treated in this training are: which are environmental information that municipalities have available and shall provide them to the public without being requested; the mean of providing environmental information and time limits of providing an answer for the information requested through public application; methods and forms which shall be used to provide information. In the third week of November 2015, Ministry of Environment in cooperation with European Union project TAIEX-ECRAN, developed trainings with representatives of Regional Environment Directorates and representatives of local government regarding European legislation, national legislation of Environmental Impact Assessment process and Environmental Permits process, and especially on the process of information and attraction of public to decision making.

With respect to paragraph 8, apart from state structures, the office of the Ombudsman is another instrument to ensure public right for information on any requested official document.

Changes occurred during 2013-2015 have been very positive as regards the right to complain for matters related with not providing access to information, because was established the Administrative Court. The advantages of this court are quick judgement (within 7 days starts the process, when the plaintiff has shortcomings the suit gives him a time limit of ten days to complete the file) and specialized. The liability of public administration body, to prove equality in law and based on actions performed by it, by evidencing his activity correctness.

Review of the case based on documents (i.e. Administrative Court, according to the case nature, reviews the case verbally in the session or on basis of document in the consultation room.) ResRepublika is an association which examines the administration on providing official information. This association has had a case raised for delay in the supply of information required from the Ministry of Environment.

Absence of the parties in the process does not constitute a cause for termination of the trial, because everyone has the right to reject any administrative action without further demand.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

Ministry of Environment : <http://www.mjedisi.gov.al/>

Ombudsman : www.avokatipopullit.gov.al

Administrative Court : <http://www.gjykataadministrativeeapelit.al/>

Commissioner on the right to information : www.idp.al/

Coordinators addresses: addresses in the respective websites of ministries :

Ministry of Environment:
<http://www.mjedisi.gov.al/al/ministria/koordinatori-per-te-drejten-e-informimit;>

Ministry of Economic Development, Tourism, Trade and Entrepreneur:
<http://www.ekonomia.gov.al/al/programi/programi-i-transparences>

Ministry of Energy and Industry:
<http://www.energjia.gov.al/al/publikime/programi-i-transparences;>

Ministry of Transport and Infrastructure:
<http://www.transporti.gov.al/al/publikime/programi-i-transparences;>

Ministry of Agriculture, Rural Development and Water Management:
<http://www.bujqesia.gov.al/al/programi/programi-i-transparences;>

Ministry of Health :
<http://www.shendetesia.gov.al/al/baza-liqjore/programi-i-transparences;>

Ministry of Culture:
<http://www.kultura.gov.al/al/programi/programi-i-transparences>

Ministry of Education and Sports:
<http://www.arsimi.gov.al/al/program/programi-i-transparences;>

National Environmental Agency:
<http://akm.gov.al/>

Agency of Protected Areas:
www.akzm.gov.al

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the

requested information are supplied;

(iii) The information is supplied in the form requested;

(b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;

(c) With respect to **paragraphs 3 and 4**, measures taken to:

(i) Provide for exemptions from requests;

(ii) Ensure that the public interest test at the end of paragraph 4 is applied;

(d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

(e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;

(f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer: There are a number of Albanian laws and subordinate regulations relating to the implementation of the provisions of Article 4 of the Convention, as specified in the previous national report. However, since the completion of the second report the decision of Council of Ministers, the main legislative act that deals with the public right to access to environmental information is Law Nr. 10431 of 9 June 2012 On Environmental Protection (LEP), implemented, inter alia, through the Decision of the Council of Ministers Nr. 16 of 4 January 2012 on the Right of the Public to Access Environmental Information (DoAEI), which create a proper access-to-environmental-information legal framework in compliance with Convention provisions. LEP and DoAEI were prepared taking into consideration the provisions of the Aarhus Convention and directly implement the requirements of the Convention.

In Article 46 (1), LEP transposes Convention's definition of "environmental information." Articles 46 (1) and 47 guarantee every natural or legal person the right to the available environmental information without stating a specific interest, and obligate public authorities to provide public access to the available environmental information.

Operationalizing the LEP, DoAEI establishes rules and procedures for the practical implementation of the right to environmental information as defined in the LEP. In general, the decision integrates all the provisions of the Article 4 of the Convention.

In Chapter III, Paragraph 1 (b), DoAEI reinstates that applicants - defined as any natural or legal person requesting environmental information - are not required to state reasons for seeking environmental information.

In Chapter III, Paragraph 2, DoAEI states the obligation of public authorities to provide the information in the form requested by the applicant, including, when requested, provision of copies of official documents. When the information does not exist in the requested form, DoAEI obligates the public authority to provide it in another form and offer written explanation for such action. In order to increase and improve the access to information, DoAEI requires public authorities to keep the environmental information in such forms that are easily reproducible and/or are accessible by electronic means of communication.

DoAEI sets a clear timeframe for responding to requests by requiring public authorities to provide any information within 30 days of the request. In cases when the requested information is complex or voluminous this period maybe extended to 60 days by informing the applicant of such extension and explaining the reasons for the extension.

DoAEI defines clear grounds for refusal of requests for information, which are in compliance with the Convention's provisions with one difference: DoAE does not limit the refusal to disclose internal communications only to cases when such restriction is provided by law or "customary practice", hence giving more discretionary power to public authorities in deciding when to disclose such communications.

In cases when the request for information is not clear, the public authority demands clarifications from the applicant not later than 10 days from the date when the request was received. In cases, when only parts of the information can be made public, the public authority should provide the rest of the information. In cases when the information is in the course of completion, the public authority should inform the applicant of the time when information would be complete. In cases when the information is not held by the public authority it is requested from, this authority is obliged to refer the applicant to the public authority that holds the information. All the above communications by the public authority should be in written.

Law "On the right to information" No 119/2014, which provides Albanian citizens to have access to information and obliges all Ministries and structures at central level to draft a transparency program, which shall be published in official websites of the Ministries. This law demands from Albanian institutions to put, as much information as possible, on official websites, in order to reduce the number of individual applications. Also Article 7 determines in details the information categories which are made public without applications. For more information click:

http://www.mjedisi.gov.al/files/userfiles/Public/Pershkrim_i_sistemit_je_perdor_MM_per_mbajtjen_e_dokumentacionit.pdf

On the website of the Ministry and REC are also published manuals to inform the public on their right to ask for environmental information.

Regarding paragraph 1, Decision of Council of Ministers, No 16, dated 04.01.2012, under chapter 3, point 1(b) sanctions public right to have access on environmental information without declaring the reason of this application.

Regarding paragraph 2, Decision of Council of Ministers No 16, dated 04.01.2012.

Chapter 3, paragraph 1(c) sanctions that public authority shall provide the information requested by the public, within 30 days from the receipt of application by the institution

Regarding paragraph 3 and 4 Specific cases of applications on environmental information applications can be found in:

http://www.mjedisi.gov.al/files/userfiles/Transparence_dhe_Pjesmarrje/Regjistri_i_kerkes_ave_per_informacion_mjedisor_prill_qershor_2016.pdf

Regarding paragraph 5, DCM No 16, dated 04.01.2012, under chapter 3, paragraph 5 (a) and 5(b) is emphasized that a) when the application for environmental information is formulated in a very general way, this authority shall request the applicant to specify his application not later than 10 (ten) days from the date of its receipt.

b) This authority helps the applicant in detailing his application by offering information especially in using public registers, as it is defined in the letter.

According to its paragraph 8, There are no financial barriers for access to information as DoAEI establishes that provision of environmental information is free of any charges. The only exception is in case the requested information is voluminous or is not available. In such cases fees might apply. DoAEI delegates the responsibility for setting the applicable fees for provision of information to the Ministers of Finance and Environment.

VIII. Obstacles encountered in the implementation of article 4

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer: No obstacles are encountered in providing available environmental information. There are obstacles only for that information which is not available to state institutions. For example we can mention that in the monitoring reports, where there is a limited budget, it is monitored air quality in nine main cities which have a considerable number of residents, but are missing data for cities where no monitoring is performed.

IX. Further information on the practical application of the provisions of article 4

Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?

Answer: - The structures that are responsible to disseminate the environmental information are:

Sector of Transparency and Communication: *Providing information upon request and proactively; requesting and uploading information prepared by other departments of the Ministry including and the Press Officer .*

- **Different directorates of the MoE:** *Collection, processing and publication of the environmental information: establishing and operating the National Environmental Information System. Currently the system is not in full operation, documents, draft documents and publications are available via the MoEFWA web site, but it is planned to be established on 2014, January.*

- **National Environment Agency :**

o *collects, updates and publishes data on the state of the environment, state of the environment report based on environmental monitoring, including the monitoring of environmental quality, pollution and damage, biodiversity, natural phenomena and discharges.*

o *Agency has the responsibility of developing of the PRTR.*

Currently the Agency publishes the available data mainly in form of publications (state of the environment report) every year,. The Agency has been involved in a project "Consolidation of the Environmental Monitoring System in Albania (CEMSA)" funded by the EU which foresees the establishment, strengthening of the monitoring system, collection of data and information and the development of a PRTR system.

Currently the Agency publishes available data, mainly in publications form (environment state report); based on a three year work, in addition to results of PNUD project on Hotspots, which is available online, combined with Geographic information System (GIS). National Environmental Agency publishes continuously online data from environment quality monitoring. The major part of environmental data now is provided with GIS system. Environment State Report is annual and is open to all the general public, it is published in hard copy and is accessible for all the general public in the website of Ministry of Environment

<http://www.mjedisi.gov.al/al/dokumenta/raporte-te-qjendjes-se-mjedisit>; and it is also

accessible in the website of National Environmental Agency:

<http://akm.gov.al/cil%C3%ABsia-e-mjedisit.html#monitorime>

- Other central institutions for the environment including the Agencies of Watershed Basin, Forestry Directorates, REAs, health related institutions such Public Health Directorates.

These agencies are responsible for – making available and publishing the data they hold on the environment and the environmental information related to their activities and functions in form of publications and other forms, as well as to provide information upon requests.

The agencies should provide information upon request and also make publicly available some publications related to their activities and functions. However these are mainly limited to providing inputs into the reports by the MoE as they do not have the capacity, human, financial and technical resources.

In 2003 was established the State Inspectorate of Environment and Forestry, which depends from Council of Ministers, also this established structure has now a declared Information Coordinator who is liable by law to provide information within time limits allowed by law on information. The coordinator shall also update applications for information received by the institution, not less than every 3 months.

<http://www.inspektoratiqendror.gov.al/>.

National Agency of Protected Areas is another institution established in 2015 and is the institution responsible for management and monitoring of National Parks and Protected Areas. NAPA collects and disseminates relevant environmental information and has already designated its institutional coordinator on the right to information and its respective website.

http://akzm.gov.al/index.php?option=com_k2&view=item&layout=item&id=98&Itemid=411&lang=en

- Aarhus Centre in MoE- providing information upon request and proactively in easily understandable form related to issues covered by the Aarhus Convention or requested by stakeholders. Refusal was given to a small number of applications. Refusals resulted for information which was not available to any entity in the Republic of Albania.

After issuance of information law, institutions not only are monitored but have legal liability to report every three months to the Council of Ministers for applications they received and if the process is concluded or not, within time limits defined by law. Data on how many applications did the institution receive from public and how many of them received an answer and how many did not, are transparent and open the official website of the Ministries.

Non-compliance with the time limits in supplying the answer provides administrative measures for the information coordinator as determined in the law. There has been no concrete case of applying administrative measure to the coordinator. There have been only verification cases from the examiner/controller institution of the Commissioner on the right to information and for protection of personal data.

Applications report is published in the official website of the Ministry of Environment and is updated at least every three months.

*Regarding **paragraph 8**, there is no case of applying financial charges for supplying environmental information. All environmental information applications have been free of charge.*

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

Ministry of Environment : www.moe.gov.al

National Environmental Agency : <http://aefalbania.org/>

State Inspectorate: <http://www.inspektoratiqendror.gov.al/>.

Ministry of Environment: <http://www.mjedisi.gov.al/al/dokumenta/raporte-te-qjendjes-se-mjedisit>

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph**

5;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer The new law "On the environmental protection", no.10 431, dated 9.6.2011, which transposes the environmental protection principles, included the principal elements on the collection and dissemination of environmental information according the article 5 of AC.

The Decision of The Council of the Minister no 16 dated 04.01.2012 fully transpose all the practical application of the provisions on the collection and dissemination of environmental information. The DCM are to guarantee the right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of, and practical arrangements for, its exercise; and to ensure that, as a matter of course, environmental information is progressively made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information.

In every legal basis, adopted in the field of environment, it is determined the structure covering the supply of information in that field.

Regarding paragraph 1 point (iii) it is adopted the Decision of Council of Ministers No 965, dated 02.12.2015 "On interinstitutional coordination of governance structures in cases of civil emergencies and crisis". In this decision are determined which are governance and management structures of civil emergencies and crisis at central level. There are also determined interinstitutional responsibilities in tackling civil emergencies and crisis, mean of communication and information of public.

According to its paragraph 5 the responsibilities of the public authority in dissemination of the information for general public is mainly provided in the Law on Environmental Protection No. 10431, dated 9. 07.2012. Article 56 of the Law states that public authorities that collect environmental information make them public to the media or newspapers or to whatever appropriate opportunities, so that public understands. Once the governmental authorities, physical and legal persons notice environmental pollution or damage, they inform public on the negative impact, on measures taken to preventing those negative effects, in order to protect people and make them protect their health and safety.

Regarding paragraph 6 it is adopted the Decision of Council of Ministers No 701, dated 22.10.2014 "On adoption of regulations "on providing classified information in industrial field". The subject of this regulation is: a) regulation of relations between the parties to determine protective measures and prevention procedures from unauthorized dissemination, loss or violation of security of classified information, which is treated in the conditions of implementing a classified project / program / contract/ sub-contract.

b) Determination of standards when a natural or legal person, has the ability to have access in classified information and possesses the required capacity for the management of that information, before giving an offer, negotiate or participate in a classified contract or to work for a classified project which involves access to classified information.

Also, on 1 June 2016 entered into force the Decision of Council of Ministers No 742, dated 09.09.2015 "On functioning and management of Pollutant Release and Transfer Register, which are subject of this register and also declaration form of data on pollutant release and transfer by the operator".

XII. Obstacles encountered in the implementation of article 5

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.

- Answer: Improvement of environmental data, supplying this data, in forms as accessible as possible and as understandable as possible, to the public;
- Being established many new institutions under the dependency of Ministry of Environment it is necessary the coordination among them and making a tradition the compliance of time limits in answering and dealing with complaints of citizens.

XIII. Further information on the practical application of the provisions of article 5

Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?

Answer: Firstly, the authorities responsible for protection of environment and its components are at first line such as the Ministry of Environment, National Environmental Agency, Regional Environmental

Agencies, (ii) National Environmental and Forestries Inspectorate with 12 branch in each municipality .

(ii) 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.

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

All the above mentioned institutions not only have official websites where they publish all legal acts, plans, programs, strategies, budgetary reports, publications on the interest of the public, but now in Albania every institution, including here all institutions which have as subject of their work the environment, use also other means to disseminate information available to them, such as social media and different communication means to inform their stakeholders or the general public. As mentioned above these institutions have published in their official websites the transparency program and contact points within the institution responsible to provide information.

(iv)In emergencies the information will disseminated immediately from the National Committee for Emergencies which is under the dependency of Prime Minister. Also in line Ministries, including here also the Ministry of Environment, are established sectors, named sector of information and emergency. Due to the fact that in the recent years Albania has been conditioned by climate changes, there is a recurrence of floods, it is proved that civil emergency structures have coordinated their work with local government in public notifications and also for taking evacuation measures.

. Regarding paragraph (3) the official website of the Ministry is always open to the public. In the official website are all environment monitoring reports in electronic format. Also in

official websites are all plans, programs, strategies, laws and bylaws. Furthermore are also published all conventions and not only their texts but also the reports that Albania makes on the implementation of these conventions that has ratified.

Regarding paragraph (4) National Environmental Agency has the task to publish every year National Environment Report. National Environmental Agency publishes continuously online data from environment quality monitoring. Part of environmental data is now given with GIS system. Environment State Report is annual and is open to all general public and it is published in hard copy and is accessible for all general public in the website of Ministry of Environment.

<http://www.mjedisi.gov.al/al/dokumenta/raporte-te-gjendjes-se-mjedisit>;

It is also accessible in the website of National Environmental Agency:

<http://akm.gov.al/cil%C3%ABsia-e-mjedisit.html#monitorime>.

A positive step is the increase of reliability of environmental data, since the Environment Agency is already an accredited agency for a series of monitoring; also it is being worked to accredit all the monitoring's that it carries out. Furthermore, during last years has increased the number of stations monitoring air quality in real time, through movable stations.

The Communication and Transparency Unit in the MoE is responsible for collection and dissemination of environmental information. The unit is responsible for coordination and management of the national environmental information system, which ensures the collection of environmental information from all the public institutions which monitor environmental indicators or hold environmental information. Such information is processed, analysed and stored but the staff of the Unit.

Paragraph 3: In addition, the Unit is responsible for dissemination of environmental information through MoE's website. The MoE website (www.mjedisi.gov.al) includes information environmental legislation, environmental policies and programs, information on the state of environment, including reports on the state of environment; as well as information related to administrative and executive processes of the Ministry such as environment permitting, EIA, etc.

MEFWA produces a monthly online Environmental Newsletter which is published on the website and also delivered to more than 400 contacts from all stakeholders.

The Existing National Environmental Agency drafts and publishes the Annual State of the Environment Report.

The MoEFWA has published and delivered the following manuals:

- (i) Practical manual according the Environmental Information;
- (ii) Practical manual according the Public Participation on Environmental Issues;
- (iii) Practical manual according the access on justice in Environmental Issues
- (iv) Guide: How you can find Environmental Information in Albania
- (v) Guide for the business target group: How you can organize the public hearing for your activity;
- (vi) Guide for the local authority: How you can manage the public hearing for the activity that will be held in your territory.

Another group of publications are the managements plan from different areas in Albania (Shkodra, Butrinti, ect) .

Many actors have contributed to the publication and information related activities, especially REC- and, other NGO-s like Milieu Contact, "Mass media and the Environment", Eden Centres, INCA etc.

Regarding paragraph (5) In Law "On Environment Protection" under article 56, the Ministry of Environment provides continuously public environmental information in a wide range through website, Facebook, through commercial spots and leaflets which are provided in the context of certain fields.

In the context of public information, the Sector of Transparency and Communication in the Ministry of Environment, publishes and distributes monthly electronic Environmental Bulletin to about 700 e-mail addresses and also publishes it in the website of the Ministry for all interested public etc.

During 2016 in cooperation with OSCE office in Tirana was concluded the translation in Albanian language of Maastricht Recommendations on organization of public hearings, which bring the best practices for their organization from more developed countries in the implementation of liabilities rising from the Convention. Recommendations are published in the official website of the Ministry of Environment, in the link:

http://www.mjedisi.gov.al/files/userfiles/Transparence_dhe_Pjesmarrje/Rekomandimet_e_Maastricht.pdf

There has also been an increase in the number of institutions under the dependency of Ministry of Environment, such as State Inspectorate of Environment and Forestry or National Agency of Protected Areas, institutions which collect and elaborate environmental information; as well they disseminate it to interested public through periodic publications, official websites or social media. For more information see:

http://akm.gov.al/cil%C3%ABsia-e-mjedisit.html#raporte_publikime

<http://akzm.gov.al/index.php?lang=en>

With respect to paragraph (6) Other operators are the Albanian Chamber of Commerce and Industry, American Chamber of Commerce, Italian Chamber of Commerce, ect., which inform the public on their activities and products.

According to its paragraph 8 MoE with the financial support of the World Bank, organized several trainings at national, regional and local level intended to train employees on their roles and responsibilities in ensuring public access to environmental information and decision-making.

Four training activities were delivered:

(i) on 7 June 2012 in Shkoder. 48 representatives from central and local government, REAs, NGOs and civil Society attended.

(ii) on 28 June 2012 in Durres. 53 representatives from central and local government, REAs, NGOs and civil Society attended.

(iii) on 6 July 2012 in Vlora. 64 representatives from local government, NGOs, media, universities attended.

(iv) on 2 July 2012 in, Tirana. 60 representatives from MoE and Regional Environmental Agencies, Water Basin Agencies, Forestry Directorates; Agency for Environment and Forest; other Ministries with Aarhus responsibility and Aarhus Information Center attended.

The Rec office Albania has contributed to enforce the public participation mechanisms with local government. Under the ENVSEC project "Strengthening regional cooperation on environmental governance through participatory and informed decision making and implementation processes", REC Albania has organized training: How to organise a successful public participation processes and benefit from it. The training was set up to assist local municipal officials to understand the importance of public participation and comply with its requirements. Also to train them in process design and practical facilitation skills, help them to explore the benefits and challenges of involving stakeholders.

Following the entrance into force, 1 June 2016, of the Decision of Council of Ministers No 742, dated 09.09.2015, "On functioning and management of Pollutant Release and

Transfer Register, which are subject of this register, and also declaration forms of data on releases and transfers of pollutants by the operator”, National Environmental Agency has installed release register and they are at test stage. The Agency has also identified all the companies which are part of reporting in the context of PRTR protocol.

At this stage the Agency is being supported by REC, funded by German Federal Environment Agency, through the project “Support on the establishment and advancing with pollutant transfer register in the countries of Western Balkan”

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

<i>Ministry of Environment:</i>	<i>http://www.moe.gov.al/</i>	
<i>American Chamber Commerce</i>	<i>http://www.amcham.com.al/</i>	
<i>Chamber Commerce and Industry :</i>	<i>http://www.cci.al/</i>	
<i>Directorate of Civil Emergency:</i>	<i>http://www.mbrojtjacivile.al/?page_id=451</i>	
	<i>http://seekms.dppi.info/countries/country-general-info-albania/?lang=sq</i>	<i>Albania:</i>
	<i>http://albania.rec.org</i>	
<i>Mileukontakt Albania:</i>	<i>http://milieukontakt.net/en/?cat=6</i>	
<i>Eden Centre :</i>	<i>http://www.eden-al.org</i>	

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer: For the implementation of the second pillar, the legal framework is provided among others by the above mentioned laws:

1. The Law for Environmental Protection No. 10431, dated 09.06.2011.

Article 13 (2) of LEP states that during institutional solution of problems related to environmental protection, public authorities shall make sure that public and interested parties are offered real opportunities to participate in procedures for identifying the state of environment; drafting and approval of strategies, plans and programs related to protection of the environment and its elements; as well as in the environmental protection and environmental permitting decision-making.

2.

Law No 12/2015 on some amendments to law No 440, dated 7.7.2011, "On environmental impact assessment"

- The amendment of the law avoided National Licensing Center until the moment of receiving environmental permit. One of the reasons was also to give the necessary time to public information process and to the process of attracting the opinion of public affected by activities listed under Annex 1.

- Another important change is that since the new Law on Environment Protection establishes National Environmental Agency (NEA) and authorizes it, inter alia, as the "competent authority to determine conditions for environmental permits", NEA shall play a central role in the approval of decisions on EIA instead of MoE, along Regional Environmental Agencies. According to the new draft of Law on EIA, NEA shall review the application and documentation together with REAs and shall give the opinion by proposing to the minister if an EIA application shall pass or not to a detailed (in-depth) EIA procedure, and shall also be responsible for the detailed procedure of EIA, through review of documents, consulting with other institutions, public information and consultation and providing the opinion on EIA report for the proposed project. The Minister shall take the final decision both for the preliminary and detailed report of EIA.

3. Law No 146/2014 on Public Information and Consultation, which regulates the process of public information and consultation for project laws, national and local strategic project documents and also policies with high public interest. This law determines procedural regulations which shall be implemented to guarantee transparency and public participation in policy making and decision making processes by public bodies. This law also aims to enhance transparency, accountability and integrity of public authorities.

Decision of Council of Ministers No 247, dated 30.04.2014 "On determination of regulations, requirement and procedures on public information and involvement in environmental decision making". In this decision are defined all the steps to attract the public in environmental decision making for all activities listed under Annex 1, also for all activities which are not activities of that list, they still undergo the process of public information. This decision is in full compliance with Aarhus Convention and also with Directive 85/337/CEE of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended. 6. Code of the Administrative Procedures, No 8485, dated 12.05.1999.

6. Law on Local Self-Government 139/2015 under chapter IV. Are also made available Practical Manuals on how to inform the public and how businesses which undertake activities included in Annex 1 can organize a hearing. It is also drafted a manual on the role of local government in environmental decision making process for activities which have an impact on the environment. These manuals are distributed to stakeholders but are also

published in the official website of the Ministry of Environment.

Referred to paragraph 1, It is adopted Decision No 912, date 11.11.2015 “On adoption of National Methodology of Environmental Impact Assessment Process”, in this decision it is specified that the developer of the activity shall address to environmental structures in districts or to National Agency to be informed if the activity that they undertake shall be subject or not to Environmental Impact Assessment. The developers of the activity submit nontechnical report of the environmental impact assessment, during this time the public is informed on the activity planned to be developed in the area and comments are expected . During review from National Environmental Agency is taken the decision whether the activity shall undergo detailed (in depth) environmental impact assessment (these are all the cases of activities listed under Annex 1, but also other activities which due to the zoning or capacity are considered as activities with an impact to environment). All these activities which need detailed (in depth) EIA are subject to Decision 247, dated 30.04.2014 “On determination of regulations, requirements and procedures on public information and involvement in environmental decision making”.

Regarding paragraph 2, *in the Decision of Council of Ministers 247, dated 30.04.2014 are explicitly detailed the parties involved in the process of public information and attraction to decision making, time limits and as well are clearly defined places and method of public information, and also documents made available to interested public.*

Regarding paragraph 3 *as it was already mentioned, to the public are given 20 days’ time, for information and comments in the idea phase, without being decided whether the activity needs detailed EIA. Then if the developer shall be subject to draft EIA, the process of public information and organization of hearings shall depend on the expansion of the activity, but are already determined the minimum deadlines which shall not be violated, such as information with required documentation is made not less than 20 days, then it is determined the place and date of hearing, and 15 days after it are expected public comments. The latter together with minutes of the hearing and photos, are delivered to National Environmental Agency, which takes the decision if the permit requested for the activity is granted or not.*

Regarding paragraph 4, *In DCM on methodology of Environmental Impact Assessment, it is written that in the impact assessment process also the public can be expressed.*

Regarding paragraph 5, *the legislation provides cooperation of the developer of the activity with Regional Environmental Agency, where the activity will be developed, where representative of this office orientate the developer with several processes which shall undertake the developer and one of them is also the orientation to identify the affected public. REA cooperates with the developer by providing addresses and contacts that REA possess for civil society and NGOs and parties which might be interested for the hearing.*

Regarding paragraph 6. *All data described in this paragraph, i.e. from point ‘a’ to ‘e’, are part of the non-technical report of EIA. These data are free of charge and are made available to the public both in electronic mean and hard copy (DCM 247, dated 30.04.2014)*

Regarding paragraph 7 – *Decision 247, dated 30.04.2014 requires that the representative of Regional Environmental Agency, who participates in the meeting, keep meeting’s minutes independently from the developer of the project and reflects those in a special report and within 5 days delivers it to the National Environmental Agency, which is made aware with public’s opinion, contestations and suggestions for changes.*

Regarding paragraph 8 and 9, *the legislation provides publication of decisions taken.*

Regarding paragraph 10, *Albanian legislation which regulates public information on Genetically Modified Organisms is treated under Chapter II of Law No 416, dated 7.4.2011 “On planting and multiplying plant material”*

XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer: In general, there is no system for monitoring and quality control of public participation process. For this reason, often the process is superficial and flawed. Public hearings are often formal and the opinions received or articulated are rarely taken into consideration by authorities.

Obstacles encountered in the implementation of article 6 results due to the fact that several liabilities, in the process of public participation in environmental decision-making, are on local government, which changes every 4 years, which requires continuous attention of the Ministry of Environment on legislation enforcement.

Second, it is noticed that meeting minutes which are kept in hearings, for activities which have impact on the environment, are not put in the website of National Environmental Agency.

There is missing a report/statistic which shows how much is taken in consideration public opinion and how it has affected in the improvement of the document or investment.

XVII. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer: The main responsibilities within the MoE its institutions and structures for the article 6 of Convention currently,

*- **Environmental Impact Assessment and Permitting within MoE and Directory of EIA at National Environmental Agency:***

- o providing information on permit applications, EIA documentation upon request;*
- o screening the requests and documentation prepared during the EIA and SEA process,*
- o as well as during renewal of permits including the public consultation process.*
- o supervising and preparing decisions for approval for Preliminary or Detailed EIA Reports, including overseeing public consultations, outcomes of public consultations during decision-making;*

*- **Relevant Department of the MoE:** responsible for preparing for decision draft policies, draft strategies, action plans, draft programs relating to the environment and draft legislation including General Directorate of Policies and all technical directorate under its structure such as Biodiversity, Water resource and fisheries, Forests and Pastures, Environmental Protection, etc.*

- Providing information on decisions made on permit applications, Preliminary and draft EIA Reports, draft policies, draft strategies, action plans, draft programs relating to the environment, as well as draft legislation, upon request

Information Unit: providing information about EIA applications and documentation upon request

Regional Environmental Agencies : preparing for approval the EIA decisions to be approved by the MoE, including the outcomes of public consultations, and attending the public consultations

- approve activities of local character in cooperation with local government bodies
(environmental opinion on smaller scale investments)

Environmental Inspectorate: request the participation of different stakeholders including the local government authorities, of the representatives of the municipalities, of the non-profit environmental organizations and of the media during the controls on the environment.

Environmental Inspectorate: responsible for enforcement; asking for penal proceedings, deciding on sanctions and penalties

Chief Inspector or the Minister of Environment: orders the suspension or the permanent closure of the activity of the subject which do not respect and complies within the legal deadlines the measures and the sanctions decided by the Environmental Inspectorate

During this period the Ministry of Environment has organized trainings in all the districts with chairmen of municipalities, communes, specialists or offices responsible for environment matters. Topics treated in these trainings clarified legal liabilities that local authorities have in the context of attracting public's opinion for all decisions taken, which have environment impact and also for specific activities which have environment impact in their governing territory.

In the trainings were brought positive examples applied in practice in Albania, thus helping their organization, in every hearing undertaken in the area covered by their authority. Also in these trainings participated other staff of Regional Environmental Agencies, where was explained their role in this process. All-inclusive trainings were organized by TAIEX – project of European Union – where the target group under training were staff of National Environmental Agency, which were made aware with the new legislation of Environmental Impact Assessment and also one of the topics was public attraction in decision making process.

National Environmental Agency is the agency having as a subject of its work organization and leading the process of granting environmental declaration for activities with environment impact.

This Agency has enabled the draft of a Type Form named "Form of public consultation in the process of environment impact assessment" which is formulated in a very explanatory and unifying form. This form helps businesses in what to offer to the public during a hearing session. This form is published in the official website of National Environmental Agency. Also, to improve its work, this Agency has designated an employee who is the coordinator for public consultation. In this way the institution has a dedicated person to follow the consulting process with the interested public.

National Agency publishes the date, time and place of every hearing, for activities having environment impact and which are under the application process of taking environmental declaration.

Trainings also from organizations for EIA process, especially for Water use projects in the context of the project Senior A and Achieve of REC Albania.

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

Ministry of Environment: <http://www.moe.gov.al/>

National Environmental Agency: <http://akm.gov.al/publiku.html>

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

List the appropriate 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. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer: As stipulated above, the right of the public to participate in environmental decision-making is primarily established in the Law on Environment Protection. LEP establishes public participation in decision making as one of its main principles: Article 13 (2) of LEP states that during institutional solution of problems related to environmental protection, public authorities shall make sure that public and interested parties are offered real opportunities to participate in procedures for identifying the state of environment; drafting and approval of strategies, plans and programs related to protection of the environment and its elements; as well as in the drafting and approval of rules and administrative acts of a general character related to environmental protection and environmental permitting decision-making.

Rules, demands and procedures for informing and inclusion of the public in the environmental decision making for plan programs and legal framework are further specified in the Decision of the Council of Ministers Nr. 994 of 2.7.2008 on the Opinion of the Public in Environmental Decision-Making (DoOPEDM)

The Third Chapter of the DoOPEDM deals with the participation of the public in developing environmental normative acts. It establishes the MEFWA as the responsible institution for ensuring public participation in this area. DoOPEDM requires the Ministry to prepare an annual list of administrative acts planned to be prepared and approved during the year and publish it in all periodic print or electronic publications of the Ministry. The Ministry is required to inform the public for any draft act that will begin discussion and approval procedures. In particular, it should notify the effected public, environmental NPOs and other interest groups by electronic or mailed notification. Notification of the public should be done continuously for a month and the public notice should include the period available to the public for reviewing the act, which can not be shorter than 10 days from the date of notification; and the place, date and time for the public discussion of the draft act.

The meeting is moderated by the representatives of the public authority that has produced the draft document, which should facilitate the procedures in such a manner that the public could express themselves freely. They should keep the minutes of the meeting, which should include all remarks, suggestions and proposal of the public.

After the public hearing, the document should be redrafted taking into consideration all comments, information, analysis and opinions expressed by the public and deemed valuable. The new draft should be accompanied by an explanatory note that should describe all opinions that were not taken into consideration and the reasons for doing so. The reworked document should be submitted to the decision-making body together with the explanatory note and minutes of the hearing.

In the end of Chapter III, the DoOPEDM reinstates that no document should be approved if provisions of this decision for the participation of the public are not met.

The Third Chapter of the DoOPEDM deals with the participation of the public in developing environmental normative acts. It establishes the MEFWA as the responsible institution for ensuring public participation in this area. DoOPEDM requires the Ministry to prepare an annual list of administrative acts planned to be prepared and approved during the year and published it in all periodic print or electronic publications of the Ministry. The Ministry

is required to inform the public for any draft act that will begin discussion and approval procedures. In particular, it should notify the effected public, environmental NPOs and other interest groups by electronic or mailed notification. Notification of the public should be done continuously for a month and the public notice should include the period available to the public for reviewing the act, which can not be shorter than 10 days from the date of notification; and the place, date and time for the public discussion of the draft act.

The same procedure explained earlier is followed in this case as well for facilitation of public discussions, and inclusion of opinions and suggestions of the public in the reworked draft act. Again, the DoOPEDM reinsates that no act can be approved unless it all requirements for public participation have been met.

During this period, in the Ministry of Environment, it has become a tradition to attract public opinion regarding plans, programs and legal acts. Implementation of legal time limits for notification and consultation is one of the priorities of this Ministry. Regarding important documents, as we can mention National Action Plan on Climate Changes, Law on Chemicals or Law on Protected Areas, are legal acts where the consulting process has already passed a period of 1 year and involvement of stakeholders and public has been consulted during all drafting stages.

The Ministry of Environment has designated the coordinator for public consultation and also in the official websites of the Ministry of Environment and Regional Environmental Agency and National Agency of Protected Areas are represented the process of public attraction in decision making for the fields covered by the respective institution.

Also in the website of the Ministry of Environment are published meetings minutes, which are kept during hearings, for all normative acts, legal acts, plans, strategies and programs since 2015 and up to now.

There are also improvements in the process of drafting plans, programs and strategies which are not drafted by the Ministry of Environment but that relate to environment, after the issues of Law No 146/2014 "On public notification and consultation", which regulates the process of public notification and consultation on project laws, national and local strategic project documents and also policies with high public interest.

Thus all public institutions which approve documents with high public interest but that also relate with environment field are subject to public consultation process.

Since the end of September 2016 is functioning the Unique Electronic Register for public notifications and consultations.

<http://www.konsultimipublik.gov.al/RENJK/Rreth-nesh>

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer: Public right participation in environmental decision-making is mainly provided in the Law on Environmental Protection No. 10431, dated 9. 07.2012. The Law defines public participation in environmental decision-making as one of its main principles. Article 13/2 of the Law states that while institutions work to settle environmental issues, public authorities must ensure that the public and other interested parties are offered real opportunities to participate at events seeking to identify environmental state, preparation and approval of strategies, plans and programs, related to environmental protection, as

well as development and approval of general regulations and other administrative bylaws on environmental protection and permits.

Law no. 110.440, dated 2011/7/7 on Environmental Impact Assessment defines requests, responsibilities, rules and procedures for assessment of negative impacts on environment. The scope of the law, as determined in article 3, includes all public and private projects (as stated in the law, such as implementation of construction works, installments or similar works, environmental or landscape interventions, including mining activities), which may, either directly or indirectly, generate negative impacts on the environment, because of their nature, proportions or location.

Article 7 of the Law on Environmental Impact Assessment determines when and which activities require an environmental impact assessment. The law describes in a separate annex all specific activities that must undergo an environmental impact assessment process. Such lists include all activities described in Annex 1 of the Convention, some of which present even more constraining criteria, considering national conditions. This list also includes a number of other activities that are not specifically determined in the Convention.

Law on Environmental Impact Assessment, art. 14, requests inclusion of all parties related to an EIA process, including the general public, NGOs etc. LEIA, art. 16., demands that any developer, private or public, applying to implement a public or private project undertakes a profound EIA for their projects ensuring public information and consultation. Moreover, it requests that public information and consultation process be documented and integrated in the application package for the so-called Environmental Declaration at the National Licensing/Permit Center. The Law speaks of "impacted public", including already impacted public or public expected to be impacted or interested public in the decision-making, including NGOs that may express such interest.

Art. 17 of the law demands that the National Environmental Agency carries out a public hearing for every project, inviting interested parties and NGOs, with the aim of including their opinion in the final decision-making for the proposed project. Such hearing should be held in cooperation with respective local authorities and project developers. Local authorities are obliged to inform the interested public and NGOs on the date, time, location of the hearings, once they are settled. Art. 17/4 of the law clearly states that the expressed opinions and comments by the public and NGOs at the hearing constitute an obligatory criterion for the EIA decision-making.

Regulations, rules and procedures on public information and participation in environmental decision-making are further elaborated in Decision of Council of Ministers, no. 994, dated 2008/07/02 On Public Inclusion in Environmental Decision-Making. This was seen as a direct instrument to implement Aarhus Convention, and particularly as the response to III 6/a Decision of the Aarhus Convention Meeting of the Parties on Albania's concordance with the Convention.

The Ministry of Environment, to increase the number of public or associations to participate in the hearings it organizes, besides the publication notification on hearings, publishes it in noticeable places in the official website of the Ministry, sends notification e-mail to all environmental associations which are part of address books updated by REC during last years. In addition, to increase the number of interested persons which want to be part of consultations on strategic documents, are also used social means of Ministry of Environment but also of Aarhus Centre.

XXI. Obstacles encountered in the implementation of article 7

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

N/A

XXII. Further information on the practical application of the provisions of article 7

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 7.***

Answer: Public involvement in drafting of plans and programs has increasingly become the accepted approach from public authorities (environmental), which regularly invite NGOs for consultations and discussions of draft-strategies, programs or draft-laws, to working groups or other meetings. Frequently the draft-documents are posted on ministry web-site and comments are received electronically. Examples of such special meetings or working groups include the drafting process of all environmental strategies that took place from 2009 – 2013, such as cross-cutting Environmental Strategy, Biodiversity Strategy, Integrated Waste Management Strategy, and Aarhus Convention Strategy. All of the above mentioned strategies were drafted with the involvement of the civil society representatives and various stakeholders. The same is true for laws and decisions of Council of Ministers.

Specific comments were prepared and presented by NGOs. Similar meetings were organized by Mileukontakt on Law on Environmental Protection, Environmental Impact Assessment. REC and OSCE have also submitted their comments.

Also positive examples of NGO participation in such events are those of participation in joint international working groups, such as Shkodra Lake WG. 11 NGOs are members of Water Management WG, established to promote public awareness in the frame of "Integrated Management of Shkodra lake ecosystem" financed by GEF. Intensive cooperation is maintained between regional NGOs, such as Montenegrin ones, etc.

As mentioned before, at local authority level, NGO involvement is witnessed during Urban Planning processes (Strategic Environmental Assessment in Tirana) and other significant construction projects. City halls usually organize small consultative meetings in regions or communes, open to all citizens, businesses and NGOs, on Public Service Plans, Waste Management Plans, city clean-ups and Green plans, or establishment of waste depository stations (Tirana, Shkoder, Durres, etc.). At municipality level, cooperation with NGO-s is mainly focused on concrete actions and projects, environmental awareness, etc.

Regarding public hearings on strategic environmental plans and programs there has been a qualitative increase in the organization of consulting processes for strategic plans and programs. We mention here the example of strategic documents on climate changes. Public consultation process started very early and lasted during time, by providing civil society and public the possibility to feel involved in that process.

As well, we can mention as a positive step, the process followed by local authorities on the adoption of urbanistic plans, we mention here the example of Tirana municipality (consultative process on city centre) or Berati and Korca city on the organization of a very regular consultative process. We mention here examples, since once consultative processes were organized only for plans drafted with foreign donations, whereas today is local government which organizes them pursuant to Law No 146/2014.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

Ministry of Environment: <http://www.mjedisi.gov.al/al/programi/sherbime-dhe-transparence/degjesa-me-publikun>

National Agency of Protected Areas:

http://akzm.gov.al/index.php?option=com_k2&vieë=item&layout=item&id=98&Itemid=411&lang=en

Agency of Environment and Forestry:

<http://akm.gov.al/publiku.html>;

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are 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. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Public right participation in environmental decision-making is mainly provided in the Law on Environmental Protection No. 10431, dated 9. 07.2012. The Law defines public participation in environmental decision-making as one of its main principles.

The Ministry of Environment publishes, at the beginning of every year, the matrix of acts which shall be drafted during the year. This information is used by civil society and public to become part of drafting since early stage. After drafting, the draft is always published in the official website of the Ministry of Environment to be commented by anyone interested, expressing comments, suggestions, and remarks.

XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer: N/A

XXVI. Further information on the practical application of the provisions of article 8

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8.***

Answer: Public hearings on legislation, including regulations or guidelines drafted by Ministry of Environment, which have environmental impact, have become the standard procedure in Albania. Various NGOs and stakeholders have participated at hearings on every law, DCM or regulatory legislation, prepared by the Albanian Ministry for Environment in the last years. Steps and time available to the public were all done in concordance with Aarhus Convention requirements. Legislative drafts are published on ministry website and Aarhus Centers website. Public comments on the draft are mostly reflected in the approved versions.

The process of attracting public's opinion on legal acts, drafted by the Ministry of Environment, is already a consolidated process and completely known by civil society.

Positive steps which can be mentioned in this report is that the Ministry of Environment often, for laws which cover wide action areas, the consulting process is expanded both in time and geographical extension, we bring as an example here the process of draft law on Protected Areas, where the consultative process was developed in 6 different cities, with a considerable number of local authorities and civil society, in total 8 hearings with local authorities, experts, civil society, donators and representative of academic world.

There have also been cases when different draft decisions are drafted by the Ministry of Environment but there have been considerable objections from civil society during consultation process, thus resulting in the establishment of a working group from this ministry with representatives of civil society to re-draft it. A good example was the Decision of Council of Ministers "On adoption of regulations, procedures and criteria to be granted the expert certificate on environmental impact assessment, environmental expertise and environmental audit".

During the period of time covered by the report, the Ministry of Environment has drafted legal acts which although they had the support of civil society and environmental experts, there have been strong objections of stakeholders; we mention here Hunting Moratorium and Forestry Moratorium, but however the followed procedures have been in compliance with national and foreign legislation.

As well, there have been objections for draft Law on Integrated Waste Management, an initiative of Albanian Parliament, which has engaged in the process of attracting the public in decision making. The adoption of this draft law is still under process.

However we have to express that these are extreme legal acts which result due to significant damage to forests and wild fauna in Albania and have a limited time frame.

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

Ministry of Environment: <http://www.mjedisi.gov.al/al/proqrami/sherbime-dhe-transparence/deqjesa-me-publikunhttp://www.mjedisi.gov.al/al/proqrami/sherbime-dhe-transparence/transparence-dhe-pjesemarrie>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) 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 or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in 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;

(d) With respect to **paragraph 4**, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

The legal basis, to which we refer on the right to access to justice for environmental matters, is as follows:

- 1. Law No 10448/2011 On environmental permits: Article 28 – complaints*
- 2. Law No 10431/2011 On environment protection: Article 48 – the right for lawsuit*
- 3. Law No 10440/2011 On environmental impact assessment*
- 4. Law No 119/2014 “On the right to information”*

5. Code of Administrative Procedure of the Republic of Albania No 44/2015

6. Law No 49/2012 "On the organization and functioning of administrative courts and adjudication of administrative disputes." – Article 15 – The right to petition

Regarding paragraph 1

Regarding the first paragraph, the Code of Administrative Procedure has provided that individuals may be subject to proceedings or reviews, by a commission provided by the Institution where the supply of information was refused, this impartial commission has no financial charges (article 19, Code of Civil Procedure). Also according to article 137/3 of Code of Administrative Procedure, it is provided in principle, interested parties may address to the court only after having exhausted the administrative recourse.

There are no other additional criteria, except general regulations provided by Civil Procedure Code, in cases of suits/petitions.

Regarding paragraph 2

The right to petition is enjoyed by every interest group who claim that has been violated a legitimate public interest (i) from a normative act; (ii) from and administrative act, in case such a right is recognized by law."

Regarding paragraph 3

The right to demand changes, of an administrative act, judicially, is guaranteed by Albanian legislation.

Thus, Article 42/2 of the Constitution provides that, anyone, on the protection of rights, freedoms and his constitutional and legal interests, or in cases of charges against him, has the right of a fair and public trial, within a reasonable time limit from and independent and impartial court defined by law.

In the same way, the right for lawsuit is guaranteed also by: Law "On environment Protection" (article 48), Civil Code (article 129 point b).

According to article 9.1 on public access to justice on an environmental issue, each individual has the right to present his case before the court or any other independent and unbiased organ, as determined by law. Every such procedure should be free, quick and "not costly".

Until October 2013, the public right to court and administrative procedures was done in accordance with provisions under Law on public right of information on official documents, no. 8503, 30/06/1999. The case was addressed to civil courts only. As of October 2013, a new Law on the establishment of Administrative Courts entered into force.

The Office of the Ombudsman, also acts as another institution which may consider a complaint and give recommendations. This legal procedure is free of charge and relatively quick, but Ombudsman recommendations are not legally binding. As of today there have been no cases presented to the Ombudsman with respect to Aarhus Convention basic rights

XXIX. Obstacles encountered in the implementation of article 9

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

Answer: Law on Environmental Protection, article 81 provides the assurance for implementation of article 9.3 of the Convention “in cases of environmental threats, damage or pollution, any citizen, public and NPOs have the right to present their case to court against a public organ, natural person or legal person, that has caused damage to the environment or may damage it, in concordance with the provisions of the Code of Civil Procedures”. This provision is hard to be implemented in practice, because of the many financial obstacles. From march 2010, a considerable increase in the judiciary tariff system was introduced.

In Albania there are no environmental layers that protect public interest in the field, who may assist the public and NGOs with counselling and legal expertise to take environmental cases to court. There is one NGO, namely Association of Legal Assistance Tirana, which offers legal assistance to the most vulnerable citizens and groups, mainly in the human rights field.

Costs is one of the concerns on matters related to environment:

- *To initiate a judicial process;*
- *For expertise (mainly in the case of EIA and Environmental Permit, when it is necessary a detailed expertise to object it);*
- *For legal representative in the process (if used/needed);*
- *Also one of the main problematic, especially noticed during different sessions on environmental matters, is lack of environmental legal framework knowledge from the judiciary side in its entirety, both for the prosecution party and judging side.*

XXX. Further information on the practical application of the provisions of article 9

Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Answer: Cases of implementation of this article in Albania are sporadic. Even though the role of NGOs has been strengthened, they nonetheless do not have sufficient capacities to take their cases to court. Practically, there are but few cases when NGOs have undertaken an administrative procedure before the Ombudsman or Court.

Cases brought before the Ombudsman:

During 2010 – 2012, the Ombudsman has examined 35-40 public requests, addressing mainly issues, such as: waste water, smoke, gases, noise and electromagnetic pollution, etc. the office of the Ombudsman notices that the majority of public letter on such issues present community interest complaints against pollution caused by Cement Factories in Fushe Kruje, Cellophane plant in Lushnje, Arsenic Plant remains in Fier, urban waste management plant in Shengjin, mobile companies’ antennas, Fish processing Plants, timber processing activities, cattle and fowl breeding yards, etc.

There were 9 complaints related to environmental problems in 2012, of which two were found ungrounded, 4 were beyond Ombudsman competences and jurisdiction, and 3 were settled in the interest of the complainers. (Annual Ombudsman Report, published on

official website: www.avokatipopullit.gov.al.)

The innovation introduced during this reporting period, as was highlighted above, is especially the establishment of the Administrative Court and the Commissioner on the Right to Information.

As compared to the final report is an increase the number of complaints for unfair processes in the field of environment, one of the latest cases we can mention e group of individuals which are following judiciary processes for a playground that Tirana municipality has constructed within an area of special status for this city.

Recently also the case opened from EcoAlbania on hydropower plant over Vjosa river.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

Ombudsman office: http://www.avokatipopullit.gov.al/?page_id=704

Administrative Court : <http://www.gykataadministrativeeapelit.al/>

Articles 10-22 are not for national implementation.