RESEARCH ARTICLE **(Open Access)**

The Right to Environmental Information in Albania: Legal Basis, Implementation, and Public Access Mechanisms

JOLIA KORITA[1]*

[1]Department of Environment and Natural Resources, Faculty of Agriculture and Environment, Agricultural University of Tirana, Albania

*Corresponding author; E-mail: jkorita@ubt.edu.al

Abstract

The right to environmental information is a fundamental component of environmental democracy, transparency, and accountable governance. In Albania, this right has gained increasing importance in the context of democratic consolidation, European integration, and the growing need for sustainable environmental management. The constitutional framework, domestic legislation, and international obligations—particularly those arising from the Aarhus Convention—establish a relatively comprehensive legal basis for public access to environmental information. This article examines the normative foundations of the right to environmental information in Albania, the institutional and procedural mechanisms through which the right is implemented, and the principal challenges that limit its effective realization in practice. Special attention is given to the constitutional guarantees contained in Article 56 and Article 23 of the Constitution, the statutory framework under the Law on Environmental Protection and the Law on the Right to Information, and the appeal procedures available when access is denied. The study also considers the role of proactive disclosure, public participation in environmental decision-making, and digital transparency tools. The article argues that although Albania has developed an advanced legal framework, the effectiveness of this right continues to depend on administrative capacity, institutional coordination, public awareness, and the consistent application of legal obligations by public authorities.

Keywords: environmental information; transparency; public participation; Aarhus Convention; Albania; administrative accountability; environmental governance.

1. Introduction

Access to environmental information is no longer understood as a purely technical matter of administrative disclosure. In modern environmental law, it is a substantive democratic right that enables individuals and communities to understand environmental conditions, assess risks, participate in decision-making, and protect their health, property, and quality of life. Environmental information is also essential for the realization of other rights, including the right to life, the right to health, the right to property, and the right to an adequate standard of living (UNECE, Aarhus Convention Implementation Guide).

In Albania, the issue is particularly relevant because environmental governance has undergone significant legal and institutional transformation over the last two decades. The country has strengthened its normative commitments to transparency and public participation, especially under the influence of European Union approximation processes and international environmental treaties. Among these, the Aarhus Convention plays a central role by establishing three interrelated pillars: access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters (UNECE, Text of the Aarhus Convention).

*Corresponding author: Jolia Korita: email address jkorita@ubt.edu.al
(Accepted for publication 13.10.2026)
***ISSN**: 2218-2020,* *© Agricultural University of Tirana*

The Albanian Constitution explicitly recognizes the right of every person to be informed about the state of the environment and its protection. This constitutional guarantee is further complemented by the general right of access to information and by specific environmental legislation. However, as in many jurisdictions, the main challenge is not the absence of legal norms but their practical implementation. Delays in disclosure, limited institutional capacity, fragmented publication practices, and insufficient public awareness may reduce the real effectiveness of the right.

2. Material and Methods

This article is based on doctrinal legal research. The analysis is grounded in the interpretation of primary legal materials, including constitutional provisions, statutory law, international treaties, and relevant EU directives. Secondary materials include scholarly literature, institutional reports, policy documents, and comparative environmental law sources.

The research method is qualitative and analytical. It focuses on identifying the scope of the right to environmental information, examining the legal duties of public authorities, distinguishing between reactive access and proactive disclosure, evaluating the role of participation procedures and digital access mechanisms, and assessing practical implementation problems (Aarhus Convention Compliance Committee, UNECE)

A comparative perspective is also used to situate the Albanian framework within broader European environmental governance. In particular, references are made to Directive 2003/4/EC on public access to environmental information and Directive 2003/35/EC on public participation in environmental matters. These instruments are highly relevant to Albania's European integration process and provide useful benchmarks for evaluating domestic implementation.

This article addresses the following research questions.

What is the legal basis of the right to environmental of the right to environmental information in Albania?

Through which mechanisms is this right implemented in practice?

What are the key obstacles to effective public access?

How can the Albanian system be strengthened in light of international and Europian standards?

2.1. Research Scope and Analytical Approach

The article examines the Albanian legal framework from a multi-level normative perspective. First, it analyzes constitutional guarantees that establish the right to information in general and environmental information in particular. Second, it assesses the statutory framework governing access requests, institutional duties, and public dissemination. Third, it examines the influence of international and European standards, with particular emphasis on the Aarhus Convention and EU environmental acquis.

The analytical approach is based on legal interpretation, institutional assessment, and normative comparison. It does not rely on empirical fieldwork, but it incorporates practical implementation concerns through the review of institutional reports, legal commentary, and documented challenges in administrative practice.

3. Results and Discussion

3.1. Constitutional and Legal Basis of the Right to Environmental Information

The strongest legal foundation for the right to environmental information in Albania is found in the Constitution. Two provisions are especially important: Article 56 and Article 23. Article 56 guarantees that everyone has the right to be informed about the state of the environment and its protection. This provision is significant because it treats environmental information not as a privilege granted by administrative discretion, but as a constitutional entitlement belonging to every person.

The scope of Article 56 is broad. It covers both the state of the environment and the protection of the environment. This means that the right includes not only information about environmental conditions, but also information concerning the measures taken by public authorities to prevent, control, or remedy environmental harm. The right therefore extends to environmental governance actions as well as environmental status.Article 23 establishes the general right to information and access to official documents. This broader constitutional guarantee is also highly relevant because environmental information frequently exists in the form of permits, inspection reports, monitoring data, impact assessments, administrative decisions, and policy documents held by public institutions. Read together, Articles 56 and 23 form a coherent constitutional basis for environmental transparency in Albania. This constitutional basis is further developed through statutory law, especially Law No. 10431/2011 "On Environmental Protection" and Law No. 119/2014 "On the Right to Information." The Law on Environmental Protection embeds principles of transparency, public participation, and environmental accountability, while the Law on the Right to Information provides the general procedural framework for requesting information from public authorities, including deadlines, obligations of response, exceptions, and complaint procedures.

3.2. International and European Standards

The Aarhus Convention (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998) is the most important international legal instrument in this field and represents the cornerstone of environmental democracy. It establishes three interrelated pillars: access to environmental information, public participation in decision-making, and access to justice in environmental matters. These pillars are closely connected and reinforce one another.

Article 4 of the Convention guarantees access to environmental information upon request. Article 5 requires active and systematic dissemination of environmental information by public authorities. Article 6 concerns public participation in decisions on specific activities with environmental impact, while Article 9 guarantees access to review procedures and justice. These provisions are directly relevant to Albania's legal framework and institutional obligations.

The European Union legal framework also provides important guidance. Directive 2003/4/EC on public access to environmental information and Directive 2003/35/EC on public participation in environmental matters reflect standards that are highly relevant to Albania's approximation process. Even where implementation remains uneven, these instruments help define the direction of legal and institutional reform.

3.3. Public Access Mechanisms in Practice

In practice, access to environmental information in Albania is implemented through a combination of reactive and proactive mechanisms. Reactive access refers to the right of individuals to submit a request to a competent authority and receive the requested information within the applicable legal timeframe (Aarhus Convention, art. 4; Directive 2003/4/EC). This mechanism depends on the identification of the responsible authority, the availability of records, and the willingness and administrative capacity of institutions to respond in a timely and complete manner.

Proactive disclosure refers to the duty of public authorities to publish environmental information without waiting for a specific request. This may include environmental reports, monitoring data, legal acts, permits, plans, public notices, and environmental impact assessment documentation (Aarhus Convention, art. 5; Directive 2003/4/EC). Proactive disclosure is especially important because it reduces administrative barriers and enhances public awareness and participation.

Public access mechanisms also include review and appeal procedures when information is denied, delayed, or only partially disclosed. These mechanisms are necessary to ensure that the right to information is not merely theoretical. In this respect, environmental information law overlaps with administrative accountability and due process principles.

3.4. Practical Challenges and Institutional Limitations

Despite a relatively advanced legal framework, several obstacles continue to limit the effective realization of the right to environmental information in Albania. One of the most significant problems is uneven institutional capacity. Not all public authorities maintain environmental records in a clear, accessible, and organized manner. In some cases, requested information may be fragmented across institutions or not digitized sufficiently to allow rapid public access.

Another major challenge concerns delays and inconsistent response practices. Even where the law provides deadlines and procedural guarantees, implementation may vary depending on the institution involved. Lack of training, insufficient staffing, and limited awareness of environmental transparency obligations may weaken compliance (Aarhus Convention, arts. 4–5; UNECE, Compilation of findings and advice of the Aarhus Convention Compliance Committee).

Public awareness is also a relevant factor. A legal right can only be exercised effectively if citizens are aware of its existence and understand the procedures for invoking it. In this sense, administrative transparency must be accompanied by legal literacy, civil society engagement, and accessible digital platforms.

3.5. Strengthening the Albanian System

To strengthen the right to environmental information in Albania, several measures appear necessary. First, institutional coordination should be improved to ensure that environmental records are properly maintained and easily retrievable. Second, proactive publication practices should be expanded through digital platforms that provide user-friendly access to environmental data, permits, and decisions. Third, public officials should receive regular training on transparency obligations and the special importance of environmental information (Aarhus Convention, Art.

4; UNECE, The Aarhus Convention: An Implementation Guide).

In addition, clearer guidance on exceptions and refusal grounds would help reduce arbitrary or overly restrictive interpretations. Environmental information should, as a matter of principle, be disclosed unless a lawful and narrowly interpreted exception applies. Finally, public education and civil society engagement should be encouraged to ensure that the right is used in practice and contributes to accountability, participation, and environmental protection.

Legal Instrument	Main Content	Relevance
Constitution of the Republic of Albania, Article 56	Right to be informed about the state and protection of the environment	Specific constitutional basis
Constitution of the Republic of Albania, Article 23	General right to information and access to official documents	General transparency guarantee
Law No. 10431/2011 "On Environmental Protection"	Environmental governance, transparency, and participation principles	Sector-specific legal framework
Law No. 119/2014 "On the Right to Information"	Procedures, deadlines, exceptions, and remedies	General procedural framework
Aarhus Convention	Access to information, participation, and justice	International binding standard
Directive 2003/4/EC	Public access to environmental information	European benchmark
Directive 2003/35/EC	Public participation in environmental matters	EU participation standard

Table 1. Main legal sources governing the right to environmental information in Albania.

4. Conclusions

The right to environmental information in Albania rests on a strong normative foundation composed of constitutional guarantees, statutory law, and international obligations. Article 56 of the Constitution provides a specific environmental right, while Article 23 reinforces the broader framework of transparency and access to official documents.

These guarantees are developed further by environmental legislation, access-to-information law, and the binding standards of the Aarhus Convention.

However, the existence of a sound legal framework does not automatically ensure effective implementation. Administrative capacity, institutional coordination, proactive disclosure practices, and public awareness remain decisive factors. Strengthening these dimensions would improve not only access to information, but also public participation, institutional accountability, and the quality of environmental governance in Albania.

5. References

1. **Constitution of the Republic of Albania** (1998)

2. Law No. 8672 date 26.10.2000 "**On the ratification of the "Aarhus convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters** "https://akm.gov.al/ova_doc/ligj8672_26_10_2000-konventa -e-aarhusit-it1/

3. Law No. 10431/2011"**On Environmental Protection**".

4. Law No. 119/2014 "**On the Right to Information**".

5. Law No 146/2014 "**For public notification and consultation**"

6. European Parliament and Council of the European Union (2003), **Directive 2003/4/EC of the of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC**. Official Journal of the European Union, L 41, 26-32. http://data. europa.eu/eli/dir/2003/4/oj

7. European Parliament and Council of the European Union(2003), **Directive 2003/35/EC of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC**. Official Journal of the European Union, L 156, 17-25. http://data. europa.eu/eli/dir/2003/35/oj

8. Bino, B., Qirjazi, R., & Dafa, A. (2020). **Civil society participation in decision making in Albania (G. Vurmo, Ed.).** Institute for Democracy and Mediation. https://idmalbania.org/wp-content/uploads/2021/11/CSO-Participation-in-Decision-Making-in-Albania.pdf

9. United Nations Economic Commission for Europe. (2014). **The Aarhus Convention: An implementation guide** (2nd ed.). https://unece.org/environment-policy/publications/aarhus-convention-implementation-guide-second-edition

10. European Commission. (2025). **Albania 2025 report (Commission Staff Working Document** SWD(2025) 750 final). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025SC0750

11. Biba, M. (2025). **Mirëqeverisja institucionale në Shqipëri: Një vlerësim i kuadrit ligjor shqiptar në krahasim me standardet e BE-së** [Master's thesis, Epoka University]. Epoka University Repository. https://www.dspace.epoka.edu.al/handle/1/2612

12. Baraku, I (2013). **The right to information on environmental issues** https://www.ajls.org/doc/2DrejtaInformimMjedisi.pdf

13. Korita, J., Gashi, F., (2006) **From the EU Green Deal to National Reform: The Evolution of Enviromental and Agricultural Legislation in Albania.** http://www.cwejournal.org/pdf/Vol21No1/CWE_Vol21_No1_p_389-406.pdf