

Consultation of the Parties

Council of Europe Convention on Access to Official Documents (CETS No. 205)

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Albania

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention,

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions on access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having examined the baseline evaluation report concerning the implementation of the Convention by Albania adopted by the AIG at its 8th meeting (3–5 February 2025) (the AIG report), which focuses on the Law on the Right to Information, as well as the comments of the Albanian government received on 10 March 2025,

1. Welcomes the following elements of the Law on the Right to Information:

- 1.1. its application to the widest range of public authorities covered by the Convention and to information recorded in any form and held by them;
- 1.2. its guarantee of the right of access to official documents held by public authorities to everyone, on request, without discrimination in compliance with Article 2, paragraph 1, of the Convention;
- 1.3. the compliance of nearly all the limitations on the right of access with the requirements of Article 3 of the Convention;
- 1.4. the implementation of the principles and obligations of Article 4 and Article 5 of the Convention regarding requests for access to official documents and their processing;
- 1.5. the implementation of the requirements of Articles 6, paragraphs 2 and 3, and Article 7 of Convention respectively on forms of and charges for access to official documents;
- 1.6. the implementation of the requirements of Article 8, paragraph 1, of the Convention as regards appeals on denials of access;
- 1.7. its measures to implement Article 9 and Article 10 of the Convention regarding respectively complementary measures and documents made public at the initiative of the public authorities;

2. Recommends that Albania take the following measures, identified on the basis of the AIG’s report:

- 2.1. ensure the compliance of the general exemption based on professional secrecy under Article 17(3) of the Law on the Right to information with Article 3 of the Convention (see paragraphs 18 and 52 of the AIG report);
- 2.2. stipulate in the Law on the Right to Information the principle that the applicant has the right to choose to inspect the official document or to receive a copy in a format of his/her choice, unless the preference expressed is unreasonable, pursuant to Article 6, paragraph 1, of the Convention (see paragraph 32 and 54 of the AIG report);

3. Requests the government of Albania to report to the Consultation of the Parties on the measures taken to improve the implementation of the Convention pursuant to point 2 of the present conclusions within one year of their transmission to it.