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Climate change-crisis / Overtourism
Questionnaire

Introduction

In keeping with the Guiding Principle [Leitmotiv] of the Greek presidency of ACA-Europe, the first seminar, which will be held in Athens in November 2025, will focus on the role of the administrative judge when confronted with current challenges related to the climate crisis and the harmful effects of overtourism. The following questionnaire focuses on the six points outlined in the Guiding Principle. The presentation of the regulatory framework in the various countries international law, European law and national law and the application of this normative framework by judges in each country will enable us to address questions relating to the effectiveness and relevance of the traditional tools and methods available to judges when they are called upon to rule on disputes concerning the aforementioned challenges.

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Part A: Climate change-crisis

I. The regulatory framework

I.A. Supranational rules

I.A.1. Rules of international law

➥ What international instruments [treaties/conventions] relating to climate change are in force in your country?

Kyoto Protocol X

Paris Accords X

Aarhus Convention (procedural matters) X

Other (please specify) ☐

Albania ratified the Kyoto Protocol, on April 1, 2005[1] committing to international efforts to reduce greenhouse gas emissions.

Albania ratified the Paris Agreement, on September 21, 2016 aligning with global commitments to limit global warming and enhance climate resilience

Albania ratified the Aarhus Convention, on June 27, 2001 which focuses on access to information, public participation in decision-making, and access to justice in environmental matters

[1] https://unfccc.int/node/28572?utm_source=chatgpt.com

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Other important international instruments ratified by the Republic of Albania, and thus incorporated into its domestic legislation, include:

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;

The Bern Convention on the Conservation of European Wildlife and Natural Habitats;

The Aarhus Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (ratified in 2000);

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (ratified in 2003);

The Stockholm Convention on Persistent Organic Pollutants (ratified in 2004);

The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (ratified in 2011);

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (ratified in 2010);

The Multilateral Agreement among the Countries of South-Eastern Europe for the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (ratified in 2015); and others.

Within the framework of its domestic legislation guaranteeing environmental protection, the Republic of Albania has adopted laws in the fields of environmental protection, biodiversity, waste management, air protection, protection from radiation and ionizing radiation, noise management, water and coastal protection, as well as landscape and plant protection.

- What is the formal validity of the aforementioned rules of international law in your country's legal system? (please describe briefly the procedure for incorporating international rules into the legal system)

Pursuant to Article 116 of the Constitution of the Republic of Albania, ratified international acts are incorporated in the domestic legal system.

Article 116

Normative acts that have force throughout the entire territory of the Republic of Albania are:

a) the Constitution;

b) ratified international agreements;

c) laws;

ç) normative acts of the Council of Ministers.

Acts issued by local government bodies have force only within the territorial jurisdiction exercised by these bodies.

Normative acts of ministers and of the governing bodies of other central institutions have force throughout the territory of the Republic of Albania, within the scope of their jurisdiction.

Also Article 122 states that:

Every ratified international agreement becomes part of the domestic legal system after its publication in the Official Gazette of the Republic of Albania. It shall be directly applicable, except in cases where it is not self-executing and requires the adoption of a law for its implementation. The amendment, supplementation, or repeal of laws approved by a majority of all members of the Assembly, for the purpose of ratifying international agreements, shall be carried out by the same majority.

An international agreement ratified by law shall prevail over conflicting domestic laws.

Norms issued by an international organization shall prevail, in the event of conflict, over domestic law, provided that the ratified agreement for the participation of the Republic of Albania in that organization expressly provides for the direct applicability of such norms.

I.A.2. EU rules

➥ Which are the main EU climate change rules that have been incorporated into your national legislation?

Via law 155/2020 "On climate change" Albania set up a legal framework partly approximated with:

Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended. CELEX number 32003L0887, Official Journal of the European Union, L series, No. 275, dated 25.10.2003, pp. 32–46.

Regulation (EU) No. 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at the national and Union level relevant to climate change and repealing Decision No. 280/2004/EC, as amended. CELEX number 32013R0525, Official Journal of the European Union, L series, No. 165, dated 18.06.2013, pp. 13–40.

Via the Council of Ministers Decision no. No. 889, dated 27.12.2022 " On the approval of the regulation for the monitoring, reporting of greenhouse gas emissions and other information related to climate change at the national level", Albania partly aligned its procedures with those set forth in Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No. 663/2009 and (EC) No. 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU, and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652, and repealing Regulation (EU) No. 525/2013 of the European Parliament and of the Council; CELEX number 32018R1999, Official Journal of the European Union, L series, No. 328, dated 21.12.2018, pp. 1–77.

Via law 2/2023 "On fluorinated greenhouse gases" Albania set up a legal framework partly approximated with:

Regulation (EU) No. 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006. CELEX number 32014R0517, Official Journal of the European Union, L series, No. 150, dated 20 May 2014, pp. 195–230.

➥ Has your country been the subject of proceedings for failure to fulfil its obligations under EU legislation in this area?

No.

➥ If so, please indicate what stage has been reached in the proceedings (warning letters, Commission appeals, rulings by EU courts)

NA

I.B. Rules of national law

I.B.1.1. Does your country have any principles or provisions at constitutional level:

for the protection of the environment in general	X
for climate change	☐
	X
for the protection of health	
for the protection of young people or other population groups	X

1.B.1.2. If so, do these provisions:

Contain only substantive rules?	X
Or do they also establish procedural guarantees?	☐

Do they make explicit reference to: solidarity between generations?	☐
the rights of future generations?	☐
vulnerable groups?	X

The Albanian Constitucion, under title V, **Article 54** makes a special mention on the protection of children, young people, pregnant women, and new mothers[2]. Also under Article 59 (see below) it offers to provide care and assistance for the elderly, orphans, and people with disabilities. Under **Article 55** ofers gurantees that all citizens equally enjoy the right to health care provided by the State, and that everyone has the right to health insurance under the procedure established by law. Under **Article 56**, lays another substantive rule that everyone has the right to be informed about the state of the environment and its protection. However it is under **Article 59**, named *Social Objectives* that the legislator defines the aims of the State to : a) ensure employment under appropriate conditions for all persons able to work; b) fulfill the citizens' need for housing;

[2] Article 54
Children, young people, pregnant women, and new mothers are entitled to special protection by the State.
Children born out of wedlock have equal rights with those born within marriage.
Every child has the right to be protected from violence, maltreatment, exploitation, and labor, particularly under the minimum working age for children, which may harm their health, morals, or endanger their life or normal development.

c) **achieve the highest attainable standard of physical and mental health**;

ç) provide education and vocational training according to the abilities of children, young people, and unemployed persons;

d) **ensure a healthy and ecologically suitable environment for present and future generations;**

dh) **ensure the rational use of forests, waters, pastures, and other natural resources on the basis of the principle of sustainable development;**

e) provide care and assistance for the elderly, orphans, and persons with disabilities;

ë) promote the development of sports and recreational activities;

f) ensure medical rehabilitation, specialized education, and social integration of persons with disabilities, as well as the continuous improvement of their living conditions ;

g) protect the national cultural heritage and pay special attention to the Albanian language.

The fulfillment of social objectives may not be directly claimed in court. The law shall determine the conditions and the extent to which the realization of these objectives may be demanded.

I.B.2. Has the national legislator adopted specific legal instruments to address climate change issues, apart from the legislation necessary to comply with secondary EU law?

yes ☐
no X

If so, please briefly mention this legislation, as well as the main content of the relevant substantive and procedural rules.

I.B.3. Does your country have a specific action plan to address climate change?

yes X
no ☐

If so:

- What is the level of planning (national, regional, etc.)?

Following the ratification of the Paris agreement in 2016, in 2019 Albania drafted a national Strategy and Action Plan on Climate Change[3].

[3] https://turizmi.gov.al/wp-content/uploads/2021/10/2.-Strategjia-e-Ndryshimeve-Klimatike-dhe-Planet-e-Veprimit_Qershor-2019_-1.pdf

X Please specify whether this planning is limited to defining policy guidelines (for example: limits on the use of fossil fuels; favouring other forms of energy; support for 'green' investments; improvement of infrastructure, buildings and vehicles - in the public or private sectors; cost sharing for the 'green' transition; special measures for vulnerable population groups; management of climate change-related crises, etc.),

➥ or whether it also contains binding rules?

I.B.4. In your legal system [in the Constitution and/or in the laws] is there an explicit obligation for the State and/or other public-sector bodies to adopt positive measures or avoid certain actions in relation to climate change?

In the context of approximation of legislation with the European Union, Albania adopted a new ***Act on Climate Change No. 155/2020*** which entered into force on 8 January 2021. The act lays down general provisions and its main objective is to create a comprehensive legal and institutional framework to contribute to the reduction of greenhouse gas emissions and the acceleration of adaptation to climate change, contributing to global efforts in this area.

➥ If so, what is the nature of these measures?

(a) preventive measures X

(b) repressive measures X

(c) restitution measures

➥ Do individuals have any rights to ensure that this obligation is met? If so, under what conditions?

Albania has signed and ratified the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters respectively on 25 Jun 1998 and on 27 Jun 2001, therefore the guarantees of Article 9, on access to justice are applied in the domestic system.

According the Article 28 of the Act « On climate change », public participation is guaranteed as follows :

Article 28

Public Participation

The line ministries, pursuant to point 2 of Article 23 of this law, shall ensure the participation of all interested stakeholders, including local government units, the private sector, and the public, in the preparation or updating of their legislation and strategies related to climate. This participation shall be guaranteed in accordance with the provisions of the Aarhus Convention and the relevant national legislation.

The public's right to participate in environmental decision-making processes is defined by specific legal acts.

➥ Is the legal pursuit of this right regulated?

Not under this specific Act. However, under Act no. Nr. 10 431/ 2011 "On the Protection of the environment", articles 47 and 48 envisage the right to environmental information and judicial action as follows:

Article 47

Right to Environmental Information

Every natural and legal person shall be guaranteed access to available environmental information, without the need to demonstrate a specific interest.

The detailed procedures and other requirements for the implementation of this Article shall be approved by the Council of Ministers.

Article 48

Right to Judicial Action

In cases of environmental threat, pollution, or damage, the public shall have the right to:

a) request the competent public authorities to take appropriate measures within the time limits and in accordance with the powers granted to them by law;

b) initiate legal proceedings before the court, in accordance with the conditions provided by the Code of Civil Procedure, against the public authority or any natural or legal person that has caused environmental damage or poses a risk of causing such damage.

➥ Do individuals have any rights to ensure that private persons comply with similar obligations?

Not according to the act on climate change.

➥ Are there specific regulations for the ecological damage caused by climate change?

No.

I.B.5. In your country, is the allocation of public responsibilities in the field of climate change subject to regulation?

yes X

no ☐

➥ If so, which are the authorities responsible for managing issues related to the climate crisis [protection against the effects of the crisis and/or disaster management]?

Special Ministry ☐

Legal entity under public law X

Other organisational unit ☐

National Environment Agency[4].

[4] https://akm.gov.al/

- Is there a body responsible for: the collection and processing of scientific data[5]? yes X
- conducting comparative studies and surveys? no ☐
- monitoring the implementation of measures and the achievement of objectives? yes X
  no
  yes ☐
  no
- evaluating research carried out on climate change? yes ☐
  no X

INSTAT- is the responsible body for the collection and processing of scientific data. Article 23 of the Act "On climate change" provides for the Institutional Framework and Inter-ministerial Coordination as below: 1. In order to facilitate effective coordination among all public and private sector actors, to ensure high-quality and timely Monitoring, Reporting, and Verification (MRV) over time, and to address all other measures related to climate change, the following institutional arrangements shall be established: a) The Ministry shall serve as the national focal point for the Convention and shall be the institution responsible for the overall coordination and management of the MRV system, including coordination of the preparation process for the National Communication, the Biennial Update Reports (BUR), and the implementation report of the Nationally Determined Contribution (NDC); b) The National Environmental Agency (AKM) shall serve as the national competent authority for all activities related to the establishment and maintenance of the National Inventory System, as part of the environmental information system; c) Line ministries whose competencies fall within areas of state responsibility that affect or are affected by climate change, as the case may be, shall collect and maintain data on activities, specific/thematic grouped indicators, and climate-related information, and shall provide their written contributions to the Ministry in accordance with the requirements of the Council of Ministers' decision provided in Article 21 of this law. They shall participate in the preparation, finalization, and approval of all documents, as well as in reporting pursuant to Article 22 of this law and its implementing sublegal acts; ç) The Institute of Statistics (INSTAT) shall be obliged to provide the Ministry with all socioeconomic and population-related data and any other relevant information; d) Operators subject to this law, and public institutions whose activities fall within the areas of state responsibility referred to in point 2 of this Article, shall collect, organize, and maintain, as applicable, their climate-related data and corresponding reports, and make them available to the respective Ministry; dh) Other line ministries and public/private institutions whose activities do not fall within the areas specified in point 2 of this Article shall contribute, as applicable, upon request by the Ministry; e) The Geological, Energy and Environment Institute (IGJEUM), other research institutions, and public or private universities that carry out climate-related measurements, research, or studies shall make their findings available to the Ministry or the National Environmental Agency, with recognition of intellectual property rights in accordance with applicable legislation; ë) Municipalities, for the territories under their jurisdiction, shall collect, organize, and maintain their climate-related data along with reports on measures taken or planned for mitigation and adaptation, and shall make such information available to the Ministry;

[5] INSTAT- https://www.instat.gov.al/al/temat/mjedisi-dhe-energjia/mjedisi/#tab1

f) Based on the latest documents promoted by the Convention and the specific socio-economic circumstances of the country, the Ministry shall develop national methodologies for the preparation of the National Communication, BUR, NDC, and other methodologies required for the implementation of this law, with the technical and scientific support of the institutions referred to in this Article. These methodologies shall be approved by instruction of the Minister.

- If so, please describe the composition and the operating rules of the competent bodies (participation of elected representatives, scientists, guarantees of independence)?

Article 59

Organization of the National Environmental Agency

The National Environmental Agency is a central public institution under the authority of the Minister, which exercises its jurisdiction throughout the territory of the Republic of Albania through its central office and regional branches in the counties, hereinafter referred to as the regional environmental agencies.

The National Environmental Agency is funded by the State Budget and its own sources.

The National Environmental Agency shall enjoy independence in its decision-making and in the exercise of its functions as provided for in this law.

The Council of Ministers, in accordance with the requirements of this law, shall approve detailed rules regarding the organization and functioning of the National Environmental Agency and the regional environmental agencies, the division and organization of work, the status of employees, and its relations with other institutions.

The Prime Minister, upon the proposal of the Minister and in accordance with the applicable legislation, shall approve the structure and staffing of the National Environmental Agency and the regional environmental agencies.

- What is the nature of power allocated to these bodies (purely advisory power, decision-making power)?

The Agency carries inspections following the general relevant provisions and under articles 60, 64,65,66, in order to ensure compliance.

Article 60

Functions of the National Environmental Agency

The National Environmental Agency is the competent authority for determining the conditions for the issuance of relevant environmental permits, in accordance with the provisions of this law, the legislation on environmental permits, and other applicable laws. It shall carry out the following functions:

a) Drafting the National Environmental Monitoring Program and monitoring the state of the environment, in accordance with the provisions of this law;

b) Preparing and publishing annual reports on the state of the environment;

c) Providing environmental emission measurement services upon request of the Ministry;

ç) Advising local authorities on the implementation of environmental policies;

d) Establishing and managing the environmental information system;

dh) Establishing and managing the Pollutant Release and Transfer Register (PRTR);

e) Providing environmental information to the public, in accordance with the provisions of this law;

ë) Providing information to the public on the environmental decision-making process, in accordance with the provisions of this law;

f) Ensuring the implementation of the environmental liability principle for each operator, in accordance with the provisions of this law;

g) Conducting inspections and supervising activities as provided for in this law.

The Agency shall also perform other functions assigned to it by specific legislation.

Article 64

Obligation to Ensure Compliance

The competent environmental inspection authority is obligated to undertake any action, pursuant to this law, that may be necessary to ensure compliance with the requirements of the relevant environmental permit.

The competent environmental inspection authority is also obligated to undertake any action, pursuant to this law, that may be necessary to ensure compliance with the requirements established in the legislation on construction for planned activities that require an environmental impact assessment.

Article 65

Compliance Notices

If the competent environmental inspection authority determines that an operator has violated, is violating, or is likely to violate the conditions of the relevant environmental permit, it shall issue a compliance notice to the operator. A copy of the notice shall also be sent to the public authority that issued the permit for the activity.

The compliance notice shall be made in writing and shall:

a) describe the issues that constitute a violation or indicate a potential violation;

b) describe the steps the operator must take to correct the violation or to address the issues indicating a potential violation;

c) specify the timeframe within which these steps must be taken.

The compliance notice may include measures to fulfill the conditions of the relevant environmental permit during construction and operation of the activity, as well as measures to remedy the environmental pollution caused by the violation.

Article 66

Suspension Notices

If the competent environmental inspection authority determines that a construction activity or its execution in a certain manner presents a potential risk of serious environmental pollution, it shall issue a suspension notice to the owner of the property or the operator of the activity, as applicable. A copy of the suspension notice shall be sent to the public authority that issued the permit for the activity.

The suspension notice shall be made in writing and shall:

a) specify the potential risk associated with the construction or activity;

b) specify the steps required to eliminate the risk;

c) specify the timeframe for implementing these steps;

ç) declare that the relevant environmental permit, or specific parts thereof, shall no longer be valid until the suspension notice is lifted.

The relevant environmental permit shall be deemed, fully or partially, invalid—according to the terms of the suspension notice—at the moment the property owner or operator receives the notice.

The competent environmental inspection authority may revoke the suspension notice at any time if it determines that the steps required by the notice to eliminate the potential risk of serious environmental pollution have been taken.

The administrative measure of issuing a suspension notice for an activity, pursuant to this Article, shall be considered an urgent measure and may be imposed alongside other necessary measures, in accordance with the law on inspection.

➥ Is prior consultation with a court or other independent bodies provided for when adopting a regulation concerning climate change?

Not with courts but consultation with the general public is mandatory in matters related to environment.

➥ Is there a provision for public participation in the development of climate action plans or legislation? If so, what form of participation (consultation, other)?

Public consultation.

➥ Is access to relevant information guaranteed? yes X no ☐

According to Article 56 of Constitution everyone has the right to be informed about the state of the environment and its protection.
Also pursuant to article 6 of "*On Public Notification and Consultation Act", No. 146/2014,* public authorities are obliged to take all necessary measures to create opportunities for

public participation and for the participation of all stakeholders in the public notification and consultation process involving draft normative acts, prepared by public authorities.

II. The application of the regulatory framework by the judge

II.A. Have any disputes been brought before the courts in your country that involve, directly or indirectly (as a result of the claims, allegations and arguments of the parties to the dispute), issues related to climate change?

If so:

-Please mention the main categories of cases in which issues related to climate change arise:

(a) cases related to energy sources (conventional/renewable),

(b) cases related to the improvement of infrastructure (buildings/vehicles),

(c) cases related to environmental impact assessment during project authorisation.

- Please mention the important cases brought before the courts in your country and the judgments handed down.

N/A.

II.B. Organisation of the judicial system: Does the system of dual jurisdiction (civil courts for private disputes, administrative courts for administrative disputes) apply in your country?

yes X

no ☐

➥ If so, are issues related to climate change dealt with:

-mainly by the administrative courts, when they examine the legality of the actions or omissions of the State and other public entities;

-mainly by the administrative courts, when they examine compensation claims against the State and other public entities;

-mainly by the civil courts (in disputes aimed at protecting the applicant against actions by individuals)?

Regarding the standing of parties in these proceedings, according to Article 33 of the Code of Administrative Procedure[6] the parties in administrative proceedings may be holders of public interests authorized by law, as well as holders of collective interests or broad public interests, if these interests can be affected by the result of the administrative procedure.

Furthermore, the Act 49/2012 "On administrative courts and the adjudication of administrative disputes" as amended, provides that administrative courts have jurisdiction to adjudicate disputes arising from illegal intervention or inaction of a public authority[7]. The concept of inaction has been

[6] See https://gjykata-media.s3.eu-central-1.amazonaws.com/Kodi_i_Procedures_Administrative_i_Republikes_se_Shqiperise_7b3825f66c.pdf

[7] See Article 7/b of the Act "On administrative courts and the adjudication of administrative disputes"

elaborated under Article 2/5 of the Act, providing that an "*Administrative inaction*" is any lack of action by the public administrative authority in the exercise of its administrative activity, according to the public function, which creates legal consequences on subjective rights or legitimate interests.

The right to contest an action or inaction of a responsible public authority has been granted to any entity that claims that a right or a legal interest has been violated[8]. The Act also stipulates the statutory time limits[9] to judicially contest an action being 45 days, from the moment of becoming aware of the illegal intervention of the public authority on rights and interests of the legal person/entity, with any type of action that does not meet the conditions and form of the administrative act, therefore expanding the liability to also potential actions which have not yet taken a legal form. The time limit is again 45 days from the date of expiry of the legal term for issuing the administrative act, in cases of inaction of the administrative authority, when the administrative act requested to be issued is subject to appeal before a court; the date of the end of the legal deadline for reviewing the administrative appeal, in cases of non-action of the highest administrative authority.
Therefore, access to justice is in principle guaranteed, both in cases of activity or inactivity of the administrative authorities, given that they affect the rights and interests of individuals and legal persons/entities. This obligation has been emphasized also in the context of the Aarhus Convention, under the guarantees for access to court for environmental matters[10].

II.B.1. In your country, does the legislation provide for a specific remedy for cases relating to the climate crisis? If so:

- Which courts have jurisdiction to hear such cases?

There is no specific remedy, claims related to damages allegedly sustained from climate change would in principle be adjudicated by administrative courts following the establishment of the authorities responsibility to take specific actions to address certain issues, which would affect the applicants rights.

- What is the composition of these courts?

Administrative Courts and the resolution of administrative disputes are governed by the Act 49/2012[11]. These courts act as specialized courts with exclusive jurisdiction on administrative matters and are composed of regular judges, from first instance level, to appeal and up to the Administrative Chamber of the Supreme Court.

- What are the main features of the relevant remedies?

N/A.

[8] See Article 15/a ibid.
[9] See Article 18 ç/d/dh. 18/2/3/4 ibid.
[10] See Decision no. 31003-00322-00-2021, of 21.07.2021 of the Supreme Court of Albania, para. 27 (iii).
[11] See Act no. 49/2012 "On Administrative Courts and the resolution of administrative disputes" https://gjykata-media.s3.eu-central-1.amazonaws.com/Ligj_49_03052012_perditesuar_2018_cd87716b42.pdf

II.B.2. If the answer to the previous question is no [: if your legal system does not provide for a special remedy]:

↳ Among the remedies generally provided for, which remedies deal mainly with disputes involving issues related to the climate crisis?

actions for annulment against acts or omissions of the State and other public entities	X
full jurisdiction remedies for the recognition of a right	☐
actions for damages	X
remedies for the protection of the applicant's personality	☐
procedures for requesting interim measures	X

II.B.3. If your legal system does not provide for a special remedy, are disputes relating to the climate crisis examined:

↳ by specialised divisions of the courts and/or according to a special procedure yes ☐ no X

If actions or omissions are carried by institutions, administrative courts have jurisdiction. If certain actions have been carried by private parties then regular civil courts would have jurisdiction to address the rights invoked as well as decide on the claims for damages.

II.B.4. According to existing practice, what is the main legal remedy for disputes relating to climate change?

There is no existing practice at the moment with issues of climate change. Other environmental disputes have been addressed by courts in different cases however none of them had implications related to climate change.

II.B.5. In your country, are there seminars or other organised training courses for judges, specifically aimed at issues related to climate change?

No.

II.C. In your legal system, does the judicial review of laws and regulations:

↳ is exclusively an ultra vires review (review of legality)?

X or can it also be the subject of a full jurisdiction control?

↳ If so, under what conditions?

Depending on the parties' claims raised before the courts, the latter might review the legality or employ full jurisdiction control. Article 37-38 of the Act on Administrative Disputes address limits of judicial review and incidental review as follows:

Article 37

Limits of Judicial Review

The court reviews the legality of the challenged administrative action based on the evidence submitted by the parties and the legal and factual situation that existed at the time the specific administrative action was taken.

In cases where the claimant or the substantive law requires the issuance of an administrative act, the court bases its decision on the legal and factual situation at the time the decision is made.

In cases where the law grants the public authority discretionary power in issuing an administrative act or performing another administrative action, the court shall also examine whether:

a) the choice made by the public authority aligns with the objective and purpose of the law;

b) the choice made by the public authority was made solely to achieve the purpose of the law;

c) the choice made by the public authority is proportionate to the need that dictated it.

In the case of a normative sub-legal act, the court shall review the legality of the challenged act by assessing the three criteria specified in paragraph 3 of this Article.

For disputes in the field of employment relations, the court shall apply the legislation governing employment relationships.

Article 38

Incidental Review

The administrative court, during the judicial review of an administrative action, either ex officio or upon the request of the parties, may decide not to apply a normative sub-legal act on the basis of which the administrative action under review was taken, if it finds that the sub-legal act is unlawful.

The court may decide in this manner even if it does not have jurisdiction over the primary review of the normative act.

This decision shall contain a detailed statement of the grounds of unlawfulness as determined by the court.

II.D. Access to justice and admissibility of appeals:

- Does your legislation provide for specific rules of procedure for disputes relating to climate change?

yes ☐
no X

If so:

- which special rules of procedure apply?

- Please indicate the reasons which, according to the legislator, justify the differentiation from the generally applicable rules of procedure.

- If the legislation does not provide for specific rules of procedure, please mention any special rules of procedure developed by case-law in your country?

There are no specific rules of procedure developed by case -law in relation to climate change disputes.

If special rules of procedure developed by case-law exist:

- what are the conditions of admissibility according to case-law rules (legal capacity, legitimate interest in bringing an application before the court, conditions of admissibility linked to the nature of the contested acts or omissions, time limit for lodging an appeal, etc.)
- Please indicate the reasons which, according to the case-law, justify the differentiation from the generally applicable rules of procedure.

While climate cases are lacking, the Supreme Court guided by the case law of the ECtHR, has dealt with the legitimacy of the applicants in the context of access to the court to challenge administrative acts with an impact in the field of the environment[12], as well as the relationship between the public interest in the protection and preservation of the environment, in relation to a strategic investment in the field of energy, also of public interest.

Most of them have been requests for issuing interim measures, namely asking the cessation of works in hydropower plants being built in environmentally protected areas[13], or the cessation of works for the construction of slaughterhouse, in a forest which was planted and taken care of by the inhabitants of an urban area, or restricting the applicants (inhabitants of areas affected) access to clean water due to companies changing the direction of river flows[14]. As the cases are still pending before the Court of Appel there is no decision yet on their merits, but due to the interim measures granted, the construction has been paused.

II.D.1. More specifically, with regard to legitimate interest in bringing an application before the court:

- Does your legal system recognize the actio popularis (as a constitutional principle or rule, by legislation or case-law)?

Actio popularis is a recognized principle in our legal system, however the limitation lies with the legitimate interest of the organization representing the interested parties.

How is the legitimate interest in bringing an application before the court, as a condition for the admissibility of an appeal, defined:

- in relation to certain groups or categories of the population [minors, the elderly or other vulnerable groups more exposed to the effects of climate change];
- in relation to legal persons [public law legal entities, private law entities: associations, etc]?

[12]See decision no. 31003-00087-00-202, of 30.07.2021, of the Supreme Court)
[13]See decision no. 31003-00322-00-2021, of 21.07.2021 of the Supreme Court)
[14]See decision no. 31003-093-2022, of 24.11.2022 of the Supreme Court)

While there is no specific provision in the context of climate change litigation, according to the Act "On administrative courts and the adjudication of administrative disputes", Article 15 provides for the parties who enjoy the right to file an action being:

a) any entity that claims that a right or a legal interest has been violated by an action or inaction of the public authority;

b) the public administration body, which claims to have been violated in the exercise of its powers by a

administrative act or from an illegal normative by-law act of a public body, with which does bear hierarchical dependence. In this case, the state authority may request the resolution of the competence dispute and/or the repeal of the act;

c) the employee or the employer for disputes in the field of labor relations, when employer is a public administration body;

ç) any subject who claims that his rights and legal interests have been violated due to illegal interventions of the public body, which do not have the form of an administrative act;

d) any association or interest group that claims that a legitimate public interest has been violated:

i) from a normative act;

ii) by an administrative act, in case such a right is recognized by law;

dh) any other entity, to which this right is expressly recognized by law.

- Concerning the allegations made by the parties to substantiate their interest in bringing proceedings in the disputes in question, what d+egree of specification is required?

- What standards of proof are required for the allegations made?

II.D.2. Nature of the contested acts or omissions:

- What are the categories of cases brought before the courts in disputes concerning climate change?

As Albania has not been directly impacted by any climatic events until now, there have been no cases submitted before the domestic courts on events related to climate change.

- What are the admissibility requirements for taking legal action against omissions in disputes concerning climate change?

The admissibility requirements would be procedurally the same as for other environment related cases where the parties submitting a case would need to prove direct or indirect damage caused by the actions or omissions of private parties and public institutions.

- Have the courts in your country been asked to examine questions of cross-border interest [parties to the dispute resident or headquartered in another country, acts or omissions with environmental impacts in another country]?

➥ If so, how were these disputes handled [limitation of liability only for actions or omissions within the borders of the State or recognition of liability also for actions outside the borders]?

II.E. Nature, extent and intensity of judicial review:

➥ In matters of climate change, how does the judge consider the delimitation of jurisdictional control in relation to:

-the political choices made by the legislator or the administration?

-the balancing of contradictory interests? X

-assessments of an essentially technical nature? X

In absence of climate change cases, the examples are environment related cases. The Supreme Court of Albania addressed mostly interim measures under which it was required the balancing of contradictory interests.

II.E.1. On the balancing of conflicting interests, please give examples from the case-law in your country when the conflict concerns:

-environmental protection, and in particular protection against the effects of climate change, on the one hand;

-the protection of private assets and interests, on the other hand.

Overall, the Supreme Court also guided by the case law of the ECtHR, dealt with the legitimacy of the applicants concerning access to court to challenge administrative acts with an impact in the environment, as well as the proportionality test between the public interest in the protection and preservation of the environment, in relation to a strategic investment in the field of energy, also of public interest. In the context of proceedings before the Supreme Court, the latter has taken a proactive role to address matters in the protection of civil and individual rights and freedoms. At the moment, most of them have been requests for issuing interim measures, namely asking the cessation of works in hydropower plants being built in environmentally protected areas, or the cessation of works for the construction of slaughterhouse, in a forest which was planted and taken care of by the inhabitants of an urban area, or restricting the applicants (inhabitants of areas affected) access to clean water due to companies changing the direction of river flows. There is no decision yet on their merits, but due to the interim measures granted, the construction has been paused. **Public interest vs. Public interest** **(Protection of the environment vs. Production of energy resources)** In one case, where the Supreme Court addressed in detail an injuction measure[15], it considered that the lower courts should have also analyzed the prevalence of a higher public interest—namely, the protection of the environment, nature, and biodiversity, in comparison to the legitimate interests of the defendant in relation to the public interest in the construction of hydroelectric projects, which serve a public good, namely the production and use of electrical energy resources. The environment is a transboundary concept that extends beyond the borders of a single country. Environmental protection constitutes a fundamental condition for ensuring the development of society and is a national priority aimed at preserving it undamaged for future

[15] See Decision no. 00 – 2021 – 1177, 21.07.2021 of the Administrative Chamber of the Supreme Court

generations. Interventions of this nature in the environment, in the event of the acceptance of the claim, are nearly impossible or extremely difficult and costly to compensate for and restore through other actions and projects.

The Chamber found that in the present case, there are serious doubts regarding the continued implementation and execution of administrative acts and actions—specifically, the concession contract and its amendments, the environmental permit, the water reserve usage permit for energy production for the "HEC Dragobia" project, the comprehensive development permit, and the construction permit. These concerns fully justify the imposition of injunction measure to prevent further consequences until a final decision is rendered by the Administrative Court of Appeal regarding the merits of the case. The Chamber considers that the damage resulting from the continued execution of the concession contract and the permits issued under it would be severe, irreversible, and immediate, as the continuation of the project's implementation and its exploitation could lead to further potential environmental damage, particularly in an area of high environmental, social, and economic sensitivity, which is protected for its biodiversity and ecosystem.

- Can the judge limit the temporal effects of an annulment decision [example: limitation of the retroactive effects of an annulment decision] based on the balancing of conflicting interests?
- If so, under what conditions?

It is through interim measures raised by the parties only, that the court can decide for an unlimited time to suspend the effects of a certain administrative act. It is again through the parties' request/ appeal that the court may withdraw the said interim measure in order to balance conflicting interests.

II.E.2. Technical and scientific judgments:

- Please give examples from case-law concerning the criteria and methods used by judges to rule on disputes involving technical and scientific judgments.

While no real example can be referred in the climate change context, in cases where the facts require further technical and scientific expertise judges may require the help of a court appointed expert whom will respond to the questions raised by the court in order to help reaching a final decision.

- Does the judge have the specific tools required to exercise the above mentioned control effectively and efficiently [assistance from specialised scientists, appointment of experts, amicus curiae]?

Yes, as mentioned in the previous answer, judges can be aided by court appointed experts but also can rely on international reports and materials of high credibility for that precise field.

II.E.3. In the judicial review, how is the diversity and complexity of the factors contributing to the phenomenon of climate change evaluated?

N/A.

II.F. Civil liability of the State

- With regard to compensation claims, has your country's case-law considered disputes involving the civil liability of the State for damage attributed by applicants to climate change?

yes ☐
no X

X If so: to address the relevant issues, does the judge simply apply the standard provisions and methods, for example with regard to proof of damage, causal links or methods of compensation for damage,

➥ or does he apply specific rules?

Under Article 3, of the Act No. 8510/ 1999, as amended "On the non-contractual liability of state administrative bodies", the cases of liability of state authorities for damages caused to private natural or legal persons are defined as follows:

a) when they perform unlawful acts or omissions;

b) when they perform lawful acts or omissions that nevertheless result in harm to the legitimate interests of private natural or legal persons;

c) when, although performing lawful acts or omissions, they cause disproportionate harm to the subjects affected by such acts or omissions;

ç) when, due to the malfunction of technical means used by state administrative bodies in the exercise of their activity, private natural or legal persons suffer harm to their legitimate interests;

d) when they cause a continuous risk to private natural or legal persons;

dh) when they commit a corrupt act in the exercise of their functions.

While this act does not specifically refer to any climate change related damages, its general nature allows for potential claimants to submit a case before the courts under the circumstances provided in Article 3.

➥ What is the content of the specific rules and their legal basis?

See the previous answer.

➥ With regard to ecological damage, how are questions of causality dealt with?

Yet again, while this is not a particular reference to ecological damage questions of casuality are addressed as below:

Article 11

Contributory Fault of the Injured Party

If, in addition to the actions or omissions of the state administrative body, the actions or omissions of the injured party have contributed to the damage, the amount of compensation to be awarded shall depend on the extent to which the injured party contributed to the occurrence of the damage.

The role of the injured party in causing the damage, and the amount of compensation payable in such a case, shall be determined through expert assessment, in accordance with the provisions of the Code of Administrative Procedures and the Code of Civil Procedure.

Article 12

Non-Pecuniary Damages

In cases where the damage involves a violation of physical integrity, health, liberty, or personality, compensation shall be awarded in monetary form, always taking into account the role of the injured party in the causation of the damage, as provided in Article 11.

A claim for non-pecuniary damages, as referred to in paragraph 1 of this Article, shall be dismissed where the elimination of the cause of damage is sufficient in accordance with Article 6, or where the injured party has been compensated in another manner.

Article 13

Claims by Indirectly Affected Parties

In cases of death, violation of physical integrity or health, or unlawful deprivation of liberty as a result of actions or omissions by state administrative bodies, a third party to whom the injured person was legally obliged to provide services at home or in the course of employment shall be compensated in monetary form for the loss caused by the inability to receive such services.

Where death has been caused as a result of actions or omissions by state administrative bodies, such bodies shall be obliged to compensate the person who bears the legal obligation to cover the funeral expenses.

If, at the time the damage occurred, the deceased was legally obligated to provide maintenance to a third party, or such an obligation could have been imposed, and that third party is left without support due to the death of the obligated person, the third party shall be compensated through the establishment of a monetary pension.

The obligation to compensate of this nature also applies when the third party was conceived but not yet born at the time the damage occurred.

For claims made by third parties, the role of the injured party in the causation of the damage shall also be assessed, in accordance with Article 11.

➥ Is monetary compensation recognised regarding compensation for non-material damage caused by ecological damage?

yes ☐

no ☐

See the previous answer.

➥ Does the 'polluter pays' principle apply to disputes concerning climate change?

The Act 10431/2011 has embodied under Article 12, the "Polluter Pays" Principle which reads as follows:

Any natural or legal person whose actions or omissions contribute to environmental pollution shall bear financial responsibility by covering the costs resulting from the damage caused or the risk of environmental damage.

Such costs include the costs of assessing the environmental damage, evaluating necessary remedial measures, and preventing environmental harm, including the costs of rehabilitation and compensation for affected natural or legal persons.

Further on, under Article 50 environmental liability is envisaged as below:

The purpose of liability for environmental damage, based on the "Polluter Pays" principle, is:

a) the prevention and remediation of all damage caused to the environment;

b) the rehabilitation of the environment;

c) the introduction of measures and practices aimed at minimizing the risk of environmental damage.

Liability for environmental damage shall be established on the basis of:

a) environmental damage caused by any of the hazardous activities specified by the Council of Ministers under letter "a" of paragraph 3 of this Article, as well as from any potential threat of such damage;

b) damage caused to protected species and natural habitats from any professional activity other than those specified under letter "a" of paragraph 3 of this Article, including any potential threat of such damage resulting from the operator's negligence.

The Council of Ministers shall approve:

a) the list of activities considered hazardous to the environment within the meaning of paragraph 2 of this Article;

b) the criteria for assessing potential threats and determining environmental damage.

The Minister shall approve:

a) the measures for the rehabilitation of damaged environments;

b) the methodology for specifying the expenses for identifying and eliminating threats and damage.

An operator conducting any of the activities listed in letter "a" of paragraph 3 of this Article who has caused damage or poses a direct threat of environmental damage shall be held liable for such damage.

The operator is liable if they:

a) fail to take necessary preventive measures;

b) fail to undertake necessary remedial measures;

c) fail to notify the National Environmental Agency of the environmental damage risk, regardless of whether such damage occurred or was avoided due to measures taken.

If no environmental damage has yet occurred but there exists a direct threat of such damage, the operator shall immediately take all necessary preventive measures without delay. Should the operator fail to fulfill this obligation, the National Environmental Agency shall take the necessary preventive measures, and the operator shall bear the corresponding costs.

If the operator, despite taking the measures referred to in paragraph 6 of this Article, fails to eliminate the direct threat of environmental damage, they shall immediately notify the National Environmental Agency, which shall:

a) request that the operator provide information on any environmental threats or suspected threats;

b) require the operator to take the necessary measures and issue guidance on preventive actions;

c) take necessary preventive measures itself or assign another natural or legal person to do so, at the operator's expense.

In cases where environmental damage has occurred, the operator shall:

a) notify the National Environmental Agency of the damage caused;

b) undertake full rehabilitation of the damage in accordance with the "Polluter Pays" principle;

c) take all necessary measures to control, contain, eliminate, or otherwise manage the factors that caused the environmental damage, in order to limit or prevent further damage, mitigate adverse effects on human life and health, and avoid endangering natural resources;

ç) take all the measures specified under letter "a" of paragraph 4 of this Article.

Where multiple operators conduct any of the activities listed under letter "a" of paragraph 3 of this Article within the same territory, they shall be jointly and severally liable for the environmental damage caused by such activities, in accordance with the applicable legislation.

Where environmental damage has occurred, the National Environmental Agency shall:

a) request additional information from the operator on the damage caused;

b) take, request, or instruct the operator to take all necessary measures for the control, containment, elimination, or other management of the factors that caused the damage, in order to limit or prevent further environmental harm, protect human health, and safeguard natural resources;

c) require the operator to undertake necessary rehabilitation measures and provide guidance on how such measures should be carried out;

ç) take the necessary rehabilitation measures itself or appoint another natural or legal person to do so, at the operator's expense, where the operator has failed to fulfill this obligation;

d) take necessary rehabilitation measures or appoint another natural or legal person to carry them out if the operator cannot be identified or is not required to bear the cost, as provided under paragraphs 2 and 3 of Article 54 of this law.

The National Environmental Agency shall specify the rehabilitation measures for the environmental damage caused.

In cases of environmental damage, the operator shall determine and propose the necessary rehabilitation measures, as provided under letter "a" of paragraph 4 of this Article, and submit them to the National Environmental Agency for approval. In defining the rehabilitation measures, the operator shall ensure they are appropriate and effective in fully remedying the environmental damage caused.

Where the environmental damage is such that rehabilitation measures cannot be implemented simultaneously, the National Environmental Agency shall determine the primary and most cost-effective measures to be undertaken. In determining such primary measures, the Agency shall consider the nature, scale, and severity of each instance of environmental damage, the risk to human health, and the environment's natural recovery capacity.

The National Environmental Agency shall be the competent authority responsible for identifying the operator posing a direct threat or having caused environmental damage, assessing the severity of the damage, and determining the rehabilitation measures.

II.G. Provisional judicial protection [interim measures]

- How are requests for provisional judicial protection in climate change cases handled? What parameters are taken into account by the courts?

There have been no such measures.

- Please mention the measures that the judge may order.

Cessation of actions carried by the public or private authorities. (see for example environmental cases)

- How does the judge consider the ecological damage alleged by the parties?

N/A

II.H. Regarding the enforcement of a court decision:

- Is there a procedure for checking whether the legislator and/or the administration have adopted the necessary measures to comply with a court decision?

No. In principle the legislator and the administration are bound to comply with court decisions and the measures ordered by them.

- In case-law, what are the most striking examples of the methods used to monitor the enforcement of judgments in disputes relating to acts or omissions linked to climate change?

As there are no cases related to climate change, we do not have an example.

III.A. In your country:

- Are there any court decisions that have explicitly recognised the obligation of the State [and/or other public entities] to take positive measures to address climate change?

No.

- Are there any court decisions recognising a right to ensure compliance with this obligation?

No.

- If a relevant case-law rule has been formulated, on what legal basis?

N/A.

III.B. If the courts in your country have already considered issues relating to climate change:

- Do the relevant decisions refer to existing practice in another legal system, for example to the case-law of national judges in other countries or to the case-law of judges in supranational bodies:

  -dialogue between the national courts of different countries

  -dialogue between the courts of your country and the European Union judge

  -dialogue between the courts in your country and the ECtHR

  -dialogue between the courts in your country and the bodies of other international organisations [for example the UN]?

N/A.

III.C. In your country's case-law, is the obligation to act against climate change considered mainly:

- as an obligation based on national law
- or as an obligation under international law?

As long as the Constitution, under Article 122 has envisaged that international agreements ratified are enforceable, all under takings agreed upon these agreements would be obligations internalized in the domestic system.

Article 122

Every ratified international agreement becomes part of the domestic legal system after its publication in the Official Gazette of the Republic of Albania. It shall be directly applicable, except in cases where it is not self-executing and requires the adoption of a law for its implementation. The amendment, supplementation, or repeal of laws approved by a majority of all members of the Assembly, for the purpose of ratifying international agreements, shall be carried out by the same majority.

An international agreement ratified by law shall prevail over conflicting domestic laws.

Norms issued by an international organization shall prevail, in the event of conflict, over domestic law, provided that the ratified agreement for the participation of the Republic of Albania in that organization expressly provides for the direct applicability of such norms.

➥ Within the case-law, can we find decisions aimed at harmonising the rules of international law, European law and national law?

➥ In your country, have any court decisions considered the Paris Agreement to be a legally binding instrument?

No.

III.D. Does the approach of the courts in your country align with the approach of the ECtHR in *Verein Klimaseniorinnen Schweiz v. Switzerland*? [please mention any differences]

No climate cases have been brought before the Supreme Court yet.

III.E. Have the courts in your country referred questions to the CJEU or the ECtHR for a preliminary ruling on matters directly or indirectly related to climate change?

No.

Part II: Overtourism

I. The regulatory framework [the rules of law]

I.A. Have the negative effects of the excessive development of tourist activity been adressed by the legislator and the courts of your country, following concerns discussed in the public debate?

yes ☐
no X

➥ If so, what are the problems envisaged in the legislation and case-law on this subject?

saturation capacity of urban and non-urban space ☐

deterioration of living conditions in urban areas (increase in housing prices, lack of properties to rent especially for younger generations and/or families with low and medium incomes - particularly in city centres, on islands and in other tourist ☐

destinations, deterioration of traffic conditions, insufficient infrastructure, increase in energy consumption, etc.)	
overexploitation of natural resources (increased density due to the construction of hotels and other buildings for tourism in extra-urban areas, intensification of land use - particularly in coastal areas and the islands, insufficient infrastructure in small villages, effects on protected landscapes and/or on historical sites and/or archaeological sites and monuments)	x
other problems	☐

Although not yet widely challenged before courts, in 2024 the Albanian Parliament adopted the *Act No. 21/2024 "On changes and amendments in Act 81/2017 on Protected Areas*[16]" which among others limited protection and introduced leave to construct so called- strategic investments in protected areas following major developments of the tourism industry. While the initiate was highly contested by different domestic stakeholders and international organizations, 37 members of the Parliament filed a case with the Constitutional Court[17], claiming that the Act is incompatible with the Constitution and International Agreements ratified by Albania. The case is still pending for decision.

I.B. Has your country taken an initiative/participated in a collective initiative for the establishment, within the EU, of a regulatory framework to address the adverse effects of 'hypertourism'?

If so, what is the content of the proposed measures?

No.

I.C. Are there any relevant principles and guidelines at international level?

- If so, have they been recorded:

-in binding texts?

-in non-binding texts?

- Could non-binding texts serve as a basis for regulations [please give examples]?

N/A.

I.D. In your country, are there any constitutional principles or provisions that can serve as a basis for dealing with issues related to overtourism?

No.

I.E.1. Has the national legislator established a regulatory framework specifically designed to address the problems resulting from excessive tourist activity?

yes ☐

no X

[16] https://faolex.fao.org/docs/pdf/alb176095.pdf
[17] https://www.gjk.gov.al/web/Vendime_te_muajit_Janar_2025_3819_1-2582.php

↳ If so, please summarise the legislation adopted and the main content of the relevant regulations (for example preventive and/or repressive measures, other provisions)

N/A.

I.E.2. Does your country have a special action plan to address the problems resulting from excessive tourist activity?

yes ☐
no X

↳ If so, does this plan establish guidelines for the policies to be followed or does it also contain binding rules?

N/A.

↳ What is the level of planning [national, regional, etc.] ?

I.E.3. In your country, are there any regulations concerning:

-the allocation of responsibilities for the management of 'hypertourism'? ☐

-other provisions concerning the organisation of the competent authorities?

☐

N/A.

↳ What are the responsibilities assigned to the various bodies (advisory, decision-making)?

N/A.

↳ Are there any provisions for public participation in the adoption of action plans or laws?

yes ☐
no X

II. The application of the regulatory framework by the judge

II.A. Have issues related to 'hypertourism' been the subject of litigation in your country?

yes ☐
no X

↳ If so, what points were raised in the arguments of the parties to the dispute?

yes ☐
no ☐

N/A.

↳ Please summarise the landmark cases heard by the courts in your country and the decisions handed down.

II.B. According to legal practice, what is currently the main channel through which the relevant disputes are brought before the courts?

-litigations concerning control of the legality of administrative acts or omissions? ☐

-litigations concerning compensation for damage caused by acts or omissions of the administration? ☐

-other categories of litigations? ☐

N/A.

II.C. Please cite any court decisions:

-that have expressly recognised the obligation of the State and/or other public entities to take positive measures in order to address the phenomenon of 'hypertourism'? ☐

-that have recognised a right of individuals to ensure compliance with this obligation? ☐

↳ Have case-law rules been formulated in this regard? If so, on what legal basis?

N/A.

II.D. Do issues linked to overtourism:

-mainly concern the administrative courts, when they monitor the actions of the State and public entities,

or do they mainly concern the civil courts called upon to judge appeals against the actions of individuals?

administrative courts ☐

civil courts ☐

both ☐

II.E. Can examples be found in your country's legislation and case-law that highlight the relationship between climate change and overtourism?

yes ☐

no X

↳ If so, please present the main content of the relevant legislation or court decisions.

N/A.