



**REPUBLIC OF ALBANIA**  
**MINISTRY OF ENVIRONMENT, FORESTS AND WATER ADMINISTRATION**  
**THE CABINET**

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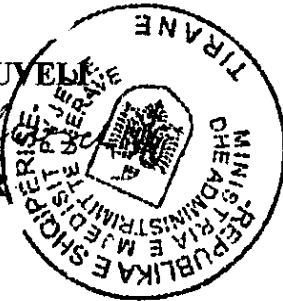
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**APPROVED**

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**Action Plan in response to the Recommendations of the Compliance Committee of the Aarhus Convention**

In response to the recommendations of the Report of the Compliance Committee of the Aarhus Convention for "Findings and recommendations for the Albanian Complaint", on behalf of the Albanian Government, the Ministry of Environment, Forests and Water Administration has undertaken a series of steps that create the possibility for the fulfillment of the commitments of the country in the framework of the Aarhus Convention.

Following the Order of the Minister of Environment, Forests and Water Administration, Nr. 446 dated 24.10.2007, a working group headed by the Deputy Minister of Environment, Forests and Water Administration with specialists from the Directory of Environmental Impact Evaluation and Permits, Directory of Pollution Prevention policies, Sector of Information and Technology, Legal Environmental Sector and Directory of Support Services.

The Working Group, after taking into consideration every topic of the recommendations come to the conclusion that the actions that should be taken in order to fulfill the recommendations can be split into (i) interventions to the legal framework; and (ii) developments of awareness raising activities in order to carry out the Aarhus Convention.

With support of Aarhus Information Centre this action plan have discussed with most active environmental NGO-s. In this meeting attended representative from: EKOLEVIZJA Group (in this group are included 29 environmental organizations), from Civil Office in Environmental Protection (included 25 different environmental organizations), representative from REC-office Tirana and representative from Civil Alliance for Vlora Golf Protected. All suggests and comments are included in the Action Plan

## **SHORT TERM MEASURES**

### **(i) Interventions to the legal framework**

The principles of the Aarhus Convention are widely mirrored and included in the Albanian Legislation more specifically in:

- Constitution of the Republic
- Law for Environmental protection No.8934 dt.05.09.2002 (article 3,10, 54, 55, 56, Chapter X article 77, 78, 79, 80)
- Law for Environmental Impact Assessment No. 8990 dt.23.01.2003 (article 17, 19, 20, 23, 26)
- In all specific environmental laws approved during the time frame 2003-2007;
- Code of Administrative Procedures
- Law for the Ombudsman (Articles 14, 15, 16, 17)
- Law for Civil Emergencies No 8756 dt 26.03.2001 (Article 8.ë)

Occasionally the procedures of public consultations defined and required by the law of the Convention, encounter obstacles and difficulties that come as a result of the lack of legal bylaws that define the essential elements of public consultations and that specify the mechanisms necessary for public participation and public opinion gathering especially for plans, programs,

strategies and for the Environmental Impact Assessment process. These difficulties in fulfilling the principles of the Conventions are stated out in the report of the Compliance Committee.

In order to fill this legal gap, the Working Group recommends the drafting of a Decision of the Council of Ministers “For involvement of the Public in Decision making ” and an Advisory note on “Procedures of involvement of the public in the procedures of environmental impact assessment” in all the steps required by the Convention. As the order clearly defines that a number of obligations is to be carried out by Units of Local Government, it is proposed that the Decision is drafted by two Ministries,: (i) Ministry of Environment, Forests and Water Administration *and* (ii) Ministry of Interior.

### **Decision of Council of Ministers**

The Decision of the Council of Ministers will define clearly the role of all decision takers in ensuring and making available information for the public and public participation in decision making. The decision will define the obligations of each institution that will carry out the process of the participation of the public in decision-making (referring to request of recommendations 96.a) In order to ensure a high representation of the interested parties, the Decision will identify the term “public” in full compliance with the definition provided by the Aarhus Convention (referring to Recommendations 96.c) The Decision will anticipate the reflection of the public thoughts in the plan, program and sector strategies.

### ***Time frames for the Decisions of the Council of Ministers***

The establishment of the working group for the drafting of the Decision of Council of Ministers will be accomplished within 20 November 2007. The working group will consist of representatives from Legal Sector, Directory of Environmental Impact Assessment, sector of IT and Communication and representatives from the Ministry of Interior. The Working Group will present until 10 January a Draft Decision of the Council of Ministers for review procedures. The procedures that will define the ensuring of the public opinion for draft decisions are anticipated until 20 February 2008. The Albanian procedures until the approval of this decision are

anticipated to last until 20 March 2008. Publication in the Fletorja Zyrtare (Official Gazette) will be followed by public promotion and distribution of the decision to the interested parties.

### **Ministers Advisory**

The advisory will define the method on retrieving the public opinion since the early phases of the envisioning of a plan or program (referring to recommendation 96.d). In connection with enforcement of article 25 of the Law for Environmental Impact Assessment the advisory will define the process for cancelling an environmental permit which is based on false documentation, referring to recommendations (96 b). Likewise the advisory will anticipate the place where the authority responsible to carry out the process of public involvement in decision taking will deposit the plans, strategies or the Report of the Environmental Impacts Assessment, the involvement of all interested parties and the keeping of correct notes of the meetings, as well as the authority that keeps the records of the meetings (Recommendation 96 e .f). Likewise the Advisory will anticipate the method that will be used in taking the public opinion or the reason why the opinion was not taken into consideration (Recommendation 96.g).

### ***Time frames for the Advisory***

After the approval of the Decision of the Council of Ministers, the Working Group will start work for drafting of the Advisory, anticipated to start on May 2008. The draft Advisory is anticipated to be finished in May 2008. One month of public discussions with the interested parties, in here are included the Chambers of Commerce, Association of Municipalities of the Country and the Association of the Communes. This process may continue until June 2008. Promotion and publication of the advisory of the procedures of public involvement for environmental issues is anticipated to commence in July 2008. This phase is subject to securing the funds that will be needed for funding this project.

### **SHORT TERM AWARENESS RAISING ACTIVITIES**

Besides gaps in legal aspects a lack of experience in the process of organization of public debates or public opinion gathering is noticed. For this reason an indispensable field of activity for the proper implementation of the principles of the convention and the project-decision is the

information and awareness raising of the subjects that request environmental permits at the Directory of Environmental Impact and Permits as well as the awareness raising of the structures of the Regional Environmental Agencies and structures of local government, in order to better carry out this process. Two activities that have Environmental Impact will be identified and will serve as pilot case studies for a good enforcement of the legal framework for the information and public participation in decision making. This case will serve at the same time as training programs for the institutions that are responsible for carrying out the Aarhus Convention. The assistance of different donors will be requested, including in here the World Bank, European Bank for Reconstruction and Development and OSCE.

The Units of Local Government, the Directory of Environmental Impact Assessment and Permits in Cooperation with the IT center and Aarhus Center, different NGO and international institutions will be the leaders of this.

#### **Time Frames**

March 2008 – June 2008.

#### **MID TERM AWARENESS RAISING ACTIVITIES**

After the approval of the Advisory of the Minister on “Procedures of public opinion in Decision-making” and after research with foreign donors, awareness raising campaigns can be conducted with different actors that must be included in the public participation in decision making. These campaigns have a financial cost which will necessarily require donations by different donors, interested in this process.

## Action Plan for Public Participation in Decision Making

<b>Field</b>	<b>Actions/Activities</b>	<b>Time Frame/Funds</b>	<b>Responsible Institution</b>
Legislation	<p><b>Drafting of the Decision of the Council of Ministers on procedures for public participation in decision making</b></p> <ol style="list-style-type: none"> <li>1. Establishment of the Working Group to draft the Decision of the Council of Ministers which will consist of specialists from Legal Department, sector of IT and communication and Directory of Local Government (Ministry of Interior), Ministry of European Integration</li> <li>2. Identification of gaps in the legal framework in public participation in decision-making</li> <li>3. Drafting of the Decision for the Public Participation</li> <li>4. Discussion with NGO's on the draft and taking into consideration their suggestions.</li> <li>5. Delivering the draft of the Decision of the Council of Ministers for suggestions at the Ministry of Law, Ministry of Finance, and Ministry of Interior.</li> <li>6. Approval and entry in to force of the Decision of the Council of Ministers.</li> <li>7. Editing and Publication of the Decision and other referring legislation to carry out the public participation in decision making process.</li> <li>8. Organization of Training for Local Government and Government Structures to facilitate the process.</li> </ol>	<p><b>Short term State Budget</b></p> <p>20 November</p> <p>30 November</p> <p>10 January</p> <p>10 February</p> <p>20 March</p> <p>April 2008</p> <p>May 2008</p> <p>May-continue</p>	<p>Ministry of Environment, Forests and Water Administration</p>
Legislation	<b>Drafting of the Advisory "On the procedures of public participation</b>		Ministry of Environment,

	<p><b>in environmental impact assessment<sup>2</sup></b></p> <ol style="list-style-type: none"> <li>1. Establishment of the working group that will draft the joint advisory with the Ministry of Interior.</li> <li>2. Completion of the work for the preparation of the draft</li> <li>3. Discussion with the interested parties (NGO's)</li> <li>4. Promotion and publishing of the Advisory</li> </ol>	<p>April 2008 May 2008 June 2008 July 2008</p>	<p>Forests and Water Administration</p>
<p><b>Awareness raising</b></p>	<p><b>Organization of the debates with the community under the leadership of the institutions of the Local Government for certain important activities that require environmental permits by the Ministry of Environment Forests and Water administration.</b></p> <ol style="list-style-type: none"> <li>1. Identification of the requests of the subjects that request Environmental Permits for activities with Environmental Impact Assessment (Directory of Environmental Impact Assessment and permits).</li> <li>2. Cooperation with the sector of IT and Communication for the accomplishment of the public debates with the support of Local Authorities.</li> <li>3. Experience gain and sharing of the lessons learned with the Local Environmental Agencies.</li> </ol>	<p><b>Short term with donations from different donors</b></p> <p>March 2008</p> <p>April-May 2008</p> <p>May 2008 continue</p>	<p>MMPAU, Subjects</p>
<p><b>Awareness raising</b></p>	<p><b>Pilot Projects to provide training of the government structures for Public Participation in Decision-making.</b></p> <p>Different modules of training tailor made for different trainers groups.</p>	<p><b>Midterm</b></p> <p>Projects with different donors interested in the process of Environmental Impact Assessment</p>	<p>Regional Environmental Agencies, Directories of Forest Service, Fisheries Inspectorate, agencies of Water and Basins, Regional Road Directories, Agencies of Energy Efficiency, The secretariat of the Council of Territory Adjustment in Republic of Albania</p>