

From: Marianna Bolshakova
To: csdcvl@abcom-al.com
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Date: 28/04/2005 11:58
Subject: Communication to the Aarhus Convention's Compliance Committee

Dear Mr. Mita,

I would like to confirm the receipt of your message with the communication to the Aarhus Convention Compliance Committee. The official confirmation will be sent to you by post once we receive the original of your communication.

The communication will be assigned a reference number ACCC/C/2005/12 which you are invited to quote in further correspondence on the matter.

The communication will be forwarded to the Compliance Committee within this week.

Attached for your information is the datasheet on the communication which will be placed on the Committee's website. You are welcome to comment on the summary of your communication included in the datasheet.

With regard to the information provided in the communication, we would like to clarify some of the details that might assist the Committee in determination of admissibility of the communication. Therefore i would appreciate if you could answer the following questions to the best of your knowledge and in as much detail as possible. I would also encourage you to provide us with any other information you consider relevant.

For purposes of references i've divided your original message into the numbered paragraphs (below, at the end of the message).

1. Whether there was a complex decision taken on the development of the industrial park as a whole? If so, what type of decision was taken? When did the decision making process start ? When was the final decision issued? You refer to an EIA undertaken for the park (para. 4); when and how (in particular with regard to public participation procedures) was this EIA conducted?
2. Whether there were decisions taken on individual installations referred to in your paras. 5, and in particular, the plant referred to in your para. 9? Whether decisions on these facilities were subject to an EIA procedure? If so, please provide details on any public participation procedures carried out (e.g. notifications, public hearings, commenting deadlines, etc) and the details about the timing and nature of the final decision on each installation.
3. With regard to public hearings referred to in your para. 4, how the process of notification took place for (a) residents, (b) NGOs, (c) other stakeholders? Please provide any information you have as to the means of notification and timing. Did the NGOs that did participate make any comments, and is there any indication that these comments were taken into account?
4. With regard to information requests referred to in your para. 3: please provide the dates of when the requests (and how many) were sent and to whom they were addressed. Have the requests been sent through the registered mail?
5. With regard to reference to article 7 of the Convention in your para. 10: do you maintain that the Albanian Government failed to develop legislative or regulatory provisions to ensure public participation in decision making on plans or programs?

6. With regard to your para. 11: have either the permitting decisions for individual facilities, the decision on the industrial park as a whole or the failure to provide information as indicated in your para. 3 been challenged in courts or other appeal bodies? Also, whether, in accordance with the Albanian legislation, the fact that a decision is challenged in a court or through other relevant appeal procedure would suspend its implementation?

7. Under your para. 10: are there any other paragraphs of article 6 that you would consider have been contravened?

8. Whether, in accordance with the Albanian legislation, the Convention, once ratified, became directly applicable in Albania (e.g. whether you can refer to its provisions in the court, and would the provisions of the convention apply if there is a contradiction between its provisions and those of the national laws?).

I understand that some of the questions are of a rather legal nature. If you have a difficulty in providing responses to any of the above questions, please let us know.

I appreciate your assistance with this matter and look forward to hearing from you,

Sincerely,

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