



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

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20 November 2006

To: Romeo Zegali
Aarhus Convention National Focal Point
Ministry of Environment, Woods and Water Administration
Rruga e Durrësit, No.27, Tirana/Albania
Fax: +355 4 270627

Dear Mr. Zegali,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning a proposed industrial park in Vlora (Ref. ACCC/C/2005/12)**

The Chairman of the Aarhus Convention Compliance Committee, Prof. Veit Koester, has asked me to thank you for your letter of 21 October 2006 and to reply on his behalf.

Fourteenth meeting of the Compliance Committee

Further to our conversation on 9 November, I would like to confirm that it has been decided that the Committee will resume its discussion of Communication ACCC/C/2005/12 at its fourteenth meeting, which will take place on 13-15 December 2006 at the Palais des Nations in Geneva, Switzerland. The discussion will take place on 14 December 2006, starting at 10 am.

In accordance with chapter IX of the annex to decision I/7 of the Meeting of the Parties to the Convention, both the Party concerned and the communicant are entitled to participate in the discussion on the subject matter of the communication, though not in the preparation or adoption of any findings, measures or recommendations of the Committee.

The Committee would encourage participation of a representative or representatives of the Government of Albania in the discussion. For each representative intending to attend the meeting, the attached registration form should be completed and sent to the United Nations Economic Commission for Europe, attention of Ms. Andrea Hegedus (fax: +41 22 917 0634), by 30 November 2006. If

you would require financial support in order to send a representative to the meeting (max. one person), please complete and return the attached financial support request form as soon as possible and at the latest by 27 November 2006.

- Discussions on communications will generally take the following form:
- introduction by the Chair and opening of the discussion (by the Chair or the special rapporteur);
 - presentations by the communicant and by the Party concerned, including possible joint proposals;
 - questions from the Committee, responses from the Party concerned and the communicant;
 - comments from observers at the invitation of the Chair;
 - final comments by the communicant;
 - final comments by the Party concerned.

The Committee has indicated that the meeting should not be used by the Party concerned or by the communicant as an occasion to introduce substantial amounts of information that could or should have been provided to the Committee at an earlier stage, unless this is unavoidable (e.g. because it concerns very recent developments). In general, such information should be provided at least two weeks before the meeting to ensure that Committee members have due time to consider it.

Please note that the working language of the Committee is English. No interpretation for the meeting in December is envisaged.

Please do not hesitate to contact me or my colleague Ms. Marianna Bolshakova (marianna.bolshakova@unece.org, ph. +41-22-917-2650, fax +41-22-917-0634) if you require any further information concerning the meeting.

Additional information requested by the Committee

While the new information provided in your letter of 21 October 2006 is welcomed, it is noted that your responses to some of the specific questions posed by the Committee in its letter of 5 September 2006 were incomplete or missing. To be precise:

Questions 1 and 2: The responses provided appear to be responses to Questions 1 and 2 of our letter of 16 December 2005, not Questions 1 and 2 of the letter of 5 September 2006. We would therefore appreciate to receive in advance of the next meeting original and English versions of the following decisions, both of which were referred to in your Government's letter of 25 November 2005:

- a. Decision by the Albanian Parliament with regard to funding for the Thermal Generation Facility, which was made in the absence of an environmental permit for the construction of the Thermal Generation Facility (the Committee has already received Decision No. 20 made by the government with regard to the construction site of the Thermal Generation Facility);
- b. Decision to create an inter-ministerial committee on the Thermal Generation Facility.

Question 5: This question referred to notification and public participation procedures related to the decision-making on the industrial park. However, the answer contained in your letter of 21 October 2006 appears to address procedures

related to decision-making on the thermal generation facility, i.e. the information already provided about notifications and hearing appears to relate to the thermal generation facility. We would therefore appreciate if in your response you could address the issue with regard to the industrial park.

Question 7: Under point 7 of your letter of 21 October 2006, you refer to a possibility to appeal violation of procedures. However, question 7 referred specifically to the existence of a possibility to appeal a failure to provide information or an inadequate notification or participation procedure before the final decision is issued? We would appreciate if you could clarify whether such a possibility exists under Albanian legislation and if so, which specific procedural provisions regulate it.

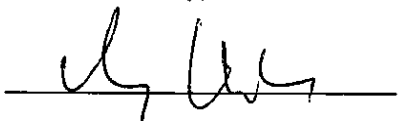
In your letter of 21 October 2006 you refer to several pieces of legislation related to the decision-making processes in question. The Committee would like to consult this legislation, if possible. We therefore would appreciate if you could send us in advance of the next meeting English-language copies of the following laws:

- a. Law. Nr. 9309 of 11 November 2004 "On the ratification of the warranty, between Republic of Albania and EBRD, and the Agreement for Credit between Albanian Electric Corporate and the EBRD, for the project of production of thermal energy in Vlora";
- b. Law. Nr. 9340, of 32 December 2004 "On the ratification of the warranty between the Council of Ministers of the Republic of Albania and European Investment Bank for the financial contract of the project for the construction of the TGF in Vlora";
- c. Law. Nr. 9231 of 13 May 2004 "For the ratification of the Concession of the "BOT" type, for the construction and use of the coastal terminal of fuel and byproducts in the bay of Vlora" and the ratification of the "Agreement of the BOT type concession for the construction and use of the port infrastructure that will serve for the coastal terminal in the Vlora bay".

To enable the Committee to consider the documents and information referred to in points 1-4 above, we would appreciate if you could address these points in a written reply by 28 November 2006.

We look forward to hearing from you.

Yours sincerely,



Jeremy Wates

Secretary, Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Permanent Mission of the Republic of Albania to the United Nations and other international organizations in Geneva
Alliance for the Protection of the Gulf of Vlora

