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5 September 2006

To: Romeo Zegali
Aarhus Convention National Focal Point
Ministry of Environment, Woods and Water Administration
Rruga e Dureshit, 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)**

We would like to thank you for the information sent by you in response to the Committee's letter of 12 April 2006.

The Committee took note of the information but regretted that it had only been provided immediately before its twelfth meeting. Taking into account the fact that Committee members had not had sufficient time to examine the new material, the Committee did not deliberate on the substance of the communication at that meeting. It mandated the Chairperson and the curator, with the assistance of the secretariat, to determine, inter alia, whether to seek more information in writing from the Party concerned and the communicant in the meantime.

In accordance with this mandate, the Chairperson, Prof. Veit Koester, has instructed us to write to you requesting the following information:

1. In her letter to the Committee dated 25 November 2005 and sent on behalf of the Albanian Government, the then National Focal Point for the Convention Ms. Gentiana Hasko referred to 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. Please could you provide a copy of the aforementioned decision with an English translation?

2. In the letter dated 25 November 2005, Ms. Hasko referred to a decision to create an interministerial committee on the Thermal Generation Facility and that the Albanian Government would provide the Committee with a copy of the decision and its English translation. The Committee confirms its interest to examine the decision. We would therefore appreciate if you could send us the decision together with an English translation.

3. Aside from Decision No. 20 of 19 February 2003, did the government issue any permits (environmental, construction and operational) for the Thermal Generation Facility? If so, please provide copies of these, including their English translations or summaries in English.

4. In the letter dated 25 November 2005, Ms. Hasko stated "there is not a complex decision taken on the development of the industrial park as a whole" and "No one has mentioned the industrial park". This statement is arguably contradicted by the existence of Decision No. 8 "On approval of the Industrial and Energy Park – Vlore" signed by Prime Minister Fatos Nano on 19 February 2003, in particular taking into account that the decision entered into force "immediately" and that all relevant government bodies were instructed to "carry out this decision". This information, as well as information contained in points 3 and 4 of your letter dated 12 June 2006, suggests that at least the preparation of a plan in the sense of article 7 of the Aarhus Convention has been made (i.e. a zoning or citing decision). Do you have any comments?

5. With regard to point 4 of your letter dated 12 June 2006, could you please also address the issue of whether any procedure of the kinds referred to in articles 6 and/or 7 of the Convention was applied to the decision-making on the siting decision for the industrial park referred to in question 4 above? If so, please provide copies of the notification documents including information on how they were made public, including translations into English.

6. Was the concession for Italian-Romanian company "Petrofilera" that includes 17 ha of coastal zone in the Bay of Vlora, as referred to in the communication, granted? If it was, is it part of the Industrial Park or Thermal Generation Facility, or it is a separate project? Was the public informed about this decision? Did the public participate in the decision-making? Please provide documents regarding these procedural matters, including their summary in English.

7. According to the letter of 25 November 2005, "Since there is no decisions taken on the projects, there is nothing to be challenged by courts or other appeal bodies. Since there is not environmental permit, construction permit, operational permit the court has nothing to consider." With regard to this statement, could you please clarify whether the Albanian legislation provides for an opportunity for the public to participate in decision-making processes at an early stage, before a final decision is made? And consequently, does the Albanian legislation provide for a possibility to appeal failure to provide information or inadequate notification or participation procedure before the final decision is issued?

8. In the letter of 25 November 2005 a reference was made to the availability of the English versions of Albanian laws through the Ministry's web site (www.moe.gov.al). Upon consulting the web site, we were not able to find the English versions of the laws. Could you please provide us with the English-language

version of the Law on EIA of Albania (or at least the parts of it in which Aarhus Convention provisions were transposed)?

The Committee intends to deliberate the aforementioned communication at its forthcoming thirteenth meeting (4-6 October 2006). We would therefore appreciate if you could provide a response to the above questions by 25 September 2006, to enable the Committee to take this information into account when considering the matter.

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