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12 April 2006

To: Lufter Xhuveli
Minister
Ministry of Environment, Woods and Water Administration
Rruga e Dureshit, No.27, Tirana/Albania
Fax: +355 4 270627

Dear Minister Xhuveli,

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

At its eleventh meeting (Geneva, 29-31 March 2006), the Aarhus Convention Compliance Committee deliberated further on the above communication. I am writing on behalf of the Committee to inform you of the outcome of that discussion.

The Committee noted with regret the lack of any substantive response from your Government to the Committee's letter of 16 December 2005 requesting further information. This has impeded the Committee's efforts to finalise its conclusions with respect to the communication. However, the Committee has nonetheless been able to draw some preliminary conclusions.

The Committee noted that the issue of public participation in certain proposed activities that is the subject of the communication relates to two separate projects - the thermal electric power station (TEP) and the larger Industrial Park of which the power station would be one component. With regard to the former project, the Committee is not convinced that the public concerned were adequately notified at an early stage when the proposed activities in the TEP were being considered for approval by the government. The government of Albania stated that public notification occurred, but presented no evidence to the Committee showing such notification in 2003. In answer to the Committee's initial questions, the government provided a document. However, that appears to be related to a later hearing organized for EBRD approval in 2004. Based on the limited information presented to the Committee by the government, the Committee is unable to conclude that the

decision-making with regard to specific activities was not contravening the requirements of article 6 paragraphs 1(a), 2 and 4 of the Convention. The Committee has yet to reach even preliminary conclusions with respect to the proposed industrial park, due to the lack of information available, but considers that the matter merits further investigation.

The Committee intends to complete its deliberations on draft findings and recommendations at its twelfth meeting (14-16 June 2006). In order that it has the fullest possible picture of the situation, I would be grateful if you would kindly address the questions raised in the secretariat's letter of 16 December 2005, a copy of which is attached for convenience. It would be appreciated if the information requested could be provided to the secretariat by 15 May 2006.

One of the Committee members, Mr. Sandor Fülöp, will be visiting Albania on other business in early June. The Committee considers that this could provide an opportunity to gather further information on behalf of the Committee. Please indicate, in accordance with paragraph 36 (b) of the annex to decision I/7, whether you agree to such an information gathering exercise and would be willing to facilitate meetings between Mr Fülöp and the relevant officials. He would also meet with the communicant and perhaps other interested parties. Resources permitting, Mr. Fülöp would be accompanied by a representative of the secretariat.

Finally, the Committee is aware of the involvement of European Bank for Reconstruction and Development (EBRD) and the World Bank in the proposed projects and will be contacting them directly concerning the issue. Both institutions are copied on this letter.

We look forward to hearing from you.

Please accept, Sir, the assurances of my highest consideration.

Yours sincerely,



Prof. Veit Koester
Chairman of the Compliance Committee
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
Mr. Luis Borgo, Senior Banker, Power/Energy Utilities Team, EBRD
Mr. Donald Mishaxhi, EBRD Resident Office in Tirana
Mr. Nadir Mohammed, Country Manager, the World Bank Office in Tirana
Ms. Nancy Cooke, Albania Lead Country Officer, the World Bank