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DIRECTORATE-GENERAL
ENVIRONMENT
Directorate A - Communication, Legal Affairs and Civil Protection
ENV.A - The Director

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Mr Jeremy Wates
Secretary to the Convention on
Access to Information, Public
Participation in Decision-making
and Access to Justice in
Environmental Matters
Palais des Nations, Av. de la Paix
10 (Office 332)
CH-1211 Geneva 10

Dear Mr Wates,

Thank you for your letter of 22 January 2009 whereby you forwarded us the draft findings of the Aarhus Convention Compliance Committee with regard to the communication, lodged by the Albanian NGO "Civic Association for the Protection of the Bay of Vlora" against the European Community (ACCC/C/2007/21).

Firstly, I am pleased to acknowledge that the ACCC did not consider that the Community has acted in breach of its obligations under the Convention, thus endorsing the reasoning expressed by the Community in its written submissions as well as during the 21st meeting of the Committee.

As regards the European Community's comments, I note that point 25 of the draft findings states that the applicability of the provisions of the Aarhus Convention to the European Investment Bank ('EIB') had not been disputed during the deliberations before the Committee. With regard to this point, I would suggest to complete this statement by making reference (either in the text or in a footnote) to point 31 of the Submissions of the European Commission, on behalf of the European Community, to the Committee of 5 August 2008, whereby the Commission specifically stressed that its comments contained in Section 3 of the Submissions were only made with respect to the issue of access to environmental information, which is subject to a specific regime under the Aarhus Convention and Regulation (EC) No 1367/2006, and do not concern the financial and banking activities of the EIB as such.

Moreover, in the light of some observations on the right to access environmental information made by the Committee in its draft findings, the EIB drew my attention to

the fact that it will shortly launch a public consultation on its Public Disclosure Policy as well as on its Transparency Policy. In that regard, I understand that the EIB is confident that these exercises will offer the appropriate opportunity to further address the issues raised by the Committee in its draft findings.

Yours sincerely,



Pia Bucella