



**NATIONS UNIES**  
COMMISSION ÉCONOMIQUE  
POUR L'EUROPE

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
ЭКОНОМИЧЕСКАЯ КОМИССИЯ  
ДЛЯ ЕВРОПЫ

**UNITED NATIONS**  
ECONOMIC COMMISSION  
FOR EUROPE

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19 December 2007

To: Mr. Lavdosh Ferruni and Mr. Ardian Klosi  
Civic Alliance for the Protection of the Bay of Vlora  
Rr Sami Frasherri, Tirana  
Albania

Dear Mr. Ferruni and Mr. Klosi,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the European Community with the provisions of the Convention in connection with decision-making by the European Investment Bank (Ref. ACCC/C/2007/21)**

On 14 August 2007, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by you and addressed to the Compliance Committee of the Convention regarding compliance by the European Community with certain provisions of the Convention.

The communication has been registered under the symbol ACCC/C/2007/21, which you are invited to cite in future correspondence on the matter.

The Compliance Committee considered the communication at its seventeenth meeting (26-28 September 2007) without reaching any preliminary determination as to its admissibility.

Before making a preliminary determination as to whether or not the communication was admissible, the Committee invited you to provide more detailed information, in particular with regard to issues related to the requests for information referred to in footnote 5 of the communication. It asked you to clarify whether you considered that the European Investment Bank (EIB) was required under the Convention to provide for public participation in its decision to finance the project, e.g. because you consider that the EIB is a public authority within the meaning of article 2, paragraph 2 (d) of the Convention and that such a financing decision falls within the scope of article 6, paragraph 1; or whether you considered that EIB had a duty under the Convention to ensure that the regular permitting decisions for the project (e.g. siting, construction, environmental permit etc) included public participation opportunities under the Convention on account of the fact that the Bank is an institution of the EC which is a Party to the Convention.

Additional information was provided by you on 9 November 2007.

At its eighteenth meeting, the Committee, having further considered the communication and the additional information provided by you, has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication. The Committee, in particular, would like to request the following:

1. In which respect is the information requested (in particular the Framework Agreement) "environmental information"?
2. Who made the request for "environmental information" to the EIB? Did the communicant itself approach EIB at any time or was the request made by an individual only? If the latter, what is the relationship between the communicant and the individual requesting the information? Were there any specific reasons why the communicant did not approach EIB itself?
3. Why have you included the information with regard to the request of 8 November 2007 to EBRD before the EIB has made a decision with regard to your request for information? In case the EIB does not provide the information requested (see e-mail from EIB of 8 November 2007), do you intend to make use of any remedies, such as those referred to in article 8 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents?
4. Explain in what way the EIB has ignored its "indirect and passive obligations" (referred to in para. 41 of the communication) with respect to the Aarhus Convention since the Convention entered into force for the EC.
5. The decision-making process concerning the approval of the Framework Agreement by EIB took place in 2004 before the EC became a Party to the Aarhus Convention. What decisions have been made or should have been made in your opinion by the EIB since 17 May 2005 that fall within the scope of the Aarhus Convention?

The communication is now being forwarded to the Party concerned for comments in accordance with paragraph 23 of the annex to decision I/7. In its covering letter to the Party concerned, a copy of which is attached for your information, the Committee has raised some additional questions. Should you wish to address any of those questions, you are welcome to do so.

Yours sincerely,



Jeremy Wates  
Secretary

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

Cc: Mr. Charles Pirotte, Principal Administrator, Legal Affairs and Governance,  
European Commission

Encl. Provisional determination on admissibility  
Copy of the letter to Mr. Charles Pirotte, Principal Administrator, Legal Affairs  
and Governance, European Commission