



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

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
ЭКОНОМИЧЕСКАЯ КОМИССИЯ  
ДЛЯ ЕВРОПЫ

**UNITED NATIONS**  
ECONOMIC COMMISSION  
FOR EUROPE

Environment, Housing and Land Management Division  
Bureau 332  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland

Phone: +41-22-917 2384  
Fax: +41-22-917 0634  
E-mail: [jeremy.wates@unece.org](mailto:jeremy.wates@unece.org)  
Website: [www.unece.org/env/pp](http://www.unece.org/env/pp)

19 December 2007

Ms. Charles Pirotte  
Principal Administrator  
Legal Affairs and Governance  
European Commission  
Environment Directorate-General  
Avenue de Beaulieu 5, 6/149  
B-1160 Bruxelles, Belgium  
Fax: + 32 2 299 10 68

Dear Mr. Pirotte,

**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 Civic Alliance for the Protection of the Bay of Vlorë 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 agreed to ask the communicant 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 also asked the communicant to clarify whether it 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 it considered the EIB to be 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 it considered that the 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 the communicant on 9 November 2007.

At its eighteenth meeting, the Committee, having further considered the communication and the additional information provided, 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.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.


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. Is the information requested (in particular the Framework Agreement) by the communicant "environmental information"? Would there be a need to get the agreement of the borrower before the information could be publicly disclosed?
2. In case "environmental information" is not provided by the EIB to a person requesting the information what procedures could be used to have a review of this decision undertaken? Which would be the competent authority to undertake a review? Are there any legal remedies in place which may be used by the person requesting the information?

A number of additional questions have been raised in a letter to the communicant, a copy of which is attached for your information. Should you wish to address any of those questions, you are welcome to do so.

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: Mr. Lavdosh Ferruni and Mr. Ardian Klosi, Civic Alliance for the Protection of the Bay of Vlora

Incl. Provisional determination on admissibility  
Copy of the letter to Mr. Lavdosh Ferruni and Mr. Ardian Klosi, Civic Alliance for the Protection of the Bay of Vlora