



REPUBLIC OF ALBANIA  
OFFICE OF THE PRESIDENT  
THE CABINET

Protocol number: 982/5

Tirana, on September 22, 2016

**Subject matter:** Response to your letter, dated 17 August 2016

Distinguished Chair, Professor Ebbesson,

Referring to our correspondence and to your Letter of 17 August 2016, please find below our explanations, as well as all the respective key documentation translated in English attached for easier review.

Regarding **Point 1** of the Letter dated 17 August 2016, we hereby confirm that we brought a submission under paragraph 16 of the Addendum, Decision I/7 Review of Compliance.

Regarding **Point 2**: We are of the opinion that it is not necessary to postpone the Compliance Committee examination of the case. The Administrative Court of Appeal is reviewing a lawsuit regarding the violation of administrative procedures as committed by the Municipality of Tirana and its position toward the national laws. The examination of the Compliance Committee will look into more substantive grounds that pertain to this case.

**Regarding Point 3**: Yes, it is made on the ground of paragraph 1(b) of Article 6 of the Convention.

(b) Each Party shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in Annex I, which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions.

We assume that the provisions of the following procedural laws have been infringed:

- The Decision of the Council of Ministers of the Republic of Albania no. 994, dated 02 July 2008, "On soliciting public feedback when making decisions on the environment".
- The Decision of the Council of Ministers of the Republic of Albania no. 16, dated 04 January 2012, "On the right of the public to have environmental information."

- The Decision of the Council of Ministers of the Republic of Albania no. 247, dated 30 April 2014, “On establishing the rules, requirements and procedures for informing the public and its participation in environmental decision-making.”
- Law no. 8402, dated 10 September 1998 of the Republic of Albania. “On the Control and Discipline of the Development of Building Works”. In the case at issue there was no audit made.
- As a rule, after the tender award and signing of the contract, there should be reserved 30 days, at minimum, for complaints. Therefore, the works for building the playground should have started after the date 08 March 2016. In this project, both the time frame requirements and the provisions on the appointment of an auditor were not respected.
- The Decision of the Council of Ministers of the Republic of Albania no. 671, dated 27 May 2015, “On the approval of the territory planning regulations” – many procedures have not been respected.
- Publication of the information for the public – information on the project should have been displayed at the building place, published via electronic media, newspapers, and televisions and via other means for, at least, 25 days according to the Decision of the Council of Ministers of the Republic of Albania no. 247, dated 30 April 2014.
- The procedure of the Decision of the Council of Ministers of the Republic of Albania no. 994, dated 02 July 2008 “On soliciting public feedback when making decisions on the environment.”

We look forward to the fact-finding mission to take place on the 17-19 October 2016, as proposed by you.

While thanking You once again for your great commitment, we remain looking forward to continuing our cooperation.

Yours sincerely,

**DIRECTOR OF CABINET**



**Ols Lafe**

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**Mr. Jonas EBBESSON**  
**Chair of the Compliance Committee 2014-2017**  
**Aarhus Convention Secretariat**  
**United Nations Economic Commission for Europe Environment and Human**  
**Settlement Division Room 332, Palais des Nations**  
**CH-1211 Geneva 10**  
**SWITZERLAND**

**List of documents enclosed.**

1. National Environment Agency
2. Ombudsman 1
3. Ombudsman 3
4. General Directorate of Public Works
5. Lawsuit
6. Who is building at the Park – Opinion Talk Show, 16 Feb 2016
7. National Licensing Center
8. Mayor Veliaj - Opinion Talk Show – 29 Feb 2016
9. The decision of the National Territory Council no. 1, dated 12 Feb 2016
10. The decision of the National Territory Council no. 4, dated 29 Dec 2014
11. Laws and bylaws regarding the case