



NATIONS UNIES

COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

Tel: +41 (0)22 917 4226 (direct)
+41 (0)22 917 1234 (Palais des Nations)
Fax: +41 (0)22 917 0123
E-mail: aarhus.compliance@unece.org

Palais des Nations, Room 429-4
CH-1211 GENEVA 10

17 August 2016

Mr. Florjan Nuri
Secretary General
Office of the President of the Republic
Albania

Dear Mr. Nuri,

Re: Submission to the Aarhus Convention Compliance Committee concerning compliance by Albania with the provisions of the Aarhus Convention

I refer to previous correspondence on this matter between you and Mr. Jonas Ebbesson, Chair of the Aarhus Convention Compliance Committee. The Chair has kindly asked me to write to you on his behalf to continue the exchange.

The Committee would appreciate receiving answers to the following questions:

First, you may recall that in his letter of 5 July, the Chair asked you to specify whether the Party concerned consider its request to be (i) a request for assistance in accordance with paragraph 36(a) of the annex to decision I/7 of the Meeting of the Parties; or (ii) a submission under paragraph 16 of the annex to decision I/7. In the light of your letter of 26 July 2016, the Committee understands that the Party concerned wishes to make a submission under paragraph 16 of the annex to decision I/7 (attached). However, before proceeding further, the Committee would be grateful for your express confirmation that the Committee's understanding on this point is correct.

Second, in your letter of 26 July 2016, you state that the Tirana Administrative Court of Appeal is currently reviewing a lawsuit filed by several environmental non-governmental organizations (NGOs) opposed to the Lake Park project. When is the decision of the Court of Appeal expected to be issued? Should the Compliance Committee postpone its examination of the case until the Court's decision is handed down? Why or why not?

Third, please specify the provisions of the Convention you allege to have been breached in this case and why. If you consider that the Lake Park project is an activity within the scope of article 6 of the Convention, please clarify whether this is by virtue of paragraph 1(a) or paragraph 1(b) of that article. If you consider that article 6, paragraph 1(a) applies, please explain which provision of annex I would cover the Lake Park project. Alternatively, if you consider that article 6, paragraph 1(b) applies, then how was it determined by the Party concerned that the activity was subject to that article? Please provide a copy of that determination, if any, together with an English translation thereof.

Fourth, to assist its further examination of the case, the Committee will need copies of key documentation, together with English translations thereof. Such documentation might, inter alia, include:

- The decision of National Council of Territory dated 12 February 2016;
- The public notice of Municipality of Tirana dated 8 February 2016, and any other public notices (earlier or later) that informed the public about their opportunities to participate in the decision-making on the Lake Park project;
- The application to the Ministry of Environment for an environmental permit for the Lake Park project;
- The decision of the Ministry of Environment rejecting the environmental permit;
- Transcript of the statement by the Mayor of Tirana that an environmental study about the project was lacking;
- Relevant reports of the Ombudsman Office detailing the alleged treatment of representatives of environmental NGOs opposed to the project;
- The grounds of the environmental NGOs' law suit currently before the Tirana Administrative Court of Appeal, as well as the decision of the Court once handed;
- Relevant provisions of national and municipal legislation, including any provisions requiring an environmental study be carried out for such an activity and also any provisions setting out the scope and binding or non-binding nature of national and local referendums.

If you would like to discuss any aspect of the above paragraphs, the secretariat would be glad to do so. In keeping with usual practice, we would propose that Albania's national focal point be invited to participate in any such conference call also. We look forward to your indication as to whether you consider that such a call would be useful at this point.

Finally, the Committee has taken note of your kind invitation for the Compliance Committee to undertake a fact-finding mission by September 2016. Taking into account your wish that such a mission would take place as soon as possible and bearing in mind the Committee members' existing commitments, the Committee would like to propose either Monday-Wednesday 17-19 October or Monday-Wednesday 14-16 November as a suitable date for the mission. In order to effectively prepare for the mission, kindly note that the Committee will need to receive answers to the above questions and English translations of all relevant documents at least three weeks prior to the mission. I would be grateful for your confirmation as to whether one of these dates would be appropriate and if so, which one.

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Edlira Dersha, national focal point for the Aarhus Convention, Ministry of the Environment, Forests and Water Administration, Albania
Permanent Mission of Albania to the United Nations office and specialized institutions in Geneva

Enc: Decision I/7 of the Meeting of the Parties to the Aarhus Convention