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ECONOMIC COMMISSION FOR EUROPE

**MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS**

Third meeting

Riga, 11-13 June 2008

Item 6 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention:

Compliance mechanism

REPORT BY THE COMPLIANCE COMMITTEE

Addendum

**COMPLIANCE BY ALBANIA WITH ITS OBLIGATIONS
UNDER THE CONVENTION**

This document is prepared by the Compliance Committee in accordance with its mandate set out in paragraph 35 of the annex to decision I/7 of the Meeting of the Parties.

1. Communication ACCC/C/2005/12 was made by the Albanian non-governmental organization Alliance for the Protection of the Vlora Gulf (also translated as Civil Alliance for the Protection of the Vlora Bay) on 7 April 2005 with regard to compliance by Albania with its obligations under article 3, paragraph 2, article 6, paragraph 2, and article 7 of the Convention in connection with decision-making on the planning of an industrial park comprising, inter alia, oil and gas pipelines, installations for the storage of petroleum, a three-unit thermal power plant and a refinery near the lagoon of Narta.

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2. Having considered the communication in accordance with the procedure set out in section VI of the annex to decision I/7, the Committee found at its sixteenth meeting (June 2007) that:

(a) By failing to provide adequate opportunities for public participation in decision-making on the industrial and energy park in Vlora, the Party was in non-compliance with article 7 in conjunction with article 6, paragraphs 3, 4 and 8, of the Convention;

(b) By failing to provide for adequate opportunities for public participation in the decision-making on the thermal electric power station, the Party concerned was not in compliance with article 6, paragraphs 3, 4 and 8 of the Convention;

(c) By failing to establish a clear, transparent and consistent framework to implement the provisions of the Convention in Albanian legislation, the Party concerned was not in compliance with article 3, paragraph 1, of the Convention.

3. The Committee recommended to the Party concerned, with its agreement, to:

(a) Undertake the necessary legislative, regulatory, administrative and other measures to ensure that:

- (i) A clear, transparent and consistent framework to implement the provisions of the Convention in Albanian legislation was established, including a clearer and more effective scheme of responsibility within the governmental administration;
- (ii) Practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, not only during preparation of individual projects, are in place, including through development of detailed procedures and practical measures to implement article 25 of the Environmental Impact Assessment (EIA) Law of Albania;
- (iii) The public which may participate is identified;
- (iv) Notification of the public is made at an early stage for projects and plans, when options are open, not when decisions are already made;
- (v) Notification of the entire public which may participate, including non-governmental organizations (NGOs) opposed to the project, is provided, and notifications are announced by appropriate means and in an effective manner so as to ensure that the various categories of the public which may participate are reached, and records are kept of such notifications;
- (vi) The locations where the draft EIA can be inspected by the public before public meetings are publicized at a sufficiently early stage, giving members of the public time and opportunities to present their comments;

(vii) Public opinions are heard and taken into account by the public authority making the relevant decisions to ensure meaningful public participation.

(b) Take particular care to ensure early and adequate opportunities for public participation in any subsequent phases in the permitting process for the industrial and energy park and the associated projects;

(c) Take or elaborate, as appropriate, the above measures in consultation with relevant NGOs;

(d) Draw up and submit to the Committee an action plan for implementing the above recommendations and provide to it, by 15 January 2008, information on the measures taken and the results achieved in implementation of the above recommendations.

4. The above findings and recommendations of the Committee are contained in the addendum to the report of the sixteenth meeting of the Committee (ECE/MP.PP/C.1/2007/4/Add.1).

5. The Committee prepared a draft of this document at its nineteenth meeting (5–7 March 2008) and sent it to the Party concerned and the communicant for comments. No comments were received from the Party concerned. The communicant notified the Committee that it had had several meetings with the Ministry of Environment of Albania since the adoption by the Committee of its findings and recommendations. In its discussions with the Ministry, the communicant had put forward proposals with regard to practical implementation of the Convention, including a proposal that information on applications for permits be made available on the Ministry's website, some practical suggestions on how to collect public comments and several other relevant suggestions.

6. The Committee notes with appreciation the action plan and the report submitted by the Party concerned on measures taken to address the above recommendations (ECE/MP.PP/C.1/2007/8, para. 25).

7. It welcomes the progress made by the Party concerned in implementing the above recommendations, in particular through the development of a time-specific action plan and initiating development of a Government regulation on public participation procedures, including consultations with NGOs.

8. The Committee considers that while the measures undertaken by the Party concerned demonstrate some progress made towards achieving compliance with article 3, paragraph 1, and articles 6 and 7 of the Convention, it would be premature to conclude that the Party concerned is no longer not in compliance with the Convention, as the action plan and other relevant measures are still at an early stage of implementation.

9. The Committee recommends to the Meeting of the Parties, pursuant to paragraph 35 of the annex to decision I/7 and taking into account the cause and degree of non-compliance as well as measures taken by the Party concerned in the intersessional period, to:

(a) Endorse the original findings and recommendations of the Committee as adopted at its sixteenth meeting;

(b) Welcome progress made by the Party concerned in implementing the Committee's recommendations since their adoption in June 2007;

(c) Invite the Government of Albania to submit to the Committee periodically, namely in November 2008, November 2009 and November 2010, information on the progress in implementing the recommendations of the Committee;

(d) Request the secretariat, and invite relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

(e) Undertake to review the situation at its fourth meeting.
