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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

DRAFT DECISION III/6

GENERAL ISSUES OF COMPLIANCE

Draft decision prepared by the Bureau*

Addendum

DRAFT DECISION III/6a

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

* This document was submitted on the above date because it could only be prepared by the Bureau following the finalization of the corresponding findings of the Compliance Committee at its nineteenth meeting (5-7 March 2008)

The Meeting of the Parties,

Acting under paragraph 37 of the annex to decision I/7 on review of compliance,

Taking note of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2008/5 and Add.1), as well as the addendum to the report of its sixteenth meeting (ECE/MP.PP/C.1/2007/4/Add.1), with regard to a case concerning public participation in the decision-making on the planning of an industrial park comprising, inter alia, oil and gas pipelines, installations for the storage of petroleum, three thermal power plants and a refinery near the lagoon of Narta,

Encouraged by Albania's ongoing willingness to discuss in a constructive manner the compliance issues in question with the Committee and to take measures implementing the Committee's recommendations in the intersessional period,

1. *Endorses* the findings of the Committee that:

(a) By failing to implement the requirements of article 6, paragraphs 3, 4 and 8, in connection with article 7 of the Convention in its decision-making process on an industrial and energy park, the Government of Albania was not in compliance with those provisions of the Convention;

(b) By failing to ensure arrangements enabling adequate public participation on the early stages of decision-making on the first power plant project in Vlora, the Government of Albania 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;

2. *Welcomes* the recommendations that were made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7 (ECE/MP.PP/2007/4/Add.1, paras. 96–99) and Albania's willingness to accept them;

3. *Welcomes* also the progress made by Albania in implementing the Committee's recommendations since their adoption in June 2007 and its preparation of an action plan for the implementation of the Convention;

4. *Invites* the Government of Albania to continue taking relevant measures to implement the recommendations of the Committee with a view to bringing about full compliance with the relevant provisions of the Convention, inter alia, through the implementation of the action plan developed by it, and in particular 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 is 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 Environment Impact Assessment 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 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 Environmental Impact Assessment 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 in order 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 non-governmental organizations;

5. *Also invites* 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;

6. *Requests* the secretariat, and invites 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;

7. *Undertakes* to review the situation at its fourth meeting.
