

21 May 2020

Mr. Dorian Matlija
Res Publica

Mr. Theodoros Alexandridis
International human rights law expert

Ms. Edlira Dersha
Ministry of Tourism and Environment
Albania

Dear Mr. Matlija and Mr. Alexandridis,
Dear Ms. Dersha,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Albania with articles 6 and 9(2) and (3) of the Convention in connection with the construction of a playground

I refer to the communication submitted on behalf of Mr. Artan Manushaqe, Mr. Andi Tepelena and Mr. Ervin Goci on 29 May 2018. The communication alleged that Albania failed to comply with articles 6 and 9(2) and (3) of the Convention in connection with the construction of a playground in a park in Tirana.

In my email of 22 November 2019, I informed you that at its sixty-fifth meeting (Geneva, 4-8 November 2019), the Committee determined the communication to be inadmissible. I write now to provide you with the reasoning for the Committee's determination of inadmissibility.

After considering in closed session the information received, the Committee at its sixty-fifth meeting determined the communication to be inadmissible under paragraph 20(d) of the annex to decision I/7 for being incompatible with the provisions of the Convention on the grounds that (a) the communicants had failed to demonstrate that the children's playground was an activity listed in annex I of the Convention, and thus subject to article 6, and thereby article 9(2) of the Convention; and (b) since the Administrative Court of First Instance of Tirana, in its judgment no. 3578 of 12 May 2016, had considered the communicant's challenge regarding the children's playground on its merits, the communicants had failed to demonstrate how they had been denied access to judicial procedures under article 9(3) of the Convention.

If the communicants consider that the Committee's determination that the communication is inadmissible was based on a manifest error, they may request a reconsideration of the Committee's determination of inadmissibility. Any such request must be submitted to the secretariat, with a reasoning of no more than 1200 words (2 pages A4 size), no later than Thursday, 25 June 2020, i.e. five weeks from today. Please note that a request for reconsideration is not an opportunity to provide information or evidence that could have been provided earlier.

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