Distinguished members of the Committee,

Thank you for the honour of addressing you regarding a case that has gathered significant interest in Albania and led the President of Albania's Office to file the first submission regarding a state party's own compliance with the Aarhus Convention.

Turning to the admissibility of the present communication, I would like to note that the communicants – all of whom are residents of Tirana- have sought to exhaust all available and potentially effective remedies at their disposal. Thus in 2016 they filed both a request for interim measures as well as an action on the merits of their complaint. Following the rejection of their requests in both sets of proceedings, they appealed both decisions. Regarding the interim measures, their appeal was also rejected while regarding their lawsuit on the merits, their appeal which is pending is certain to be rejected, thus necessitating an appeal on points of law before the High Court. The reasoning of all decisions is identical, namely that the communicants do not have legal standing to challenge the construction of the recreational facility in question – a facility of 4,000 square meters surface constructed in an area of national importance- as their personal rights and interests have not been affected and that, as the facility in question is not *explicitly* mentioned in Annex II to the Convention, the provisions of the Aarhus Convention are not applicable. As a result, the domestic courts have successively held, both in the communicants' but also in cases brought by other claimants regarding the same set of facts, that the authorities were under no obligation to hold any kind of public consultation, to carry out an environmental impact assessment – even though the domestic law explicitly calls for such an assessment, in view of the fact that the facility was built within an area of national importance - or to allow the judicial review of the decision to construct the facility. While the communicants will continue pursuing their lawsuit on the merits of the case currently pending before the Administrative Appeals Court (following the construction of the recreational facility, further litigation regarding the interim measures is devoid of purpose), the lack of awareness of the provisions of the Aarhus Convention by the Albanian judges – as acknowledged by the Albanian Government in their 2017 National Implementation Report- together with the considerable backlog accumulated in Albanian courts due to the on-going justice reform (it is estimated that under ideal circumstances it would take at least 18 years for the High Court to clear its present backlog), the communicants' prospects of success are illusory.

Concluding, the communicants believe that their case meets both criteria of admissibility laid down in section 21 of Decision I/7 of the Meeting of the Parties, namely the pertinent domestic remedies are both unreasonably prolonged and obviously do not provide an effective and sufficient means of redress.

Thank you.