

**ANNEX 3**  
**BACK-TO-OFFICE REPORT ON CULTURAL PROPERTY ISSUES, JULY 2006**

# OFFICE MEMORANDUM

DATE: July 27, 2006

TO: Charles M. Feinstein, Sector Manager, ECSIE

FROM: Henk Busz, Lead Advisor, ECSIE, ECA (Consultant), Arlene Fleming, Cultural Resource Specialist and Safeguards Advisor (Consultant), Artan Guxho, Project Officer (ECSIE)

EXTENSION: 3-2686

**SUBJECT: Albania: Power Sector Generation and Restructuring Project Cultural Resources [P077526] - Back to Office Report for Supervision Mission – July 9 to 15, 2006**

1. In accordance with our terms of reference, dated July 7, 2006, we carried out a mission to Albania from July 9 to 15, 2006, to determine whether supplementary information and investigation were needed to meet the requirements of the World Bank's policy OPN 11.03 (Management of Cultural Property in Bank-financed Projects) and the Albanian laws and regulations governing protection of cultural heritage in the context of the Power Sector Generation and Restructuring Project. The mission's findings and a list of principal persons met follow below. Detailed information is attached in annexes.

## **Executive Summary**

2. The mission held extensive discussions with principal Albanian archaeologists, including those with national responsibility for protecting and managing the country's physical cultural resources. Mission members also reviewed the archaeological literature related to Vlore Bay, and visited the project site selected for construction of the thermal power plant. Based on this investigation, the mission concluded that the site is not of archaeological significance due to the known locations of the ancient city sites in the Vlore Bay region and the lack of any evidence of human habitation during digging for the adjacent fishing harbor in the early 1980s and beyond. Consequently, a surface survey of the selected site prior to the start of construction is neither necessary nor justifiable.

3. In accordance with Albanian law and World Bank requirements, excavation for the foundations of the plant and related structures should be monitored by a qualified person from the Albanian Institute of Archaeology, in order to salvage and document any chance finds. The Institute should be alerted and arrangements made for this monitoring at the appropriate time.

4. Given the above conclusions, the project complies with OPN 11.03 and the relevant Albanian laws and regulations governing protection of cultural heritage. Aside from monitoring excavation during the construction of the plant and its related structures, no further actions related to cultural heritage are required for this project.

## Mission Findings

4. **The power plant site is neither of cultural heritage significance nor of archaeological interest.** The six-hectare site is located on the shore of Vlore Bay, adjacent to an offshore oil tanker terminal situated on the Adriatic coast. The site is mostly scrub land adjacent to a small fishing port on the south and to a crescent-shaped expanse of sandy shoreline on the north. This shore ends several hundred meters south of the small, elevated Cape of Treport on which is located the remains of an ancient settlement. The project site is approximately 2,300 m. south of Treport, and about six km. north of the city of Vlore, accessed by a rough road running through a degraded industrial area that includes a large abandoned soda factory on mercury-contaminated ground. A wooded area, with trees planted in rows about 50 years ago, serves as a buffer between the industrial zone and the power plant site. The sandy shore to the north of the site is used for bathing, but is considerably less attractive than the beaches located in the city of Vlore, and along the coastline to the south. The industrial zone is in stark contrast to the spectacular natural beauty of the extensive Vlore Bay region, including the low mountains to the east of the city and the undeveloped highlands of the Karaburuni Peninsula on the western shore. (See Annex 1 for maps and photographs of the site and environs.)

5. Three prominent Albanian archaeologists stated emphatically to the mission that the power plant site is not of archaeological interest and that a surface survey prior to the start of construction is not warranted. Two of the three are key officials in the Government of Albania, responsible for the protection of cultural heritage: Prof. Dr. Muzafer Korkuti, Director of the Institute of Archaeology; and Prof. Dr. Apollon Bace, Director of the Institute of Cultural Monuments. The third is Dr. Neritan Ceka, a noted archaeologist and cultural historian, and author of numerous articles and books on the ancient history of Albania, as well as guidebooks to several archaeological sites. Dr. Korkuti has conducted excavations and extensive surface surveys in near-by regions of the country. Dr. Bace has excavated at numerous sites, including Treport, and during the 1980s monitored construction at the fishing port adjacent to the power plant site, where no evidence of human habitation was discovered. He accompanied the mission to Vlore and participated in the inspection of the power plant site. (A letter from Dr. Bace, of June 13, 2006, attesting to the historical and archaeological insignificance of the site is provided in Annex 2, together with references for archaeological research on Treport and Vlore.)

6. **The ancient settlement on the Cape of Treport did not extend to the project site area.** Treport is a registered national monument of Albania, designated for protection by the government. It is an archaeological site, lying in ruins, and virtually inaccessible by automobile. Sporadic excavations began in the early 20<sup>th</sup> century and were conducted most recently by Vasil Bereti during the late 1980s and early 1990s. According to Bereti, the site was inhabited from the late seventh century B.C. to around the second century B.C. (I thought it was AD) when it was abandoned. These dates are based on analysis of walls and pottery, some of which is of Corinthian Greek manufacture. A wall, now submerged at the edge of the bay, measured some 600 m. in length, running approximately east-west along the coast. It is assumed to be part of the settlement fortification. The boundaries of the city have been established but the burial ground is undiscovered. In accordance with custom, it would likely have been located in-land on high ground rather than near the coast, at a distance of 500 m. to one km. (Korkuti said 300-500 m., acc. To my notes and recollection) from the settlement, according to Dr. Korkuti, Director of the Institute of Archaeology.

7. **Following abandonment of the Treport site, settlement moved to Aulona, now modern Vlore.** There are literary references to Aulona in the late antique period; the earliest substantial remains of the town are parts of fortification walls dated to the 4<sup>th</sup> century A.D. by the presence of coins found near-by. These walls are preserved *in situ* near the national

independence monument in Vlore. During the medieval period the city continued to grow with the construction of a castle and port. The port is still in use.

8. **The Albanian law for protection and management of cultural heritage contains requirements for preparation and implementation of construction projects.** The Institute of Cultural Monuments and the National Centre of the Cultural Properties' Inventory within the Ministry of Culture, Youth and Sports, and the Institute of Archaeology, have responsibility for physical cultural resources under Albanian law. The applicable legislation is the Law Number 9058 for the Cultural Heritage, April 7, 2003. (See Annex 3 for the text.)

9. Regarding project planning, Article 47 of the Law states that investors in construction projects, such as roads, airports, industrial works, and housing centers, undertaken on state or private property, must consult with experts in the Institute of Archaeology and the Institute of Cultural Monuments during the planning stage. The experts determine whether there are valuable archaeological or ethnographic features on the property, and if this is the case, and modifications of the project are required, expenses for such changes must be covered by the investors.

10. In regard to project implementation, Article 48 states that during construction works, if objects of archaeological or ethnological value are discovered, work must be suspended immediately. Within three days, those responsible for the works must inform the local authorities, the Institute of Archaeology and the Institute of Cultural Monuments, who must investigate and report on the value of the discoveries and make recommendations on whether the work should continue. If the finds are of significant value, the construction project may be modified or interrupted, and expenses for any modifications to the project, as well as for scientific research, restoration and preservation of the material discovered, are to be borne by the investor.

11. Article 49 (j) sets the penalty for violating Articles 47 and 48 at from 1,000,000 to 5,000,000 leks. Section 2 of this Article states that damage caused to unique objects of the cultural heritage constitutes a crime and it is prosecuted according to penal legislation.

12. **The project complies with World Bank policy and regulations for safeguarding cultural resources.** OPN 11.03 (Management of Cultural Property in Bank-financed Projects), was in force during the preparation and approval stages of the project. (See Annex 4.) This policy states that management of cultural resources is the responsibility of the client country government; however, the Bank generally assists in the preservation of cultural properties and seeks to avoid their elimination. Before proceeding with a project involving large-scale excavations, movement of earth, surficial environmental changes or demolition, Bank staff must determine what is known about the cultural property aspects of the proposed project site. The attention of the government should be drawn specifically to this subject, and appropriate agencies, NGOs or university departments should be consulted. If there is any question of cultural property in the project area, a brief reconnaissance survey should be undertaken in the field by a specialist.

13. The World Bank's Standard Bidding Documents cover chance finds encountered during project implementation. Section VII General Conditions, Article 4.24 for Procurement of Works, states that: "All fossils, coins, articles of value or antiquity, and structures and other remains or items of geological or archaeological interest found on the Site shall be placed under the care and authority of the Employer. The Contractor shall take reasonable precautions to prevent Contractor's Personnel or other persons from removing or damaging any of these findings." Contract documents for the project should include these provisions, and procedures required by Albanian law must be followed.

### **List of Principal Persons Met**

#### **Ministry of Economy, Trade and Energy**

Mr. Gjergji Bojaxhi – Deputy Minister

Mr. Bujar Leka – Director, Foreign Relations Department

#### **KESH**

Mr. Andi Beli – General Director

Ms. Denisa Saja – Environmental Expert

#### **Ministry of Tourism, Culture, Youth and Sports**

Ms. Suzana Turku – Vice Minister

Prof. Dr. Apollon Bace – Director, Institute of Cultural Monuments

Ms. Nora Malaj – Vice Director, Institute of Cultural Monuments

Mr. Ymer Yzeiri – Director, Regional Department of Monuments and Culture in Vlore

#### **Parliament of Albania**

Prof. Dr. Neritan Ceka – Archaeologist and writer; Parliament Deputy for Vlore;  
President of the Democratic Alliance Party

#### **Municipality of Vlore**

Ms. Drita Aga – Deputy Chair, Municipal Council of Vlore

Mr. Halim Dervishaj – Deputy Mayor of Vlore

#### **Institute of Archaeology, Albanian Academy of Sciences**

Prof. Dr. Muzafer Korkuti – Director, Institute of Archaeology; Editor in Chief, *Iliria Review*, published by the Archaeological Institute of the Albanian Academy of Sciences

#### **Civic Alliance for the Protection of Vlora Bay**

Dr. Ardian Klosi – Executive Director, German-Albanian Cultural Society; Philologist;  
Editor of the *Shekulli* newspaper

#### **World Bank Office in Albania**

Mr. Nadir Mohammed – Country Manger

Ms. Greta Minxhozi – Senior Country Operations Officer

**Distribution:**

*Mission Members:*

Messrs./Mmes. Busz, Fleming (Consultants); Guxho (ECSIE).

*Region*

Albania DL, ECSIE Sector Staff, ECACA Sector Staff, ECA Fiduciary

IRIS

## **ANNEX 1**

**Back to Office Report on a Mission to Assess the Potential Impact on Cultural Heritage  
of a Thermal Power Plant at Vlore, Albania**

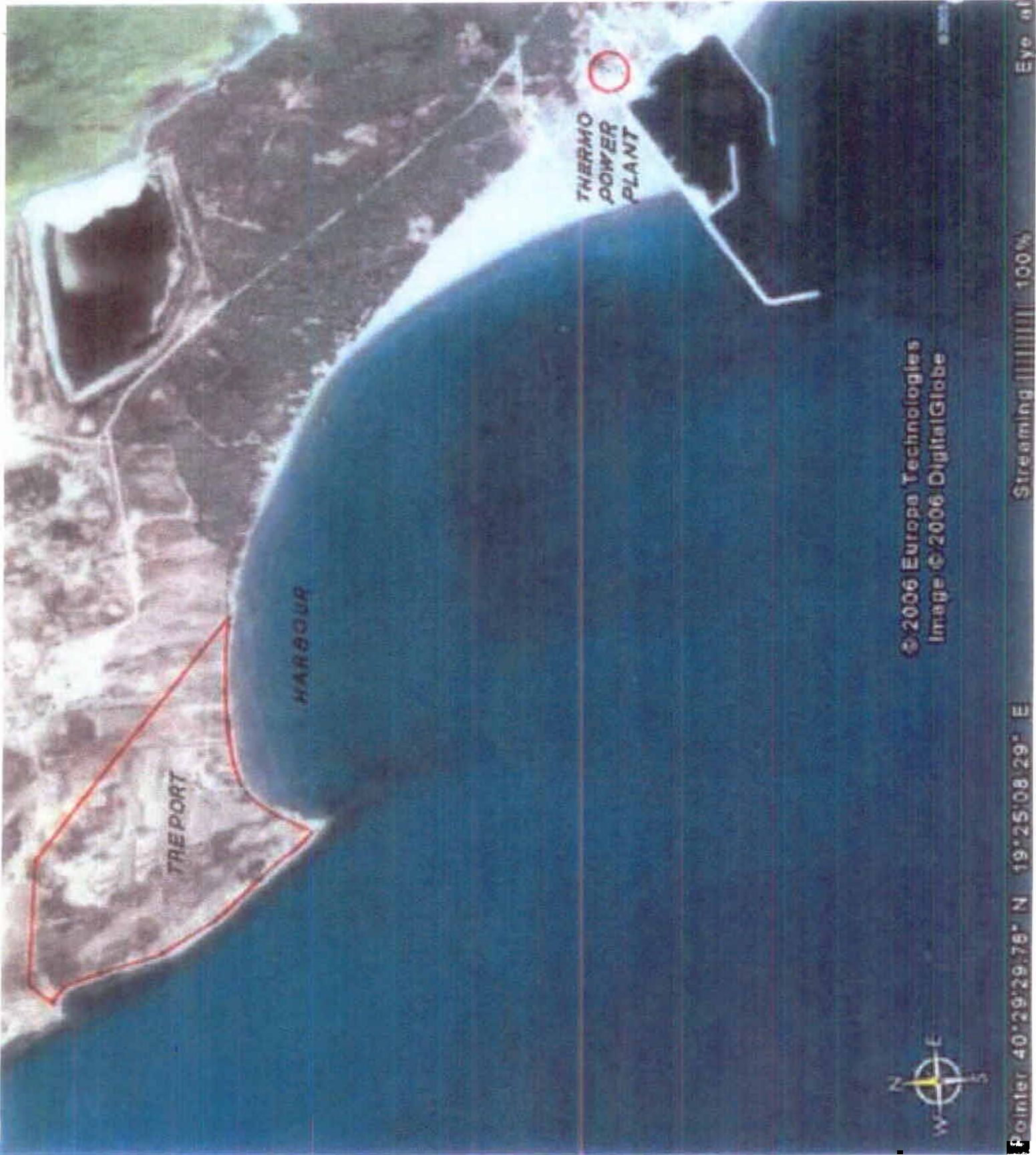
**July 2006**

**Contents:**

**Map 1: Ancient city of Treport and Power Plant site on Vlore Bay**

**Map 2: Treport, Power Plant site and ancient remains in Vlore (formerly Aulona)**

**Photographs**



TREPOT

HARBOUR

THERMO  
POWER  
PLANT



© 2006 Europa Technologies  
Image © 2006 DigitalGlobe

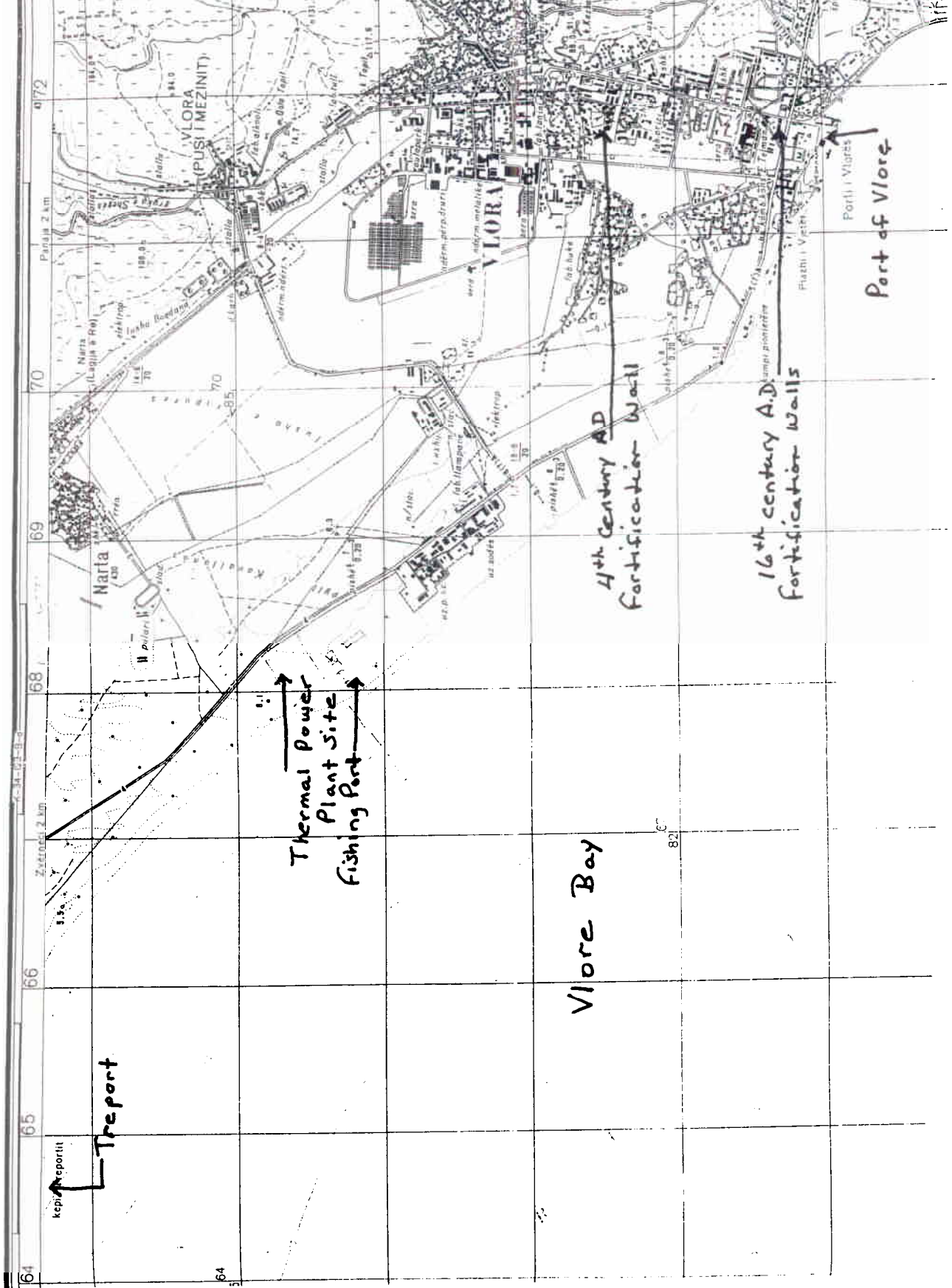
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SHTABI PERGJITHSHEM  
K-34-123-D-b (VLORA)





Pic. 1. View of power plant site facing North



Pic. 2. Power plant site facing fishing port



Pic. 3. Power plant site facing fishing port



Pic. 4. Abandoned factory on access road to power plant site



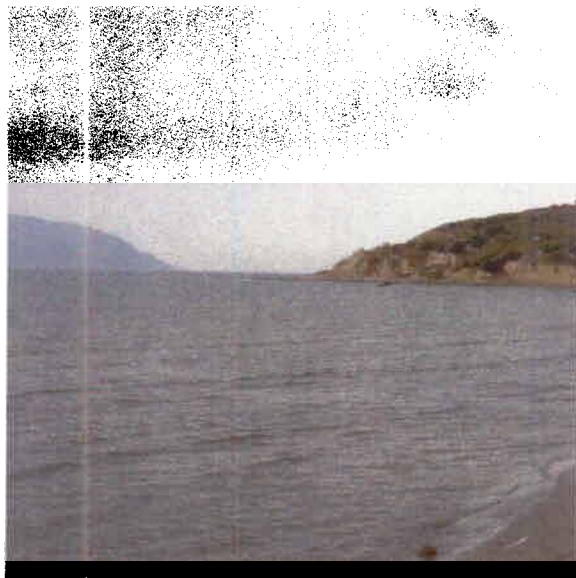
Pic. 5. View of Vlore Bay with Karaburuni Peninsula in the background



Pic 5. Vlore Bay – view toward Treport



Pic 7. Beach North of power plant site



Pic. 8. Vlore Bay – view toward Treport

## ANNEX 2

Back to Office Report on a Mission to Assess the Potential Impact on Cultural Heritage  
Of a Thermal Power Plant at Vlore, Albania

July 2006

Contents:

**Letter from Prof. Dr. Apollon Bace, Director of the Albanian Institute of Cultural  
Monuments to Nadir Mohammed, Country Manager, World Bank Office  
in Albania, regarding ancient remains in Treport and Aulona (modern  
Vlore), June 13, 2006**

**References on ancient remains in Treport, Vlore/Aulona and the Vlore Bay region**

**REPUBLIKA E SHQIPËRISË**

**INSTITUTI I MONUMENTEVE TË KULTURËS**

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Nr. 174 Prot

Tiranë, më 13, 06. 2006

Prof. Dr. Apollon Baçe,  
Director of Institute of Cultural Monuments  
Tirana, Albania  
Mobile +355 6820 78646  
e-mail apollonbace@hotmail.com

To: Nadir Mohammed  
Country Manager, WB Albania

Cc: Mr. Paul Wolfowitz,  
President WB

Prof. Dr. Sali Berisha,  
Premier of Republic of Albania

Mr. Iftikhar Khalil,  
Task Team Leader, WB

Mr. Shpëtim Gjika  
Mayor of Vlora

Mrs. Anna Kohen  
President of Albanian- Jewish Committee of New York

Honorable Sir,

In light of our conversation, and stemming from the concerns and arguments presented by Dr. Anna Kohen, President of Albanian-Jewish Committee of New York, against the construction of the thermal power plant (TEC) in Vlora, I would deem it fit to present you with the archeological and historical background for this area.

This summary contains my views in the position of the Director of the Institute of Cultural Monuments of Albania, which is legally responsible for the protection of Cultural Monuments, and with the responsibility of the historian and archeologist who has done the study, sounding and excavations in the centers of Vlora Bay, particularly in Aulona- Treport ( Apollon Baçe, "Les centres fortifies du Golf de Vlore", "Monumentet", 10, 1975, pages 5-21, "La citadele de Vlora" "Monumentet", 5-6, 1973, pages 43-54, " La ville fortifiee de Kanine", "Monumentet", 7-8 1974, pages 25-54 etc.)

1. Aulona (Treport) mentioned by Ptolemeus (III 12, 2) as a town outfitted with a pier and later mentioned by the Itinerary of Antoninus (I.R. 323 10, 608 10), the Naval Itinerary of Antoninus (It Mar. 323) and Tabula Peutingeriana (TP 559) as one of the starting points of Via Egnatia (Dyrrah- Apoloni- Aulona) is located north of the Vlora Bay.

The Acropolis of the town is located in a hill near the seacoast (830x150m) (photo 1, 2) while the ceramics, the traces of a temple and a road, discovered during our excavations (Apollon Baçe, Monumentet 10) testify that the down town was located in the hill slope and partly in the field of the fortified town.

The traces of the pier 650 m long are photographed by the Italian archeologist L. M. Ugolini (Albania Antica, Roma 1927) (photo 1, 2), and which we have

followed under the surface of water are clearly seen in a satellite photo of the bay. (Photo 3).

These traces testify that the town had a rectangle shape reaching a surface of about 30 ha (photo 3). According to our soundings and to those of our colleagues (Vasil Bereti, Halil Myrto, "Iliria 1997", 86, 92, 93) the life in this town flourishes during the 3<sup>rd</sup> century BC up to the 3<sup>rd</sup> century AC. It faded and finished at the end of 3<sup>rd</sup> century.

2. The place where the thermal power plant (TEC) is expected to be constructed (its nearest edge with the antic town) is 2300 m far from Aulona – Treport. The possibility of town expansion in this zone, in a surface 400-500 ha, absolutely unfamiliar for the period, is impossible, given the fact that the towns of that period were not built in flat defenseless terrains.

During the excavation for the building of the pier in the point where TEC is going to be build, we have not found any ceramics or other traces of any time.

3. According to the Albanian legislation (The law "For Cultural Heritage" Nr. 9048, date: 07.04.2003) "in archaeological centers ...are prohibited the new constructions that damage the existing objects" (article 29), that is excluded in the case, and "for cultural monuments is determined a surface around them as their protected zone that fits their architectonic values "(article 32).

In the practice of the Institute of Cultural Monuments, in an analogue case in the Antic- Middle age town of Durrës is the expanding of the protected zone at about 50 m far from the surrounding wall. Considering this fact, the building of the TEC in a distance of 2300 m far away from the traces of Aulona is not in violation of the law for the protection of monuments.

4. However, taking into consideration the above mentioned concern and the verbal request of the representatives of the World Bank, the Institute of

Cultural Monuments undertakes the responsibility of following the excavations for the opening of the TEC foundations through the Regional Directory of Cultural Monuments in Vlora and the Department of Rescue Archaeology of the Institute who will be present during all the excavations' period. Also, the excavations will be supervised by the director of the Institute, Prof. Dr. Apollon Baçe, who has an archaeological experience more than 35 years and is also a member of the German Archaeological Institute.

5. Dr. Anna Kohen, President of Albanian -Jewish Committee of New York, raises the concern that "Treport/ Aulona has tremendous importance for the history of the Jewish people in the Mediterranean... in 1492 hundreds of Sephardic Jews escaping Spanish Inquisitions landed in Treport/ Aulona. As a result Vlora became the third largest Jewish community in the Mediterranean"

With all due respect for the erudition of my colleague of archaeology Dr. Kohen and her impressive professionalism, I'd like to emphasize that due to not being directly aware of the terrain, Dr. Kohen searches middle age Aulona in the Treport, while after the fading of life in the Antic Aulona of the 3<sup>rd</sup> century, during the 4<sup>th</sup> century the life of the town has moved to the existing town of Vlora (5,8 km far from TEC) where are discovered the walls of the fortification and other material traces.

6. The existence of Vlora during the middle ages in this place is testified by the fragment of the German knight Von Harf. According to him, "Vlora is a big village with 2000 hearths and higher than them is a mountainous castle named Kano (Kanina) (Monumentet 5-6). This castle, directly above the quarter of Harbor of Vlora (14 km far from TEC), can't be seen from the ancient town of Treport/ Aulona.



Meanwhile, during the 15 century , in this territory of Vlorë Port was located the Castle of Vlorë outfitted with a pier for ship landing (Apollon Bace, "La citadelle de Vlorë" Monumentet 5,6) (Monumentet 10). The traces of this castle have come into light recently.

Considering the fact that Sephardic Jews arrived in Vlorë from Spain only with big ships and landing normally, not clandestinely, they couldn't land in a shallow sea or unpopulated area, but obligatory in a port.

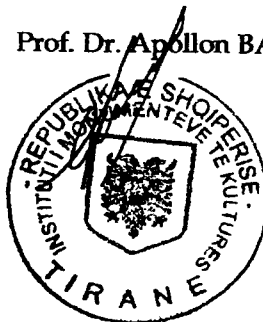
Therefore the place where they landed, certainly of a great spiritual value for the Jewish community, particularly for the Albanian- Jewish one, should be searched in the current town of Vlorë and not in the place where the Thermal Power Plant is going to be built. As a result, spiritual values for this community gains the town of Vlorë, 14 km far from TEC and not the beach near the ancient city of Trepot/ Aulona.

7. Based on the above mentioned, as the authorized person by the Albanian Government for the protection of Monuments, I responsibly declare that the building of TEC in Vlorë, in the determined place, is not in opposition with the archeological and historical data or the Albanian legislation.

Sincerely yours

Director of the Institute of Cultural Monuments

Prof. Dr. Apollon BACE



## References on ancient remains in Treport, Vlore/Aulona and the Vlore Bay region

### Treport

- Bace, Apollon, Letter to Nadir Mohammed, Country Manager, World Bank Office in Albania, June 13, 2006
- Bereti, Vasil, Archaeological reports in *Iliria*: 1984:2, pp. 263-64; 1985:2, pp. 318ff; 1992: 1 and 2, pp. 143ff; 1993: 1 and 2, pp. 148ff.
- Korkuti, Muzafer and Karl M. Petruso, "Archaeology in Albania," *American Journal of Archaeology*, Vol. 79, No. 4, October 1993, p. 729.

### Vlore/Aulona

- Bace, Apollon, Letter to Nadir Mohammed, June 13, 2006
- \_\_\_\_\_ "Vlora Fortress," *Monumentet*, 1973, pp. 43-54
- \_\_\_\_\_ "The Fortified City of Kanina," *Monumentet*, 1974, pp.25-54
- \_\_\_\_\_ "Fortified Centers in Vlora's Bay during Antiquity," *Monumentet*, 1975, pp. 5-21
- Komata, Damian, Archaeological reports in *Iliria*: 1986:2, pp. 269-70; 1987:2, pp. 258-60; 1988:2, pp.270-271; 1989:2, pp. 297-98; 1990:2, pp. 272-74
- Korkuti, Muzafer and Karl M. Petruso, "Archaeology in Albania," *American Journal of Archaeology*, Vol. 79, No. 4, October 1993, p. 740
- [www.bashkiaviore.org](http://www.bashkiaviore.org) "The History of Vlora," 2005

### Vlora Bay region

- Bace, Apollon, Letter to Nadir Mohammed, June 13, 2006
- \_\_\_\_\_ "Fortified Centers in Vlora's Bay during Antiquity," *Monumentet*, 1975, pp. 5-21
- Ceka, Neritan, *The Illyrians to the Albanians*, Migjeni, Triana, 2005
- Republic of Albania, List and map of registered monuments in the Vlora Bay region, in *Albania Integrated Coastal Management and Clean-up Program, Heritage Assets Mapping*, Final Report, 18 March 2005

ANNEX 3 AVAILABLE ON REQUEST

Back to Office Report on a Mission to Assess the Potential Impact on Cultural Heritage  
of a Thermal Power Plant at Vlore, Albania

July 2006

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Albanian Law Number 9058 for the Cultural Heritage, April 7, 2003

AVAILABLE ON REQUEST

ANNEX 4

Back to Office Report on a Mission to Assess the Potential Impact on Cultural Heritage of a Thermal Power Plant at Vlore, Albania

July 2006

Contents:

**World Bank Operational Policy Note (OPN) 11.03 – *Management of Cultural Property in Bank-financed Projects***

(This was the applicable policy from 1986 until April 15, 2006 when it was replaced by OP/BP 4.11 – *Physical Cultural Resources*)

Physical Cultural Resources Country Profile for Albania (draft) – Word version ; see website display at: <http://esd.worldbank.org/pcr>

**ANNEX 4**  
**DRAFT FINDINGS OF THE**  
**AARHUS CONVENTION COMPLIANCE COMMITTEE**

## DRAFT FINDINGS AND RECOMMENDATIONS

with regard to compliance by Albania with its obligations under the Aarhus Convention in a case concerning public access to information and participation in decision-making on the construction of an industrial park and a thermal power plant (Communication ACCC/C/2005/12 by the Alliance for the Protection of the Vlora Gulf (Albania))

### I. INTRODUCTION

1. On 27 April 2005, the Albanian non-governmental organization (NGO) Alliance for the Protection of the Vlora Gulf (also translated as Civil Alliance for the Protection of the Vlora Bay) submitted a communication to the Committee alleging violation by Albania of its obligations under article 3, paragraph 2; article 6, paragraph 2; and article 7 of the Aarhus Convention.
2. The communication alleged that the Party concerned had failed to notify the public properly and in a timely manner or to consult the public concerned in the decision-making on planning of an industrial park comprising of, inter alia, oil and gas pipelines, installations for the storage of petroleum, three thermal power plants and a refinery near the lagoon of Narta, on a site of 560 ha inside the Protected National Park. The communicant also alleged that the Party failed to make appropriate provision for public participation in accordance with article 7 of the Convention. The full text of the communication is available at <http://www.unece.org/env/pp/pubcom.htm>.
3. The communication was forwarded to the Party concerned on 29 June 2005, following a preliminary determination by the Committee that it was admissible. At the same time, the Committee requested the communicant to present some clarifications and additional information, in particular on any use made of domestic remedies.
4. The Party concerned responded on 25 November 2005, disputing the claim of non-compliance. It stated, inter alia, that:
  - (a) The government had not made a decision on the development of the proposed industrial park as a whole;
  - (b) A decision-making process for the establishment of a thermal electric power station (TEP) was under way, but no decision on an environmental permit had been taken;
  - (c) The public had been provided with timely and adequate access to information about construction of the thermal electric power station;
  - (d) The government had never received any request for information on the projects from the communicant;
  - (e) The public had had the possibility to participate in the decision-making process for the TEP, as three public meetings had been organized at different stages of the process (feasibility study, scoping and environmental impact assessment), with participation of local citizens and NGOs;
  - (f) Since the government had not made any final decisions yet on the projects, there was nothing to be challenged through the courts or other appeal bodies in Albania by the communicant.

5. The Committee discussed the communication at its tenth meeting (5-7 December 2005), with the participation of a representative of the communicant (Mr. Ardian Klosi) who provided additional information. The Party concerned had also been invited to send a representative but had declined to do so. The communicant was asked to provide additional information and to answer several questions in written form within four weeks. The Committee also asked the secretariat to seek certain additional information from the government, which was done by letter of 16 December 2005.

6. The communicant answered the questions by letter of 7 January 2006, providing additional information and several documents in Albanian with summaries in English. In its letter, the communicant alleged that there had been no public participation in decisions concerning the proposed industrial energy park. It maintained that there had been only pro forma public participation in the TEP project, because most of those who had participated were governmental employees and functionaries from one political party. The communicant also alleged that the state-owned Albanian Electrical Energy Corporation (Korporata Elektroenergjetike Shqiptare or KESH) had only announced the public discussion on the construction of the TEP and the documents had only been made available in February 2004, after the Environmental Impact Assessment (EIA) process had already been finished. The communicant further alleged that there had been no public information or public participation with respect to the decision-making processes concerning the proposed Albanian-Macedonia-Bulgaria Oil (AMBO) pipeline (see para. 44 below).

7. The communicant sent a further letter to the Committee on 1 February 2006 containing additional information about alleged plans of the Albanian government to issue a final license to the Italian-Romanian company La Petrofilera which would allow it to start operating a large coastal terminal for the storage of oil and oil by-products in the Bay of Vlora without any public participation having taken place.

8. Having received no response from the Party concerned to its request of 16 December 2005 for additional information by the time of its eleventh meeting (29-31 March 2006), the Committee sent a second request on 12 April 2006, asking for additional information and some clarifications.

9. On 12 June 2006, the Party concerned provided the Committee with the text of three decisions of the Council of Territorial Adjustment of the Republic of Albania, all dated 19 February 2003. Decision No. 8 approved the use of the territory for the development of an industrial and energy park; Decision No. 9 approved the construction site for a coastal terminal for the storage of oil and oil by-products and associated port infrastructure in Vlora; and Decision No. 20 approved the construction site of the TEP in Vlora. The Party concerned also sent the Committee a chronology of the participation of the public in the decision-making process for the TEP, stating that the procedures had been in accordance with national and international law.

10. As the Party concerned had not fully answered the Committee's questions, on 5 September 2006, the secretariat wrote on behalf of the Chairperson requesting it to provide additional information before the thirteenth meeting of the Committee (4-6 October 2006). In its response,

sent to the secretariat on 21 October 2006, the Party concerned answered some of the outstanding questions. However, it failed to answer a number of other questions, including questions on public notification and participation procedures in the decision-making process for the industrial energy park; nor did it discuss the time frame for appeal to the court or provide a copy of the decision of the Albanian Parliament on funding of the TEP.

11. On 20 November 2006, the secretariat sent a further letter to the Party concerned on behalf of the Chairperson reiterating the request for the missing information and posing a few additional questions. It was also agreed to return to the discussion phase at the fourteenth meeting of the Committee, and consequently both the Party concerned and the communicant were notified accordingly and invited to participate.

12. On 1 December 2006, the Party concerned answered in some detail a question about the possibilities for access to administrative and judicial review, providing new information about Albania's Ombudsman and the role of the courts in the Constitution and laws of Albania. However, it did not answer a question on whether there was a possibility of appeal before a final decision had been taken. It also failed to answer a crucial question about notification of the public and public participation in decision making on the industrial park. Finally, it did not send four documents requested by the Committee.

13. Meanwhile, at its eleventh meeting, the Committee had decided to seek information from the World Bank and the European Bank for Reconstruction and Development (EBRD), as two of the main financing institutions for the TEP. It noted that the project was subject to their procedures, including procedures related to information and participation issues. The secretariat sent letters to both institutions on 27 July 2006 inviting them to provide any relevant information, including whether the World Bank's Inspection Panel was or had been addressing the issue.

14. The World Bank office in Tirana responded in a letter dated 2 August 2006 that it was not and had never been involved in the development of the industrial park project, but that it had consistently advised the Government of Albania that the development of any facility planned to be included in such a park should be subject to an appropriate environmental assessment. Regarding the thermal power plant in Vlora, the World Bank, EBRD and the European Investment Bank had agreed to finance the project and consultants funded by the United States Trade and Development Agency had selected the location based on a detailed siting study, taking into consideration environmental issues. According to the above letter, the siting study had been followed by preparation of a full Environmental Assessment, during which several scoping sessions and public consultations had been organized, and public input had been taken into account. The Bank stated that the meetings had been well attended by representatives of governmental agencies, universities, NGOs and the general public and had been publicized by Albanian television. According to the Bank, "The entire process was carried out in accordance with Albanian laws and in compliance with applicable EU and World Bank guidelines." Finally, the World Bank letter stated that no complaint had been registered with the World Bank Inspection Panel regarding the Vlora project.

15. The communicant sent a letter to the Committee on 30 September 2006 commenting on the World Bank response. It stated that even if the World Bank was not directly involved in the



industrial park, the Bank was aware of the other components that were envisaged for the industrial park as well as the intention to expand the TEP itself from a capacity of 100 MW up to a capacity of 300 MW. Despite this, public presentations of the project had only addressed the impact and emissions from a 100 MW power plant, thus failing to take into account the future cumulative environmental impact of these projects. Thus, the information presented by the project's proponents during the public consultation process was, in the view of the communicant, 'oriented to disinformation'.

16. The communicant furthermore stated that there was no evidence that intellectuals and NGOs of Vlora had participated in the meeting on 31 October 2002. Besides, this meeting had taken place after the approval of the Siting Study and Feasibility Study. The communicant argued that at that stage there had been a lack of publication of information. It cited the director of the National Agency for Energy, Mr. Besim Islami, who, in answer to a question from a member of the public at the public meeting on 3 September 2003, admitted that "There were not any views taken on this phase from the local government, as this was not requested from the company for the reason of confidence and prudence. In these days and in the last month we have been passing into these explanatory and indispensable procedural meetings."

17. The EBRD in its response of 25 October 2006 to the letter from the secretariat confirmed that it was providing financing for the construction of the TEP and stated that it was not involved in the industrial park. The EBRD Board of Directors had approved the financing for the TEP following its review of the project documentation, including reports on compliance with the Bank's policies and procedures on public consultation. The project was subject to EIA and public consultations that had been carried out in accordance with Albanian EIA legislation and the World Bank's environmental guidelines, which were comparable to the EBRD EIA requirements.

18. The Compliance Committee at its fourteenth meeting (13-15 December 2006) discussed the case with the participation of representatives of both the Party concerned and the communicant, both of whom answered questions, clarified some issues and presented some new information. The Party concerned provided information about current status of the TEP, namely that no applications for environmental, construction or operating permits had been lodged. As far as the industrial energy park was concerned, the only decision made was about its location. Although some questions remained unanswered, the Committee decided to move to the preparation of draft findings and recommendations.

19. The Committee at its eighth meeting (May 2005) had determined on a preliminary basis that the communication was admissible, subject to review following any comments received from both parties. At its fourteenth meeting (December 2006), the Committee confirmed that the communication was admissible.

20. At its eighth meeting, the Committee also discussed the extent to which use had been made of domestic remedies and requested further information from the communicant on this point. After receiving additional information and answers from the communicant, the Committee at its tenth meeting in December 2005 again discussed the question of domestic remedies in the presence of the communicant. The communicant asserted that its attempt to conduct a

referendum against the industrial park was the use of a domestic remedy. The communicant had collected 14,000 signatures (10% of the electorate in Vlora), which was the amount necessary for a referendum according to the Albanian Constitution. However, on 25 November 2005, the Election Committee had refused the request for a referendum. The communicant had then appealed this decision to the court in Tirana despite having doubts about the prospects of a successful outcome. The Supreme Court rejected the appeal in December 2006.

21. In explaining why it had not pursued more traditional channels of administrative or judicial review, the communicant stated in its letter of 7 January 2006 that the “judiciary system in Albania is very slow and sluggish, in many aspects corrupt” and that “there was not a single case up to this day that would have been decided in favour of an environmental complaint or charge”.

22. The Party concerned in its initial response of 25 November 2005 took the position that there were no domestic remedies currently available in the present case: “Since there is no decision taken on the projects, there is nothing to be challenged by courts or other appeal bodies”. However, in its letter of 21 October 2006, the Party concerned stated that “the Albanian legislation does provide for possibilities to appeal for cases when there is noticed failure to provide information or inadequate notification. According to Albanian law, the case can be sent to court for violation of procedures...”. The Party did not indicate at what stage this possibility existed – before or after the decision is made.

23. In its response of 1 December 2006, the Party concerned, in addition to providing a detailed explanation of the possibilities for access to administrative review and to the courts in accordance with the Constitution and legislation of Albania, presented information about access to the Ombudsman. At the fourteenth meeting of the Committee, the representative of the Party concerned stated that access to justice was possible both before and after a decision is made. The communicant in response explained that it had not tried to use the Ombudsman or seek administrative review because it considered that to challenge the decision of the Cabinet of Ministers signed by the Chairman of the Council, who also happened to be the then Prime Minister, was “out of the question”.

## II. SUMMARY OF THE FACTS, EVIDENCE AND ISSUES<sup>1</sup>

24. The communication concerns a proposal to establish an industrial and energy park north of the port of Vlora on the Adriatic coast. The facts relating to proposed energy park itself and some of its envisaged components, notably the TEP, the oil storage facility and the proposed oil and gas pipeline, are summarized in the following paragraphs, taking into account that different components relate to different provisions of the Convention.

### **Industrial and energy park**

25. On 19 February 2003, the Council of Territorial Adjustment of the Republic of Albania approved through Decision No. 8 the site of an industrial and energy park immediately to the

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<sup>1</sup> This section summarizes only the main facts, evidence and issues considered to be relevant to the question of compliance, as presented to and considered by the Committee.

north of the city of Vlora. Through this Decision, signed and stamped by Mr. Fatos Nano, Chairman of the Council, who was the Prime Minister at the time, the Council “Decided: The approval of the territory for the development of ‘The Industrial and Energy Park – Vlore.’” Decision No. 8 furthermore deemed that the Ministry of Industry and Energy “should coordinate work” with various Ministries and other bodies “to include within this perimeter [of the industrial and energy park] the projects of the above mentioned institutions, according to the designation ‘Industrial and Energy Park.’” It stated also that various Ministries “must carry out this decision” and “This decision comes to force immediately.”

26. The Party concerned informed the Committee that the decision had been subject to an EIA procedure; however, the EIA was not detailed, because it was considered that the separate components of the proposed park would each carry their own more demanding EIA requirements.

27. The Committee has not been provided with any evidence of public participation, including notification or public announcement, in the process leading up to Decision No. 8.

28. In October 2005, following a change of government the Prime Minister established an ad hoc commission to consider the economic and environmental aspects of Vlora industrial and energy park project. Three meetings were held with stakeholders, two in Tirana (22 and 29 October 2005) and one in Vlora (11 November 2005). The communicant has not contested that these meetings took place and that they enabled the concerned stakeholders to participate, and it has confirmed that its representatives did indeed participate in them. Its objections relate rather to the perception that there was a lack of willingness to from the proponents of the project, including the Government, to “listen and to take into consideration the opinion and the will of the people”, thereby reducing the decision-making process to “a mere rubber stamp”.

29. The communicant states that it submitted several requests for information regarding the plans for the industrial park to the Ministry of Energy and to the Ministry of the Environment, but that it has never received any answer from them. However, the communicant did not present any evidence to substantiate that statement (e.g. copies of letters, proof of receipt). The Party concerned maintains that no such requests from the communicant have been ‘registered’ by the Ministry of the Environment. The communicant did present a copy of a letter from Ekolevizja (the most well known network of environmental organizations in Albania) to the Ministry of Environment dated 3 March 2005 asking for information about the proposed TEP and oil storage facility in Vlora, to which it had received no response. The communicant did not present proof of receipt of the request.

### **Thermal electric power plant (TEP)**

30. On 19 February 2003, the Council of Territorial Adjustment approved through Decision No. 20 on the construction site of the TEP in Vlora. Through this Decision, signed and stamped by Mr. Fatos Nano, Chairman of the Council, who was the Prime Minister at the time, the Council “Decided: to approve the construction site with a surface of 14 hectares for the facility of the new Prot of Vlora, within the industrial Energy Park... according to the attached layout”. It stated also that the Council of the District of Vlora and the Ministry of Energy and industry should carry out this decision” and “This decision comes to force immediately.”

31. The Committee has not been provided with any evidence of public participation including notification or public announcement in the process leading up to Decision No. 20.

32. The Party concerned informed the Committee that in order to address the problem with electricity supply in Albania, the Ministry for Industry and Energy and KESH began to study the technical and financial viability of installing new base load thermal generation facilities in Albania. KESH asked for funding from EBRD, the World Bank and EIB.

33. The United States Trade and Development Agency (USTDA) awarded a grant to the Government of Albania to assist in the development of the new thermal generation facility. The Albanian Ministry of Industry and Energy hired international consultants Montgomery Watson Harza (MWH) to select the best site and technology, to conduct a feasibility study, and to conduct an environmental impact assessment (EIA) of the proposed facility.

34. Site selection was undertaken during the period April-September 2002. A draft Siting Report was completed on 6 June 2002 recommending Vlora as the best site and distillate oil-fired, base load, combined cycle generation allowing for conversion to natural gas as the best generation technology. On 21 June 2002, the Ministry of Energy and KESH approved the recommendation. MWH then conducted a detailed feasibility study to evaluate the technical requirements and the financial, environmental, and social viability of the proposed generation facility with an installed capacity range of 90 to 130 MW at the selected site. On 21 October 2002, the feasibility study was completed and 'introduced in Vlora'.

35. On 31 October 2002, the Ministry of Energy and Industry convened a public meeting in Vlora to introduce the project and begin the public consultation process. On 21 December 2002, the Council of Territorial Adjustment (Vlora District) approved the choice of the site for the TEP. On 19 February 2003, the Council of Territorial Adjustment of the Republic of Albania confirmed the site of the TEP through Decision No. 20.

36. On 2 April 2003, a public meeting was held in Vlora to discuss the terms of reference for the EIA study (scoping). On 23 July 2003, copies of the draft EIA study were delivered in Vlora for public consultation purposes. On 3 September 2003, a further public meeting was held to discuss the draft EIA study.

37. As regards the participation of the public in the three public meetings referred to in the previous paragraphs, varying degrees of information are available to the Committee:

(a) The introductory meeting on 31 October 2002 was attended by various representatives of national and local authorities as well as, according to the Party concerned, intellectuals and NGOs of Vlora. The communicant disputes the claim that intellectuals and NGOs of Vlora participated. The Committee has repeatedly requested<sup>2</sup> the Party concerned to provide specific information concerning the process of notification for the meeting (for residents, NGOs and other stakeholders) and a list of participants, but no such information has been forthcoming.

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<sup>2</sup> Initially by letter of 16 December 2005.

(b) The meeting on 2 April 2003 to review the scope of the EIA was attended by more than 100 people, 40 of whom signed an attendance sheet a copy of which was made available to the Committee. The communicant commented that “there was not a single NGO represented or any important environmental activist in this meeting” and that public opinion was not taken into account in the decision. It stated that those considered to represent the public presence at this meeting and at the third meeting were mostly members of the local government and the Socialist Party who were promoting the construction of the industrial and energy park. Without directly disputing this, the Party concerned maintained that among those actors it had identified as potential participants in the meeting were environmental and public information NGOs. However, it did not provide the Committee with any details of which of these were invited to participate, or more generally of the steps taken to notify the public concerned.

(c) The meeting on 3 September 2003 to review the draft EIA was attended by some 35 people, a list of whom was included in the EIA study (Appendix E). Of these, five appear to have been technical experts, 15 represented various public authorities, five represented various local enterprises, the affiliation of six was not indicated and four appear to have been associations, including two environmental organizations. Again, information requested from the Party concerned regarding the process of notification of the public concerned which might help to shed light on this apparent imbalance in participation has not been forthcoming.

(d) The Party concerned states that notifications of these meetings “were made available one month prior (according to the information given by the consulting company).”<sup>3</sup> No further information on the manner or content of the notifications has been forthcoming.

(e) The final EIA document, published on 6 October 2003, five weeks after the third public meeting, states that all three meetings ‘were covered by Albanian television stations and broadcast through a segment on the nightly news’.

(f) A document entitled ‘Summary of Environmental Impacts Associated with the Vlore Thermal Power Station’, prepared [by ...] for the purposes of meeting the requirements of EBRD’s public disclosure and consultation procedure, states that “The public was well engaged in a dialogue concerning the project early on in the EIA process. Public announcements were thorough, transparent and well distributed.” It maintains that “direct invitations to attend public meetings were sent to institutions and individuals” and that the process was coordinated closely with (among others) “citizens of Vlore, Vlore University students and faculty, local and national television stations, more than 20 non-governmental organizations (NGOs) and others associated with social and environmental issues.” However, the document does not go into detail as to who was notified or invited to which meeting, and while it does provide some more information concerning the meetings (to some extent reflected in subparagraphs (a) to (c) above) information concerning the first meeting is particularly sparse.

38. The EIA study was finalized on 6 October 2003. On 18 October 2003, KESH issued a press release launching a public discussion on the evaluation of the EIA. It invited all interested parties to participate in an open consultation process and provided information on where the relevant documents could be obtained.

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<sup>3</sup> Letter of 25 November 2005.

39. On 10 February 2004 KESH issued a further press release along similar lines though providing more specific details on where and by what date comments should be submitted and indicating that the suggestions from the public would be included in an annex to the EIA. Specifically, the EIA materials would be available for a 120-day period from 9 February 2004 to 7 June 2004 for public review and comment, in a number of public locations, including in Vlora, in accordance with EBRD's public consultation and disclosure procedure. Announcements containing this information were also placed in various newspapers.

40. The public meetings held in late 2005 referred to in paragraph 28 above, while established to consider the economic and environmental aspects of the industrial and energy park project, appear to have focused on the TEP and should therefore be taken into consideration in reviewing the overall decision-making process for the TEP.

41. No application for an environmental permit, construction permit or operating permit for the TEP has yet been lodged. The only decision that has been taken concerns the location of the TEP.

### **Oil storage terminal and port infrastructure**

42. On 19 February 2003, the Council of Territorial Adjustment of the Republic of Albania approved the construction site for a coastal terminal for storage of oil and by-products and associated port infrastructure through Decision No. 9. On 8 May 2003, the Council of Ministers adopted a decision approving a concession procedure to the benefit of the Italian-Romanian company La Petrolifera. On 13 May 2004, the concession was approved by Parliament. On 11 February 2005, the Council of Ministers adopted a decision registering the land in the name of Petrolifera. Any such facility having a capacity of 200,000 tons or more would fall within the scope of annex I of the Convention. The communicant provided information orally at the fourteenth session, which was not contested by the Party concerned, to the effect that the envisaged capacity was of the order of 500,000 tons.

43. No evidence of public participation in or prior to this sequence of decisions has been presented to the Committee.

### **Oil and gas pipelines**

44. On 5 December 2003, the Council of Territorial Adjustment of the Republic of Albania approved the route of the proposed AMBO pipeline. On 26 April 2004, the Council of Territorial Adjustment (Vlora District) approved the route of the pipeline. No evidence of public participation prior to either of these decisions has been presented.<sup>4</sup>

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<sup>4</sup> The Committee is aware of another proposal for a gas pipeline passing through Vlora, namely the Trans-Adriatic Pipeline proposal from the Swiss company Elektrizitatz Gesellschaft Laufenburg AG for a pipeline which would bring gas from the Caspian, Russia and the Middle East through Greece and Albania to fuel Italian power stations, but has not received any information concerning the decision-making processes involved.

### **National legislative framework**

45. The EIA legislation of Albania has provisions on public debate over projects and the associated EIA reports, with participation of various agencies and stakeholders including “interested people [and] environmental not-for-profit organizations”. The debate should be organized and directed by the responsible local authority, which should within five days of receipt of a consultation request from the Minister of Environment: a) notify the public and environmental not-for-profit organizations and put at their disposal the environmental impact assessment report for a period of one month and b) within one month, organize an open debate with all those interested, notifying participants ten days in advance (art. 20).

46. A separate article, article 26, is dedicated to public participation. Whereas article 20 appears to apply to the stage when the EIA report has been prepared, article 26 provides that the interested public and environmental not-for-profit organizations may participate in all phases of the environmental impact assessment decision-making process. The Minister of Environment is required to determine with a separate normative act the duties of environmental organs in order to guarantee the participation of the public and of environmental not-for-profit organizations in this process.

47. The legislation does not have a provision on appeal to a court or another independent judicial body. Instead, in case of irregularities in the EIA process, the public may request the Minister of the Environment to carry out a partial or full review of the process of environmental impact assessment and the Minister is required to reply within twenty days from receipt of request. This is distinct from the appeal possibilities referred to by the Party concerned in its letter of 1 December 2006 (see para. 23 above), according to which the Code of Administrative Procedures gives the right to initiate or participate in administrative processes and procedures for administrative review as well as for appeals whereby any person may make a motion to nullify, cancel or change of administrative decisions.

48. According to the EIA legislation, strategic environmental assessment is required *inter alia* for strategies and action plans on energy, industry, transport, territory adjustment, national and regional plans, industrial areas, coastal areas, tourism areas, protected areas (art.5). Procedures, deadlines and parties’ obligations in all phases of strategic environmental assessment process shall be the same as for projects requiring the more in-depth process of environmental impact assessment.

### **III. CONSIDERATION AND EVALUATION BY THE COMMITTEE**

49. Albania deposited its instrument of ratification of the Convention on 27 June 2001. The Convention entered into force for Albania on 25 September 2001.

50. The Convention, as a treaty ratified by Albania, is part of the Albanian legal system and is directly applicable, including by the courts. The Party concerned has stated that some aspects of the Convention have been transposed into national law, but has not been specific about this.

## A. Admissibility and use of domestic remedies

51. As mentioned under paragraph 20 above, the Committee found the communication to be admissible. Nonetheless, the Committee does have some concerns about the limited extent to which the communicant made use of domestic remedies. The communicant did not try to apply to a court or another independent or impartial body established by law, either about the alleged refusal of the information requests (as entitled under article 9, paragraph 1), or about the alleged failure of the public authorities to notify the public concerned about the proposed activities in an adequate, timely and effective manner and to take into account its concerns (under the article 9, paragraph 2).

52. The communicant attempted to justify this at one point by asserting that Albanian legislation did not provide domestic judicial or similar remedies of the kind envisaged under article 9; at another stage, by reference to its lack of confidence in the ability of the Albanian courts to safeguard its interests in an effective way, referring to the judicial system as ‘slow and sluggish, in many aspects corrupted’ and asserting that ‘there was not a single case up to this day that would have been decided in favour of an environmental complaint or charge’. Furthermore, it considered its efforts to raise signatures and thereby precipitate a referendum to be a form of domestic remedy, albeit not in a conventional sense.<sup>5</sup>

53. Decision I/7 of the First Meeting of the Parties of the Aarhus Convention says that the Committee should "*take into account any available domestic remedy*" (emphasis added). As previously noted by the Committee (MP.PP/C.1/2003/2, para. 37), this is not a strict requirement to exhaust domestic remedies. The Party concerned said in November 2005 that there was no domestic judicial remedy that could be used before the decision was taken, as there was nothing that a court could consider. A year later, the Party concerned presented general information to the effect that according to the Constitution and laws of Albania, there was access to administrative review, Ombudsman and courts. The first statement of the Party concerned could be seen to imply that the three decisions the text of which it submitted to the Committee in June 2006 (see para. 9 above) were not subject to appeal, which was also the position of the communicant (see para. 23); by contrast, its second statement indicated that they could have been appealed. In any event, there appears to be a certain lack of clarity with regard to possibilities to appeal certain decisions.

54. The Committee regrets the failure of both the Party concerned and the communicant to provide, in a timely manner, more detailed and comprehensive information on the possibilities for seeking domestic remedies. Furthermore, it does not accept the communicant's assertion that it has tried all possible domestic remedies. Nonetheless, in the face of somewhat incomplete and contradictory information concerning the availability of remedies, also from the side of the Party concerned, the Committee cannot reject the allegations of the communicant that domestic remedies do not provide an effective and sufficient means of redress.

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<sup>5</sup> The reasons why the Election Committee, and subsequently the Supreme Court, rejected this initiative despite the requisite number of signatures having supposedly been obtained remain unclear to the Committee.



**B. Legal basis**

55. As is clear from section I, the case concerns a number of different issues and proposed activities: the energy and industrial park, the TEP, the oil storage facility, the oil and gas pipelines, among others. Each of these issues and proposed activities has its own decision-making processes, and to a certain extent they relate to different provisions of the Convention.

56. During the discussion on the case which took place at the Committee's fourteenth meeting (13-15 December 2006), the communicant indicated that the various decisions of the Albanian authorities referred to in the communication were parts of an overall construction and development plan, about the existence of which the public had not been informed. No evidence or further information to substantiate this allegation has been made available to the Committee. Consequently, the Committee has not addressed this issue in its findings and conclusions. The Committee, however, notes that where such overall plans exist, they might be subject to provisions of the Convention and that, in any event, meaningful public participation, generally speaking, implies that the public should be informed that the decisions subject to public participation form parts of an underlying overall plan where this is the case.

57. The Committee decides to primarily concentrate on the issue of public participation with regard to the making of three decisions by the Council of Territorial Adjustment of the Republic of Albania, all made on 19 February 2003, namely Decision No. 8 (approving the site of the proposed industrial and energy park), Decision No. 9 (approving the construction site for the proposed coastal terminal for storage of oil and by-products and associated port infrastructure) and Decision No. 20 (approving the construction site of the proposed TEP). This approach is in line with the Committee's understanding, set out in its first report to the Meeting of the Parties (ECE/MP.PP/2005/13, para. 13), that Decision I/7 does not require the Committee to address all facts and/or allegations raised in a communication. This procedural decision by the Committee to focus on these issues does not prevent it from addressing other aspects of the case.

58. The three decisions have in common that they are crucial for the entire decision-making in relation to these sites, constructions and activities. The Committee will first have to consider whether the relevant decisions amount to decisions on specific activities under article 6 of the Convention, or decisions on plans under article 7. The Committee, in one of its earlier decisions pointed out that "When determining how to categorize a decision under the Convention, its label in the domestic law of a Party is not decisive. Rather, [...it] is determined by the legal functions and effects of a decision..." (ECE/MP.PP/C.1/2006/4/Add.2, para. 29). Also as previously observed by the Committee (ECE/MP.PP/C.1/2006/2/Add.1, para. 28), the Convention does not establish a precise boundary between article 6-type decisions and article 7-type decisions.

59. Decision Nos. 9 and 20 concern activities of types that are explicitly listed in annex I of the Convention. Paragraph 1 of annex I refers to 'Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more'. Paragraph 18 refers to 'Installations for the storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tons or more'. Other paragraphs of the annex may also be relevant to Decision No. 9. As regards Decision No. 8, industrial and energy parks are not listed in annex I as such, even though many of the activities that might typically take place within such parks are listed. If an

EIA involving public participation for such a park were required under national legislation, it would be covered by paragraph 20 of annex I.

60. Decisions Nos. 9 and 20 are decisions that simply designate the site where the specific activity will take place and a number of further decisions to issue permits of various kinds (e.g. construction, environmental and operating permits) would be needed before the activities could proceed. Nevertheless, on balance, they are more characteristic of decisions under article 6 than article 7, in that they concern the carrying out of a specific annex I activity in a particular place by or on behalf of a specific applicant.

61. Decision No. 8 on the industrial and energy park, on the other hand, has more the character of a zoning activity, i.e. a decision which determines that within a certain designated territory, certain broad types of activity may be carried out (and other types may not).<sup>6</sup> This would link it more closely with article 7.

62. The proposed industrial and energy park includes several separate construction projects, each of which would require various kinds of permits. From the information received from the Party concerned and the communicant is not clear is the extent to which the industrial park itself, as distinct from its components, would require further permitting processes, which would in turn allow opportunities for public participation. This too might be a factor distinguishing Decision No. 8 from Decision Nos. 9 and 20, because it is clear that the latter decisions will be followed by further permitting decisions for the respective projects.

63. Taking into account the fact that different interpretations are possible with respect to these issues, the Committee chooses to focus on those aspects of the case where the obligations of the Party concerned are most clear-cut. In this respect, it notes that the public participation requirements for decision-making on an activity covered by article 7 are a subset of the public participation requirements for decision-making on an activity covered by article 6. Regardless of whether the decisions are considered to fall under article 6 or article 7, the requirements of paragraphs 3, 4 and 8 of article 6 apply. Since each of the decisions is required to meet the public participation requirements that are common to article 6 and article 7, the Committee has decided to examine the way in which those requirements have or have not been met.

64. The Committee is aware that at least two of the three decisions that it has chosen to focus on would need to be followed by further decisions on whether to grant environmental, construction and operating permits (and possibly other types of permit) before the activities in question could legitimately commence. However, public participation must take place at an early stage of the environmental decision-making process under the Aarhus Convention. Therefore it is important to consider whether public participation has been provided for at a sufficiently early stage of the environmental decision-making processes in these cases.

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<sup>6</sup> In reaching this conclusion, the Committee notes the definition of “plans” in the EC Guide for Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment:

“Plan is one which sets out how it is proposed to carry out or implement a scheme or a policy. This could include, for example, land use plans setting out how land is to be developed, or laying down rules or guidance as to the kind of development which might be appropriate or permissible in particular areas.” Definition of “program” is “the plan covering a set of projects in a given area... comprising a number of separate construction projects...”

[http://www.unece.org/env/sea\\_ec\\_guide/sect3.htm#Ref/7](http://www.unece.org/env/sea_ec_guide/sect3.htm#Ref/7)

## **C. Substantive issues**

### **Industrial and energy park**

65. The Party concerned has informed the Committee that there was “no complex decision taken on the development of industrial park as a whole”. It has emphasized that Decision No. 8 of the Council of Territorial Adjustment of the Republic of Albania “On the Approval of the Industrial and Energy Park - Vlore”, which approved the development of ‘The Industrial and Energy Park – Vlore’, was just a location (siting) decision. However, this does not detract from its importance, both in paving the way for more specific decisions on future projects and in preventing other potentially conflicting uses of the land. Several Ministries were instructed to carry out this decision. The decision came into force immediately. It is clear to the Committee that this was a decision by a public authority that a particular piece of land should be used for particular purpose, even if further decisions would be needed before any of the planned activities could go ahead.

66. No evidence of any notification of the public concerned, or indeed of any opportunities for public participation being provided during the process leading up to this decision, has been presented to the Committee by the Party concerned, despite repeated requests. The documents provided by the Party concerned do not demonstrate that the competent authorities have identified the public that may participate, as requested under article 7 of the Convention, and that they have undertaken necessary measures to involve the members of the public into the decision-making. To the contrary, the evidence provided suggests that the opponents were not properly notified about the possibilities to participate. The Committee is therefore convinced that the decision was made without effective notification of the public concerned, which ruled out any possibility for the public to prepare and participate effectively during the decision-making process. Given the nature of the decision as outlined in the previous paragraph, even if public participation opportunities were to be provided subsequently with respect to decisions on specific activities within the industrial and energy park, the requirement that the public be given the opportunity to participate at an early stage when all options are open was not met in this case. Because of the lack of adequate opportunities for public participation, there was no real possibility for the outcome of public participation to be taken into account in the decision. Thus the Party concerned failed to implement the requirements set out in paragraphs 3, 4 and 8 of article 6, and consequently was in breach of article 7.

### **Thermal electric power plant**

67. Contrary to the decision-making process leading up to the designation of the site of the industrial and energy park, the decision-making process relating to the proposed TEP involved some elements of public participation, e.g. public notifications, public meetings, availability of EIA documentation and so on. However, as regards Decision No. 20, dated 19 February 2003, which establishes the site of the TEP, the only element of public participation in this phase of the process appears to have been the public meeting that took place in Vlora on 31 October 2002. The issues of who was notified of the meeting and invited to participate in it, the content of the notification, and who actually participated, are therefore important. As mentioned above (para.

37(a)), the Party concerned asserted that among those who participated in the meeting were “intellectuals and NGOs of Vlora” This assertion has been strongly disputed by the communicant. Unfortunately, despite repeated requests by the Committee, the Party concerned has failed to provide specific information on these points. The obscure circumstances around the meeting in October 2002, and the failure of the Party concerned to provide anything to substantiate the claim that the October meeting was duly announced and open for public participation, clearly point to the conclusion that the Party concerned failed to comply with the requirements for public participation set out in paragraphs 3, 4 and 8 of article 6 of the Convention.

68. The two meetings that took place on 2 April 2003 and 3 September 2003, respectively, obviously occurred after the adoption of Decision No. 20, and therefore cannot be considered as events contributing to the involvement of the public in that decision. Thus, they do not mitigate the failure of the Party concerned to comply with the Convention in the process leading to Decision No. 20 of 19 February 2003.

69. Even so, the Committee wishes to make a short comment on these meetings as well, since they also give rise to concern. No information has been provided by the Party concerned to demonstrate that the meetings in April and September 2003 were publicly announced, so as to make it possible also for members of the public opposing the project to actively take part in the decision-making. Nor has the Party concerned been able to give any reasonable explanation as to why the rather strong local opposition to the project, indicated by the 14,000 people calling for a referendum, was not heard or represented properly at any of these meetings. It is thus clear to the Committee that the invitation process also at this stage was selective and insufficient. The only public notification, in the form of newspaper advertisements, that was presented to the Committee related to meetings that took place later in 2004. Thus the Committee notes that, despite some subsequent efforts to improve the means for public participation, there were several shortcomings also in the decision-making process after February 2003.

### **Oil storage terminal and port infrastructure**

70. Decision No. 9 approving the construction site for a proposed coastal terminal for storage of oil and by-products and associated port infrastructure appears to have been adopted without any prior public participation. Assuming that the proposed oil storage terminal would have a capacity of more than 200,000 tons (see para. 42), it is an activity falling within the scope of annex I of the Convention. Considered under either article, the lack of public participation possibilities leading up to the decision represents a failure to implement the requirements set out in paragraphs 3, 4 and 8 of article 6.

### **Oil and gas pipelines**

71. The Committee notes that pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km are listed in paragraph 14 of annex I of the Convention and therefore subject to the full set of public participation requirements under article 6. The AMBO pipeline and other pipeline proposals have not been a particular focus of the Committee’s attention, and the Committee has not received sufficient information from the

Party concerned or the communicant to be in a position to conclude whether or not there was a failure of compliance with the Convention.

#### **Requests for Information, Article 4**

72. With regard to the allegations of the communicant that several requests for information were refused or ignored (para. 29 above), the Committee is concerned that at least some information requests to the government may not be registered or dealt with properly. However, in the absence of more concrete evidence, including proof that the requests were received by the public authorities in question, the Committee is not in a position to find that there was a failure to comply with article 4 of the Convention.

#### **Clarity of the framework, Article 3, paragraph 1**

73. The Committee is concerned about the lack of a clear, transparent and consistent framework to implement the provisions of this Convention in Albanian legislation. In particular, there is no clear procedure of early notification of the public (by public announcement or individual invitations, before a decision is made), identification of the public concerned, quality of participation, or taking the outcome of public meetings into account. Besides the fact that the Committee had difficulties to obtain information from both parties who did not answer all its questions in a timely and comprehensive manner and that it still has some questions unanswered, the Committee considers that the Party concerned should take the necessary legislative, regulatory and other measures to achieve compatibility between the provisions implementing the information, public participation and access-to-justice provisions of the Convention.

#### **Process of developing findings and recommendations**

74. As a general remark on the processing of the communication, the Committee is concerned by the fact that it has taken more than two years to prepare findings and recommendations in this case. This is at least partly attributable to the initial lack of engagement of the Party concerned in the process (as evidenced not least by the fact that it did not accept the invitation to participate the discussion at the eleventh meeting of the Committee), and to the difficulties in obtaining timely, accurate and comprehensive answers from both the Party concerned and the communicant.

### **IV. CONCLUSIONS**

75. Having considered the above, the Committee adopts the findings and recommendations set out in the following paragraphs.

#### **A. Main findings with regard to non-compliance**

76. With respect to the proposed industrial and energy park (paras. 65-66), the Committee finds that the decision by the Council of Territorial Adjustment of the Republic of Albania to allocate territory for the Industrial and Energy Park of Vlora (Decision No. 8 of 19 February 2003) falls

within the scope of article 7 and is therefore subject to the requirements of article 6, paragraphs 3, 4 and 8. The Party concerned has failed to implement those requirements in the relevant decision-making process and thus was not in compliance with article 7.

77. With respect to the proposed thermal electric power plant (paras. 67-69), the Committee finds that the decision by the Council of Territorial Adjustment of the Republic of Albania on the siting of the TEP near Vlora (Decision No. 20 of 19 February 2003) is subject to the requirements of article 6, paragraphs 3, 4 and 8. Although some efforts were made to provide for public participation, these largely took place after the crucial decision on siting and were subject to some qualitative deficiencies, leading the Committee to find that the Party concerned failed to comply with the requirements in question.

78. With respect to the proposed coastal terminal for storage of oil and by-products and associated port infrastructure (para. 70), the Committee finds that the decision by the Council of Territorial Adjustment of the Republic of Albania on the siting of this facility near Vlora (Decision No. 9 of 19 February 2003) is subject to the requirements of article 6, paragraphs 3, 4 and 8. The failure of the Party concerned to provide for public participation possibilities leading up to that decision represents a failure to implement those requirements.

79. 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 (para. 73).

## **B. Recommendations**

80. [Noting that the Party concerned has agreed that the Committee take the measure referred to in paragraph 37 (b) of the annex to decision I/7,] the Committee, pursuant to paragraph 36 (b) of the annex to decision I/7, [has adopted] the recommendations set out in the following paragraphs.

81. The Committee recommends that the Party concerned take the necessary legislative, regulatory, administrative and other measures to ensure that:

(a) A clear, transparent and consistent framework to implement the provisions of the Convention in Albanian legislation is established;

(b) In order to comply with article 7 of the Aarhus Convention, “practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment” are in place not only during preparation of individual projects, including through development of detailed procedures and practical measures to implement article 25 of the EIA Law of Albania;

(c) The public which may participate is identified;

(d) Notification of the public is made at an early stage for projects and plans, when options are open, not when decisions are already made;

(e) 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 kept of such notifications;

(f) 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.

(g) Public opinions are heard and taken into account by the public authority making the relevant decisions in order to ensure meaningful public participation;

82. Having regard to paragraph 37 (d), in conjunction with paragraph 36 (b), of the annex to decision I/7, the Committee recommends the Party concerned to 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.

83. The Committee also recommends that the measures proposed in paragraphs 80 to 82 be taken or elaborated, as appropriate, in consultation with relevant NGOs.

84. The Committee invites the Party concerned to draw up an action plan for implementing the above recommendations and to submit this to the Committee by 15 September 2007.

85. The Committee invites the Party concerned to provide information to the Committee by 15 January 2008 on the measures taken and the results achieved in implementation of the above recommendations.

86. The Committee 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 the measures referred to in paragraphs 80 to 88.

87. The Committee resolves to review the matter no later than three months before the third meeting of the Parties and to decide what recommendations, if any, to make to the Meeting of the Parties, taking into account all relevant information received in the meantime.

**ANNEX 5**  
**WORLD BANK RESPONSE TO DRAFT FINDINGS OF THE**  
**AARHUS CONVENTION COMPLIANCE COMMITTEE**



ORSALIA KALANTZOPOULOS  
Country Director and Regional Coordinator for  
Southeast Europe  
Europe and Central Asia Region

May 15, 2007

Mr. Jeremy Wates  
Secretary  
Convention on Access to Information, Public Participation in Decision-making and  
Access to Justice in Environmental Matters (Aarhus Convention)  
United Nations Economic Commission for Europe  
Environment, Housing and Land Management Division  
CH- 1211 Geneva 10, Switzerland

Dear Mr. Wates:

*Your Ref.: Draft Findings and Recommendations of the Aarhus Convention Compliance  
Committee with regard to communication  
(ACCC/C/2005/12; Draft Findings version 23 March 2007)*

Referring to your letter dated 29 March 2007, the World Bank has received the invitation from the Aarhus Convention Secretariat to respond to the Draft Recommendations and Findings set forth by the Aarhus Convention Compliance Committee as per the above references.

The World Bank wishes to note its appreciation for the diligent and transparent manner in which the Committee has carried out its work, and the opportunity to comment on the Draft. The World Bank is fully supportive of the Aarhus Convention and will continue to support its implementation as requested by its member governments, as well as through the relevant World Bank safeguard policies and practices.

The World Bank also recognizes that the Aarhus Convention is binding upon its member states, and that the requested response regarding issues of compliance with the Convention is directed to Albania.

Nevertheless, the World Bank takes note of certain draft findings and recommendations by the Committee, principally, the following paragraphs that relate to the World Bank financed project: 15-16, 31, 37, 64, 67-69, 77 and 81-86. In regard to these paragraphs, the World Bank respectfully submits its comments as follows:

#### Project Scope

*15. The communicant sent a letter to the Committee on 30 September 2006 commenting on the World Bank response. It stated that even if the World Bank was not directly involved in the industrial park, the Bank was aware of the other components that were envisaged for the industrial park as well as the*

*intention to expand the TEP itself from a capacity of 100 MW up to a capacity of 300 MW. Despite this, public presentations of the project had only addressed the impact and emissions from a 100 MW power plant, thus failing to take into account the future cumulative environmental impact of these projects. Thus, the information presented by the project's proponents during the public consultation process was, in the view of the communicant, 'oriented to disinformation'.*

**Comment.** The TEP project was prepared and appraised independently from the other projects mentioned (Industrial and Energy Park; Oil storage terminal and port infrastructure; Oil and gas pipelines).

The TEP funded by the World Bank, the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) is designed as a stand-alone project and would be implemented as such. The project contemplates the construction/rehabilitation of: (i) an undersea pipeline; (ii) an off-shore fuel oil tanker terminal and (iii) distillate fuel handling and storage facilities, to provide fuel dedicated to the TEP. These project components carry an additional cost of about €10million out of a total estimated projected cost of €90million. If the TEP were associated with the oil storage terminal and port infrastructure mentioned in the Request, then the €10 million component related to supplying fuel for the TEP would not have been required, since it would have duplicated investments for items (i)-(iii) above. The least cost solution would have been to supply fuel to the TEP using much cheaper on-shore pipelines connecting it to the oil storage terminal and port infrastructure or the Industrial and Energy Park.

The EIA and public consultations for the TEP focused on the impact and emissions of a 100MW plant. However, the potential and requirements for future expansion to 300 MW were mentioned and studied. For example, the Final Environmental Impact Assessment – Vlore Combined Cycle Generation Facility (MWH Consulting, October 6, 2003), contains the following information:

*Page 89:* “Reduction in transmission system losses and voltage profile improvement – Albania's power system has a low voltage profile. The development of a new plant in the system, whether its capacity is 100 or 300 MW, will affect the voltage profile of the power system. Any voltage improvement to the power system provides direct financial benefit to the owner of the system through lower fuel costs, less electricity imports, etc. Transmission is a critical factor in determining the viability of a new generation facility. As a result, it was given a high level weighting.

“Transmission availability and proximity – MWH also evaluated the transmission capacity of the site (100 and 300 MW) as well as its proximity to the nearest interconnection point. Since the development of new transmission lines and towers to the nearest interconnection point can be extremely costly, MWH gave this criteria a high level weighting.”

*Page 231:* Includes a slide from the presentation used in the second consultation meeting of April 2, 2003, where under the title “Project Highlights” It is stated “Capacity Size 80-110 MW, with Possible Expansion to 300 MW”

*Volume 2 Final EIA Addendum, Page 1:* “The installed capacity of the Project will depend upon equipment offers during the EPC bidding process, but will be in the 90 to 130 MW range. However, all analyses performed for the Final EIA were based on the largest potential capacity size.”

*Page 6, note b on Table A.1:* “b Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001, On the limitation of emissions of certain pollutants into the air from large combustion plants. If the total plant capacity exceeds 300 MW, then the SO<sub>2</sub> limit is more restrictive, depending on the size of the plant.”

See also the references in three different newspaper articles of November 1, 2002 (Annex 1-3), where higher capacities are mentioned.

### Public Consultation

*16. The communicant furthermore stated that there was no evidence that intellectuals and NGOs of Vlora had participated in the meeting on 31 October 2002. Besides, this meeting had taken place after the approval of the Siting Study and Feasibility Study. The communicant argued that at that stage there had been a lack of publication of information. It cited the director of the National Agency for Energy, Mr. Besim Islami, who, in answer to a question from a member of the public at the public meeting on 3 September 2003, admitted that “There were not any views taken on this phase from the local government, as this was not requested from the company for the reason of confidence and prudence. In these days and in the last month we have been passing into these explanatory and indispensable procedural meetings.”*

*31. The Committee has not been provided with any evidence of public participation including notification or public announcement in the process leading up to Decision No. 20.*

*37. As regards the participation of the public in the three public meetings referred to in the previous paragraphs, varying degrees of information are available to the Committee:*

*(a) The introductory meeting on 31 October 2002 was attended by various representatives of national and local authorities as well as, according to the Party concerned, intellectuals and NGOs of Vlora. The communicant disputes the claim that intellectuals and NGOs of Vlora participated. The Committee has repeatedly requested<sup>1</sup> the Party concerned to provide specific information concerning the process of notification for the meeting (for residents, NGOs and other stakeholders) and a list of participants, but no such information has been forthcoming.*

**Comment.** The World Bank would appreciate the opportunity to gain further understanding regarding certain timing elements under the Aarhus Convention. To the best of our knowledge, the middle pillar of Aarhus regarding public participation in decision-making has most often

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<sup>1</sup> Initially by letter of 16 December 2005.

been interpreted as within the EIA process. In some cases, there may be varied timing regarding siting, zoning, or other early potential actions by authorities prior to environmental studies being undertaken. For the World Bank, the primary vehicle for input from the public on new projects takes place surrounding the development and elaboration of the environmental impact assessment and we seek to ensure full and fair early participation principally as it relates to the environmental assessment instruments. (Please see footnote 2 on page 6 of this letter).

Nevertheless, in this particular case, we wish to point out that public consultation did indeed take place in October 2002, where the project was presented – including a discussion of alternative sites. This first meeting in October 2002 was to introduce the project to the public and to begin the EIA public consultation process. The minutes of the 2002 meeting, as provided from the records of the Ministry of Economy, note a question (No. 11) from the discussion session in which the public consultation nature of the meeting is emphasized and the Aarhus convention is mentioned. Question No. 16 in the same minutes presents the consideration of alternative sites and the reasons why the Vlore region was selected. The meeting was attended by representatives of the public and NGOs, which were invited directly by the local authorities of Vlore. In addition, the meeting was covered by the media. The following points are of note:

- Letter from the then Minister of Economy Victor Doda to Mr. Iftikhar Khalil (Task Manager for the World Bank), dated November 15, 2002, with Prot. No. 6689/9 referring to the October 2002 meeting “in front of all stakeholders and Non Governmental Organization (based in Vlora) to inform them about this very important project”;
- Report (“The minutes of the presentative meeting on Vlora TEC”) in English;
- Proces Verbal --as above in Albanian; and
- Newspaper articles in three National Albanian Newspapers of November 1, 2002 referring to the public consultation meeting.

Mr. Besim Islami, who headed the process on behalf of the National Energy Agency, stated that invitations for the meetings were sent directly to relevant NGOs identified in Vlore, Vlore University students and faculty, the local and national media, as well as individual citizens. Unfortunately records of the invitation process are no longer available. It was assumed that the record of participants (and their affiliations) as noted in the minutes of the meeting (annex 4), as well as the coverage by local and national media would be sufficient to ensure that consultation of important stakeholders did indeed take place. Mr. Islami maintains that many of those who attended the second consultation meeting on April 2, 2003 (an account of which is presented as an annex to the EIA) were also present at the first meeting.

*67. Contrary to the decision-making process leading up to the designation of the site of the industrial and energy park, the decision-making process relating to the proposed TEP involved some elements of public participation, e.g. public notifications, public meetings, availability of ELA documentation and so on. However, as regards Decision No. 20, dated 19 February 2003, which establishes the site of the TEP, the only element of public participation in this phase of the process appears to have been the public meeting that took place in Vlora on 31 October 2002. The issues of who was notified of the meeting and*

*invited to participate in it, the content of the notification, and who actually participated, are therefore important. As mentioned above (para. 37(a)), the Party concerned asserted that among those who participated in the meeting were "intellectuals and NGOs of Vlora" This assertion has been strongly disputed by the communicant. Unfortunately, despite repeated requests by the Committee, the Party concerned has failed to provide specific information on these points. The obscure circumstances around the meeting in October 2002, and the failure of the Party concerned to provide anything to substantiate the claim that the October meeting was duly announced and open for public participation, clearly point to the conclusion that the Party concerned failed to comply with the requirements for public participation set out in paragraphs 3, 4 and 8 of article 6 of the Convention.*

**Comment.** Please see above discussion on paragraphs 16, 37 (a) and 31.

*64. The Committee is aware that at least two of the three decisions that it has chosen to focus on would need to be followed by further decisions on whether to grant environmental, construction and operating permits (and possibly other types of permit) before the activities in question could legitimately commence. However, public participation must take place at an early stage of the environmental decision-making process under the Aarhus Convention. Therefore it is important to consider whether public participation has been provided for at a sufficiently early stage of the environmental decision-making processes in these cases.*

*68. The two meetings that took place on 2 April 2003 and 3 September 2003, respectively, obviously occurred after the adoption of Decision No. 20, and therefore cannot be considered as events contributing to the involvement of the public in that decision. Thus, they do not mitigate the failure of the Party concerned to comply with the Convention in the process leading to Decision No. 20 of 19 February 2003.*

*69. Even so, the Committee wishes to make a short comment on these meetings as well, since they also give rise to concern. No information has been provided by the Party concerned to demonstrate that the meetings in April and September 2003 were publicly announced, so as to make it possible also for members of the public opposing the project to actively take part in the decision-making. Nor has the Party concerned been able to give any reasonable explanation as to why the rather strong local opposition to the project, indicated by the 14,000 people calling for a referendum, was not heard or represented properly at any of these meetings. It is thus clear to the Committee that the invitation process also at this stage was selective and insufficient. The only public notification, in the form of newspaper advertisements, that was presented to the Committee related to meetings that took place later in 2004. Thus the Committee notes that, despite some subsequent efforts to improve the means for public participation, there were several shortcomings also in the decision-making process after February 2003.*

*77. With respect to the proposed thermal electric power plant (paras. 67-69), the Committee finds that the decision by the Council of Territorial Adjustment of the Republic of Albania on the siting of the TEP near Vlora (Decision No. 20 of 19 February 2003) is subject to the requirements of article 6, paragraphs 3, 4 and 8. Although some efforts were made to provide for public participation, these largely took place after the crucial decision on siting and were subject to some qualitative deficiencies, leading the Committee to find that the Party concerned failed to comply with the requirements in question.*

**Comment.** Meaningful consultation and disclosure are required under World Bank safeguard policies<sup>2</sup>. As the project was classified as Category A, thereby requiring a full environmental assessment, it included public consultations at the design stage of the site-specific environmental assessment (EA) in April 2003 as well as at the draft EA report stage in September 2003. Notification of these consultation meetings was carried out by Government (as per Bank policy), and the minutes of these meetings were included in the final EA report (October 2003). Each of these meetings and the EA report itself reference the alternatives examined under earlier pre-feasibility and feasibility studies in the latter half of 2002; a process which led to the recommendation of the current site in Vlore. The alternatives analysis included a range of analytical criteria, including suitability for the environment. No substantial objections were raised as to the selection of the Vlore site during the EA process from October 2003 through World Bank Board approval on March 16, 2004. Had significant objections been raised during this period on either substantive or procedural grounds, then the World Bank would have considered delaying project preparation until they were adequately addressed. The World Bank considers that the Government's approach met World Bank Operational Policy requirements with respect to the project in question.

International Financial Institutions need to determine how wide a range of associated investments should be considered in their review of projects on a case by case basis. For example, the suggestion raised at one point during preparation that an industrial park could be located near the TEP was an important local issue. It was clear from the Bank's feasibility studies and sector work, however, that Albania's energy needs required a TEP to augment regional supplies in any case and that an industrial park need not be "linked" to it, be it from a technical, financial or due diligence perspective.

We would like to note that in 2002 and 2003, Albania was suffering from power shortages and the government was making every effort to show that it was responding to the situation by developing new projects. The publication of relevant articles in the press shows clearly that the matter was of national interest and the prospects of new power generation in the southern part of the country could only be welcome to alleviate the shortages. During 2003 the project and its EIA were presented and discussed publicly in at least two occasions, the draft final EIA was published and made available for more than 30 days in the Vlore public library before the September 2003 Consultation meeting, and an invitation for comments was issued. In addition, the World Bank has a policy of publishing the EIA for 120 days in its own Infoshop before

<sup>2</sup> Please note that the World Bank's OP4.01 states at paragraph 14: "*For all Category A and B projects proposed for IBRD or IDA financing, during the EA process, the borrower consults project-affected groups and local nongovernmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The borrower initiates such consultations as early as possible. For Category A projects, the borrower consults these groups at least twice: (a) shortly after environmental screening and before the terms of reference for the EA are finalized; and (b) once a draft EA report is prepared.*"

presenting the project to the Board. No significant issues or objections were raised about the project in 2003 up to the World Bank approval of the project in February 19, 2004. The TEP project only became an issue when it was presented, wrongly, as associated with the other projects mentioned in the complaint and again during the 2005 elections.

Respectfully, we submit our view that Bank safeguard policies support the Convention by seeking early and meaningful dialogue. The Bank would welcome an opportunity to ascertain with UN ECE and the Committee those areas where clarity would be helpful in balancing broad programmatic objectives with the practicalities of project-specific due diligence.

#### Recommendations

*81. The Committee recommends that the Party concerned take the necessary legislative, regulatory, administrative and other measures to ensure that:*

*(a) A clear, transparent and consistent framework to implement the provisions of the Convention in Albanian legislation is established;*

*(b) In order to comply with article 7 of the Aarhus Convention, "practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment" are in place not only during preparation of individual projects, including through development of detailed procedures and practical measures to implement article 25 of the EIA Law of Albania;*

*(c) The public which may participate is identified;*

*(d) Notification of the public is made at an early stage for projects and plans, when options are open, not when decisions are already made;*

*(e) 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 kept of such notifications;*

*(f) 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.*

*(g) Public opinions are heard and taken into account by the public authority making the relevant decisions in order to ensure meaningful public participation;*

*82. Having regard to paragraph 37 (d), in conjunction with paragraph 36 (b), of the annex to decision I/7, the Committee recommends the Party concerned to 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.*

*83. The Committee also recommends that the measures proposed in paragraphs 80 to 82 be taken or elaborated, as appropriate, in consultation with relevant NGOs.*

*84. The Committee invites the Party concerned to draw up an action plan for implementing the above recommendations and to submit this to the Committee by 15 September 2007.*

*85. The Committee invites the Party concerned to provide information to the Committee by 15 January 2008 on the measures taken and the results achieved in implementation of the above recommendations.*

*86. The Committee 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 the measures referred to in paragraphs 80 to 88.*

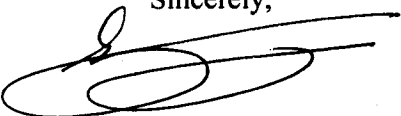
**Comment:** Regarding the recommendations in section B. (paragraphs 81-86), please note that the World Bank welcomes the suggestion by the Committee regarding assistance to Albania in reviewing and enhancing its legal and institutional framework pertaining to the Aarhus Convention, and takes this opportunity to convey to the Convention Secretariat and the Committee that we will soon communicate our interest in providing this assistance. We hope that this will give us an opportunity to collaborate with the Convention in addressing this important matter.

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In closing, the World Bank wishes to advise the Committee that the Inspection Panel has received a Request for Inspection on the subject project. According to the internal process for such Requests, Bank management has until June 1, 2007 to respond to the Panel regarding the claims made in the Request. If during our review of the case we determine the availability of relevant factual information which can be disclosed according to the Bank's disclosure policy, this will be shared with the Aarhus Secretariat through a supplemental letter.

If you have any questions, please do not hesitate to contact me. Both I and our Bank team will be pleased to assist you in your very important endeavors.

Sincerely,

*for* 

Orsalia Kalantzopoulos  
Country Director and Regional Coordinator  
for Southeast Europe  
Europe and Central Asia Region

Attachment





REPUBLIKA E SHQIPËRISË  
MINISTRIA E INDUSTRISE DHE ENERGJITIKES  
Kabineti

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Fax: 355 4 23 40 52

Prot. Nr. 6689/9

November 15, 2002

**Subject:** Following work for New Thermal Power Plant

**To: Mr. Iftikhar KHALIL**

Dear Mr. Khalil,

Since October 2002 we have contacts with Ministry of Environment, Ministry of Territory and Truism, Municipality of Vlora, District of Vlora and Prefecture of Vlora related with approval of Vlora B site for the new Thermal Power Plant. During these meeting we have explain to the participants all advantages and disadvantages of Vlora B site compare with other site based on MWH study.

Also together with Ministry of Environment, Ministry of Territory and Truism, Municipality of Vlora, District of Vlora and Prefecture of Vlora, on 28 October 2002 we have one day long meeting to present in front of all stakeholders and Non Governmental Organization (based in Vlora) to inform them about this very important project. The minutes of this meeting are attached this letter.

Also during this period of time we have work very hard to prepare the following tasks:

- ✓ We have prepared the topographic details presentation for this site including the schematic layout of power plant, the cadastral allocation and power plant units presented in blocks. We need those designs to present in Territory Committee of District of Vlora and Albanian Republic to get the site approved.
- ✓ Also we have done with our institution all detail measurements and analyses about groundwater issues in Vlora B site. These measurements and the report we are sending to you attached this letter.
- ✓ Also we have done with our institution all detail measurements about air pollution. These measurements and the report we are sending to you attached this letter.
- ✓ In mean time we are continuing our efforts for fulfilling all documents needed according the official documentations from Territory Committee of District of Vlora and Albanian Republic to get the site approved.

As a conclusion, as you will see in the attached documents, we are please to inform you that all three Ministries (Energy, Environment and Territory) stakeholders in Vlora agreed with us for the importance of building this power plant in Vlora B site.

Best regards,

**MINISTER**

**Viktor DODA**

# REPORT

## THE MINUTES OF THE PRESENTATIVE MEETING ON VLORA TEC (HELD IN VLORA ON OCTOBER 28, 2002)

Today on October 28. 2002, in presence of:

Mr. Pjeter DEMA	Vice-Minister of Industry and Energy
Mr. Petrit AHMETI	Adviser of Minister for Energy
Mr. Besim ISLAMI	Chairman of National Agency of Energy
Mr. Arben DEMETI	Vice-Minister of Regulation of Territory and Turismus
Mrs. Tatjana HEMA	Vice-Minister of Environment
Mr. Shpetim GJIKA	Prefect of Vlora
Mr. Bashkim HABILAJ	Chairman of Council of District of Vlora
Mr. Niko VEIZAJ	Chairman of Municipality of Vlora

And with participation of the interested persons (see Annex 1 (Participation List), here included)

Was held the presentation meeting of the final Study on New TPP of Vlora, executed by MWH Company.

The Meeting was opened by Mr. Gjika Shpetim, Prefect of Vlora, who presented in front of auditorium the participants in meeting and thanked the working body for the chosing made on appointing Vlora as the city of the TPP to be built (4 Minutes).

The second one who presented the project was Mr. Islami Besimi, Chairman of the national Agency of Energy. He presented the project on all phases extended till now, beginning from idea draft on the building of a new TEC with a high productivity, the chosen of the place, the feasibility study, the technical and environmental aspects of the project. He also made a description of the other steps expected to be undertaken till the full realization of the project. During its presentation were made some short questions, especially on technical issues as for example on the fuel sorts to be used, on the technology to be used, etc. After finishing his presentation Mr. Islami invited the participants to ask questions (20 Minutes).

Here unten is given a summary of the questions made and the answers given on the resulted issues.

1. How much is going to influence on the sea water the hot water temperature, turned back from the cooling of the TPP condensation?

Mr. Islami Besim : The cold water temperature entering into the condendenser as average during all year is 15°C. After cooling in the condenser this temperature is increased on the level of 19-20°C. Moving the pulled out tube into the depth, in a distance 3-5 km from the seaside, is made possible that the sea water temperature to be increased no more than 1.5°C towards its value. This

makes possible the phenomenon avoidance of thermic heating and is within the permitted norms making possible the preservation of the marine flora and fauna (about 3 Minutes).

2. Has been taken in consideration the fact that into lagoon are not poured other water sources except the water sea and that the marine sole is clayey.

Mr. Islami Besim : The cold water is going to be obtained from the sea. The taking and unloading of the cooling water has no connection with lagoon. The full environmental study will make possible to be observed the impact which is going to have on the clayey sole the taking of the sea water. But the preliminary analyses show no negative influence will result (1 Minute).

3. What is the future of the Albanian Energy sector?

Mr. Islami Besim : The Ministry of Industry and Energy, the World Bank and KESH are doing a study on the development of the Albanian Electro energetic Sector. This study will finish on January 2003. Also since July 2002 has begun the work for preparing of National Strategy of Energy from the side of National Agency of Energy in collaboration with Albanian energetic institutions. Both these documents together with Electro energetic Politics will form the future basis for Albanian energetic sector development, in such a way that no crises to be more repeated (2 Minutes).

4. What kind of pollutants are emitted into the atmosphere?

Mr. Islami Besim : To reduce the emissions into the atmosphere has been showed caution since the election of the fuel which is going to be used onto TPP. As a result is going to be used diesel with a sulfur percent not higher than 0.5%. Both this with a very sophisticated technology offered by the combined cycle, especially gas turbines will make possible that the emissions into the atmosphere from this TPP to be within the permitted norms from WB, EIB and EBRD (3 Minutes).

5. Having in consideration that the TPP is near the city, have been analyzed the winds which may push the smokes towards the city?

Mr. Pirro Mitrushi : As here mentioned, the Vlora-City-Gulf, influenced from the Northwest-Southeast and Southwest-Northeast winds. On these conditions, based on the study of the rose of the wind of ex Soda PVC plant, the conditions for the TPP on the zone Vlora B are improved, because the displacement towards Northwest into 2-3 km improves (deviates) the wind movement. It is to underline that the new TPP emissions will be less problematic as those of ex-Soda-PVC Plant. The underlined values are the maximum ones on the case of using a non qualitative distillates with a Sulfur content less than 1% (2 Minutes).

6. Is the water to be taken from TPP to be unsalted?

Mr. Mitrushi Pirro : TPP needs for water are to be resolved : The potable water is to be taken from the water furnishing enterprise of city Vlora; industrial water < 200 m<sup>3</sup>/hour if possible

from the same enterprise, but if this enterprise will not be able to satisfy the needs of TPP, in Project has been foreseen an Unsalted Osmotic Plant of the sea water; the marine cooling water will be taken from the sea and then taken back into the sea. For the needs of boiler, turbines, etc. the project has foreseen as necessary an unsalted milder plant (2 Minutes).

7. Is polluted the zone chosen from the erecting of TPP?

Mr. Islami Besim : The chosen zone is 1.8 km way from PVC, zone which results polluted from mercury in very high levels. According the studies done this zone (Vlora B) may be not much polluted. But this zone may not be a turistic zone too, because is very near to the new port. (1 Minute)

8. Has been thought for the pipes and the pontile of oil?

Mr. Islami Besim : The question is very nice. On the study done from HARZA Company has been thought to be included all investments into the infrastructure connecting TPP with fuel, water and electricity networks. In the initial investment are included 2.6 millions US.\$ for rehabilitation of all terminal for a secure import and depositing of fuels. (3 Minutes).

9. Has any study been done for their renovation and replacement?

Mr. Islami Besim : I have to underline that in the supplementary investments to be included in the supply infrastructure with fuels, water and with electricity system, all these have been taken into consideration and consequently TPP will be secure in its job. Has to be underlined that also for other places this has been taken into consideration and this is it which gave priority the Vlora place. As conclusion I have again to underline that all investments have been taken into consideration for the whole infrastructure (2 Minutes).

10. Has been thought as a variant Vlora-C, because Vlora-A has since the beginning been disqualified?

Mr. Islami Besim: We first have chosen the Region. The analyse showed that the best region for this reason is Vlora. Then normally was passed in the choosing of the place in two zones of Vlora and the more promoting choices to be examined has been Vlora-A and Vlora-B. Vlora-A has problems with demolated objects and environmental pollution, as was analyzed over, so that consequently the other zone was it which provided the more effective and poore investments for the infrastructure, for supplying with fuels, for connection with the network and for the cooling water. We are going to analyse the variant presented here for Akernia zone, but in approximative calculations seems that this zone will need supplementary investments. (about 10-15 million US\$). (4 Minutes).

11. Are to be taken into consideration views resulting from this meeting?

Mr. Islami Besim : Yes of course. We show you that this conversation isn't done like a televisive show. We are totally preoccupied to follow all the steps, and as Mrs. Hema Tatjana said, it is

indispensable this meeting to be realized and the study on the environmental impact to analyse all preoccupations that concern you. Based on Aarhus Convent, it is the duty of the Albanian institutions to inform the public in reference to all projects phases and with the impact that it will bring to the community and surroundings.

12. What is Vlora going to win and lose from the construction of the TPP?

Mr. Islami Besim : The construction of the new TPP is firstly very important in national context and secondly in regional one. In national context the construction of TPP will make possible the diversification of the electricity generation, which will increase the supply security. As far as is concerned Vlora this TPP will make possible the local electricity generation, which will be a help in the development of local economy of the region. On the other side, this project, being combined with this one with the construction of a line 220 kV Fier- Babica (Vlora), will make possible the increasing of the production activities, especially the tourism, on which all we are looking. On the other side we have also to declare for all the problems to be confronted by the construction of TPP in the zone Vlora-B. This zone being near the port may of course not be a protective or touristic zone and showing prudence on choising of the technology and operating of TPP we may decrease in maximum the influence on the environment. (4 Minutes).

13. Has been taken into account the view of local govern on the phase of the chosin of the place?

Mr. Mitrushi Pirro : The history of the new modern TPP place has begun since 2 years ago. As beginning has been explained the need on a TPP in energetic system. Onward in the study on the rehabilitation of Fier TPP, have been outlined the needs for a study with variants in fuels, tecnologies and eventual places and the import option (HARZA); at last it is this project, which in the first phase examined 6 regions with 2 variants each of them. The views on this phase were not taken from the local govern, because this was not requested from the company for efect of confidence and prudence. This day and a month before we have been passing into these explanatory and indispensable procedural meetings. On the role of albanian consultant, we have suggested to have 2 variants for each region (one of which in an ex industrial zone and the other in a fre zone). Our suggestions have been opinions within our technical compnetence and we have been right. (4 Minutes).

14. Is there any study for any free possible industrial zone in Vlora?

Mr. Mitrushi Pirro : The industrial and commercial zones (parcs) are very interesting dhe such long-term and middle-term studies are the duty of the local government, of the civil and business society on each region. These are not to be requested to the central government or Ministry, but if they exist you have to present them to the government. The studies will be wellcomed. (3 Minutes)

15. It wouldn't be better that this site to be displaced on the North or the South, because the chosen site for the Vlora citiciens have to be a beach on the future?

Mr. Mitrushi Pirro : Firstly, the zone Vlora-B now and before has not been a beach, there exists only holes from the taking off the sand and bunkers. Secondly, southward between the port and ex Soda-PVC plant there is more pollution and practically we approach the city and the beach. Third, passing towards North we approach to Zvernec-Narta (which is a protected zone) or in Akkerni-Poro, which will request much more investments for the infrastructure. (3 Minutes).

16. The city of Vlora is located on a extension, that has been treated from a UNDP Programm as a protected zone of Narta Lagoon, which contains rare species. This has been the reason that we have had a lot of problems to make possible the approving of the TEC. Is possible to do another investigation?

Mr. Islami Besim : HARZA, KESH and us have begun the investigation of the place of the new TEC studying seven zones: Shengjin, Durres, Elbasan, Cerrik, Korca, Fier and Vlora. In all these zones were analyzed two zones: the first to be an industrial abandoned zone and the second a virgin zone. All places in ex industrial zones, which were analyzed, are very polluted and the dirtiest is the zone of ex Soda Plant in Vlora. On the one side it is good to be exploited an ex industrial zone for the construction of TPP, but on the other side it would firstly request the razing of everything in that zone and the decontamination of the zone (as exists in Vlora from mercury) and the investments for its realizing are at the level of 15-20 Millions US\$. If this value would be used for preparing of the place, this means that about 100 Millions US\$ borrowed for construction of the TEC would be decreased and the capacity of the TPP in this case would be 70-80 MW instead of 125 MW. Nevertheless, as we have repeatedly underlined, the chosen place is only 1.3 km way from the protected zone of lagoon and so is not possible to be included in a protected zone because it is near the port, the pipe network and the oil terminal.

Mr. Ahmeti Petrit : The new TEC we are discussing is a great endeavaour of both the American and Albanian specialists to make possible the successfull conclusion of the study and its implementation. Both the Ministry and the National Agency of Energy are going to do all the efforts for realizing the solution with minimal costs and minimal effect on the environment.

Mr. Habilaj Bashkim: Firstly I want to discuss as an thermal engineer. From this point of view having a long experience, I appreciate very good the up to now study. The tecnology and place chosing has been done in conformity with technical principles. What we would request as local authority is that are to be made some simple calculations for Vlora-C in Akerni zone just to compare with Vlora B site. If the new site (Vlora C) will asked an higher value for investment for TPP we of course will agree with the prposed site Vlora B. We are going to sustain the project and request from the study team that on the phase of environmental impact study to be also included the local authorities. As conclusion, I appreciate this meeting very good and congratulate Mr. Islami and the NAE partecipants for the good job done.

Mrs. Hema tatjana : I appreciate very valuable the meeting organized from Ministry of Industry and Energy. It is the first time that a very detailed study is done in Albania analyzing 7 zones and 14 places in all the country. I congratulate thecolleges of Ministry of Industry and Energy, especeally NAE and iths chairman Mr. Islami Besim for the good job done.

At the same time I want to underline that the place chosen from their side is 1.3 km way of Narta lagoon, so that this zone has not been concluded in a protected zone. As I was expressed at the beginning this meeting is very valuable and I hope that this to be also realized in other phases. I want also to express that is indispensable that all three our institutions make a detailed study on the environmental impact, because on this zone is thought to be constructed the new TEC, fuels deposits and the drilling for oil wells.

Vice Minister Dema Pjeter : Our Ministry is working that the study of Vlora-TEC to be concluded on time. Your appraisements, remarks and suggestions have been very valuable and we will take them into consideration during the the other steps of the study. Both our Ministry and NAE are taking all the measures in order to precede the environmental study, which is expecting to begin soon. During November we will prepare all the necessary documentations to make possible the getting of licence on the construction place of TEC. We will also study the Akernie variant, doing some quick calculations to verify how more expensive is this variant.

Prefect of Vlora Mr. Gjika Shpetim : In conclusion of this meeting I want to thank Vice-Minister of Industry and Energy Mr. Dema Pjeter, Vice-Minister of Environment Mrs. Hema Tatjana, Vice-Minister of Terrain Regulation and Tourism Mr. Demeti Arben, Mr. Ahmeti Petrit and National Agency of Energy and especially Mr. Islami Besim for the great job they have done. Of course all participants gave constructive advices and some suggestions on the further improvement of the most important project job for Albania. We as local authorities guarant that we shall go on to sustain the made chosing that the TEC of Vlora to be constructed as sooner as possible and at the same time we request that the environmental impact study to be complete and from a good chosen technology to have a minimum impact on the environment.

## ANNEX

### Participants list on meeting

1. Mr. Pjeter DEMA Vice-Minister of Industry and Energy
2. Mr. Besim ISLAMI Chairman of National Agency of Energy
3. Mr. Arben DEMETI Vice-Minister of Regulation of Territory and Turismus
4. Mrs. Tatjana HEMA Vice-Minister of Environment
5. Mr. Shpetim GJIKA Prefect of Vlora
6. Mr. Bashkim HABILAJ Chairman of Council of District of Vlora
7. Mr. Niko VEIZAJ Chairman of Municipality of Vlora
8. Mr. Ahmeti Petrit Adviser of Minister of Industry and Energy
9. Mr. Mitrushi Pirro National Agency of Energy
10. Mr. Leskoviku Artan National Agency of Energy
11. Mr. Hizmo Aheron National Agency of Energy
12. Mr. Dedej Zamir Environment Ministry
13. Mr. Shakaj Kanan Chairman of Novosele Comune
14. Ms. Mbyeti Shpresa Eng. of Novosele Comune
15. Mr. Kume Arqile Electric Engineer
16. Mr. Sulaj Ferdinand Society of Albanian legitim owners
17. Mr. Suli Vaso Chemist
18. Mr. Rrapaj Adhurim Engineer
19. Mr. Dumani Dhimo Biolog, Society of Natyral Environment protection of Vlora
20. Mr. Gjika Mynyr Programmation Sekretary, District of Vlora
21. Mrs. Zunaj Luizaj Environment Regional Agency, Vlora
22. Mr. Monce Monce Liquidator of Soda-PVC Plant
23. Mr. Qomaj Sotir The Directory of Forest Service, Vlora
24. Mr. Shpata Pajtim Society "Blue Expedition"
25. Mr. Hoxha Clirim Environment Society "Kristo Papajani"
26. Mr. Gaxhi Jahri Engineer
27. Mr. Alltari Argent American Bank, Vlora
28. Mr. Islami Patriot Businessman
29. Mr. Haxhiu Vladimir Region Council, Vlora
30. Mr. Dervishaj Halim Director of SH.A Salt, Vlora
31. Mr. Hudhra Spiro Director of Electro-energetic Filial,, Fier
32. Mr. Gjidede Spiro Industry inspector in prefecture of Vlora
33. Mr. Meksi Arben Urbanistic Engineer
34. Mr. Sota Mario
35. Mr. Opari Faslli
36. Mr. Koka Anastas
37. Mr. Andoni Dhionis
38. Ms. Gjika Varvara
39. Mr. Kotorri Petrit



## PROCESVERBAL

### MINUTAT E TAKIMIT PREZANTUES PER TEC-in E VLORES

( MBAJTUR NE VLORE NE DATE 28.10.2002)

Sot me date 28.10.2002 ne prezence te:

Z. Pjeter DEMA	Zevendes Minister i Industrise dhe Energjitikes
Z. Petrit AHMETI	Keshiltar i Ministrit per Energji
Z. Besim ISLAMI	Kryetar i Agjencise Kombetare te Energjise
Z. Arben DEMETI	Zevendes Minister i Rregullimit te Territorit dhe Turizmit
Znj. Tatjana HEMA	Zevendes Ministre e Mjedisit
Z. Shpetim GJIKA	Prefekt i Vlores
Z. Bashkim HABILAJ	Kryetar i Keshillit te Qarkut Vlore
Z. Niko VEIZAJ	Kryetar i Bashkise Vlore

Dhe me pjesemarrjen e personave te interesuar (shih Aneksin 1 (Lista e Pjesemarrsesve), bashkelidhur).

U mbajt takimi prezantues i Studimit Final per TEC- te Vlores, te kryer nga Kompania MW Harza.

Mbledhjen e hapi Z. Shpetim Gjika, Prefekt i Vlores. i cili prezantoi perpara auditorit pjesemarrsesit ne mbledhje dhe falenderoi grupin e punes per zgjedhjen qe ishte bere duke caktuar Vloren si qytetin ku do ngrihej TEC-i (4 Minuta).

Pas tij fjalen e mori Z. Besim Islami, Kryetar i Agjencise Kombetare te Energjise, per prezantimin e projektit. Ai prezantoi projektin ne te tera fazat e zhvilluara deri tani, qe nga projekt ideja per ndertimin e nje TEC-i te ri me rendiment te larte, zgjedhjen e sheshit, studimin e Fisibilitetit, aspekte teknike dhe mjedisore te projektit ne fjale. Ai beri gjithashtu nje pershkrim te hapave te tjere qe priten te hidhen deri realizimin e plote te projektit. Gjate prezantimit te tij pati pyetje te shkurtra, sidomos mbi ceshtje teknike si p.sh. per llojin e lendes djegese qe do perdoret, per teknologjine qe do perdoret etj. Ne fund te fjales se tij zoti Islami ftoi te pranishmit te benin pyetje. (20 Minuta)

Me poshte jepet nje permbledhje e pyetjeve qe u bene dhe e pergjigjeve qe u dhane per problemet e ngritura.

1. Sa do te ndikoje ne ujin e detit temperatura e ujit te ngrohte qe kthehet nga ftohja e kondensatit te TEC-it ?

Zoti Besim Islami : Temperatura e ujit ftohes hyres ne kondensator si mesatare gjithevjeteore eshte 15° C. Pasi ftoh kondensatorin kjo temperature rritet ne nivelin 19-20°C. Duke e cuar tubin e nxjerrjes ne thellesi, ne nje distance 3-5 km nga bregu behet e mundur qe temperatura e ujit te detit te mos rritet me shume se 1.5°C kundrejt vleres se saj. Kjo ben te mundur shmangjen e

fenomeneve te ngrohjes termike dhe eshte brenda normave te lejuara qe ben te mundur ruajtjen e flores dhe faunes detare. (rreth 3 minuta).

2. A eshte marre parasysh fakti qe ne lagune nuk derdhen burime uji te tjera pervec ujit te detit dhe qe tabani detar eshte argjilor ?

Zoti Besim Islami : Uji ftohes do te merret nga deti dhe do te shkarkohet ne det. Marrja dhe shkarkimi i ujit ftohes nuk ka lidhje me lagunen. Studimi i plote mjedisor do te beje te mundur te shikohet impakti qe do te kete ne tabanin argjilor marrja e ujit te detit. Por analizat paraprake tregojne qe nuk do te kete asnje ndikim negativ. (1 minute).

3. Cila eshte e ardhmja e energjitikes shqiptare?

Zoti Besim Islami : Ministria e Industrise dhe Energjitikes se bashku me Banken Boterore dhe KESH-in po ben nje studim per zhvillimin e sektorit elektroenergjitik shqiptar. Ky studim do te mbaroje ne Janar 2003. Gjithashtu qe nga Korriku 2002 ka filluar puna per pergatitjen e Strategjise Kombetare te Energjise nga ana e AKE-se ne bashkepunim me institucionet energjitike shqiptare. Keto dy dokumenta se bashku me ate te Politikave Elektroenergjitike do te perbejne bazen e ardhme te zhvillimit te sektorit energjitik shqiptar, ne menyre te tille qe krizat te mos perseriten me. (2 minuta).

4. Cfare ndotjesh emetohen ne atmosfere ?

Zoti Besim Islami : Per te reduktuar emetimet ne atmosfere eshte bere kujdes qe gjate zgjedhjes se lendes djegese qe do te perdoret ne TEC. Si rezultat do te perdoret diesel me perqindje sqfuri jo me te larte se 0,5 %. Kjo se bashku me teknologjine shume te sofistikuar qe ofron ciklin kombinuar , sidomos turbina me gaz, ben te mundur qe emetimet ne atmosfere nga ky TEC te jene brenda normave te lejuara nga BB, BEI dhe EBRD. (3 minuta).

5. Duke qene se eshte afer qytetit a jane analizuar ererat qe mund te shtyjne tymrat drejt qytetit?

Zoti Piro Mitrushi : Sikurse thate vete, Vlora-qytet-gjiu, i nenshtrohet eres Veriperendim-Juglindje dhe Jugperendim-Verilindje. Ne keto kushte bazuar ne studimin e trendafilit te eres te ish-objektit Sode-PVC, kushtet per TEC-in ne zonen Vlora B jane te permiresuara, mbasi spostimi drejt veriperendimit me 2-3 km. permireson (shmang) veprimin e eres. Ju kujtojme se emetimet e TEC te Ri, do te jene me pak problematike se sa ato te ish uzines Sode-PVC. Vlerat qe u afishuan jane maksimalet per rastin e perdorimit te nje distilati jo cilesor me permbajtje Sqfuri deri 1%.(2minuta).

6. Uji qe do te merret nga TEC-i a do te shkripezohet ?

Zoti Piro Mitrushi : Nevojat e TEC-it per uje jane disa : Uji i pishem do te merret nga Ndermarja e Ujesjellesit e Qytetit; Uji industrial < 200 m<sup>3</sup> ne ore, sipas mundesise nga Ndermarja e Ujesjellesit e Qytetit, por per rast moskenaqie eventualisht te kesaj kerkese, ne projekt eshte parashikuar nje impiant i ckripezimit Osmozik te ujit te detit; Uji detar i ftohjes do te merret e kthehet ne det. Per nevojat e kaldajes, turbinave etj. brenda projektit ka impiant zbutje- ckripezim te nevojshem. (2 minuta).

7. A eshte e ndotur zona ku do ndertohet TEC-i?

Zoti Besim Islami : Zona e zgjedhur eshte 1,8 km larg PVC, qe eshte e ndotur nga zhiva ne nivele shume te larta. Sipas studimeve kjo zone (Vlora B) mund te jete pak ose shume pak e ndotur. Por kjo zone nuk mund te jete zone turistike, sepse eshte ngjitur me portin e ri . (1 minute)

8. A është menduar për tubacionet dhe pontilin e naftes?

Zoti Besim Islami : Pyetja është shumë me vend. Në studimin e bërë nga kompania HARZA është menduar që të përfshihen të gjitha investimet për infrastrukturën e lidhjes së TEC-it me lenden djegëse, me ujë dhe rrjetat elektrike. Në investimin fillestar janë përfshirë 2,6 milionë USD për rehabilitimin e gjithë terminalit për importimin dhe depozitimin e sigurtë të karburanteve. (3 minuta).

9. A janë bërë studime për rinovimin dhe zëvendësimin e tyre?

Zoti Besim Islami : E theksojmë edhe njëherë që në investimet shtesë që do të futen për infrastrukturën e furnizimit me lende djegëse, ujë dhe me sistemin elektrik, janë marrë në konsideratë dhe për pasojë TEC-i do të jetë i sigurtë në punën e tij. Duhet theksuar që edhe për vendet e tjera kjo është marrë në konsideratë dhe kjo është ajo që i dha prioritet sheshit të Vlores. Si konkluzion e theksojmë edhe njëherë që të gjitha investimet janë marrë parasysh për të gjithë infrastrukturën. (2 minuta).

10. A është menduar për një variant Vlorë - C, duke qenë se Vlorë - A është e skualifikuar që në fillim?

Zoti Besim Islami : Në fillim kemi zgjedhur rajonin. Dhe analiza tregoi që rajoni më i mirë për këtë qëllim është Vlorë. Pastaj normalisht u kalua në zgjedhjen e vendit në dy zona të Vlores dhe zgjedhjet me premtuese për tu shqyrtuar qenë Vlorë -A dhe Vlorë B. Vlorë-A ka probleme me objektet e demoluara dhe ndotjen e mjedisit, sic u analizua me siper, kështuqë për pasojë zona tjetër ishte ajo që siguron investimet me efektive dhe me të vogla për infrastrukturën. Për furnizim me lende djegëse, për lidhjen me rrjetin dhe për ujë ftohes. Në do të analizojmë variantin që paraqitet këtu për zonën e Akernisë, por me llogaritje fare të përafërta duket se ajo do të dojë investime shtesë (rreth 10-15) milion USD. (4 minuta)

11. A do të merren parasysh mendimet që do të dalin nga kjo tryeze?

Zoti Besim Islami : Sigurisht ju garantojmë që kjo bisedë nuk është bërë për show televiziv. Në jemi totalisht të preokupuar të ndjekim të gjitha hapat dhe sic tha zonja Tatjana Hema është e domosdoshme që ky takim të bëhet dhe studimi i impaktit mjedisor të marrë në analizë të gjitha preokupimet që ju shqetësojnë. Mbeshtetur në Konventën e Aarhusit është detyrë e institucioneve shqiptare të informojnë publikun në lidhje me të gjithë fazat e projekteve, me impaktin që do të sjellë në komunitet si dhe në mjedis. (3 minuta)

12. Çfarë do të fitojë dhe çfarë do të humbi Vlorë nga ndërtimi i TEC-it?

Zoti Besim Islami : Ndërtimi i një centrali të ri termik duhet për në kontekstin kombëtar së pari dhe në atë rajonal së dyti. Në kontekstin kombëtar ndërtimi i TEC-it do të bëjë të mundur diversifikimin e prodhimit të energjisë elektrike gjë e cila do të rrisë sigurinë e furnizimit. Përsa lidhet me Vlorën ky TEC do të bëjë të mundur prodhimin lokal të energjisë gjë e cila do të ndihmojë në zhvillimin e ekonomisë lokale të vendit. Nga ana tjetër duke u kombinuar ky projekt me atë të ndërtimit të një linje 220 kV Fier-Vlorë do të bëhet e mundur që të shtohen aktivitetet prodhuese sidomos turizmi që shpresohet kaq shumë. Nga ana tjetër duhet të deklarojmë se cilat do të jenë edhe problemet e ndërtimit të TEC-it në zonën Vlorë B. Kjo zonë duke qenë pranë Portit nuik mund të jetë zonë e mbrojtur apo turistike dhe duke bërë kujdes me zgjedhjen e teknologjisë dhe operimin e TEC-it në mund të zvogelojmë në maksimum ndikimin në mjedis, por asnjëherë ta zerojmë atë. (4 minuta)

13. A është marrë parasysh mendimi i pushtetit lokal në fazën e përzgjedhjes së sheshit?

Zoti Piro Mitrushi : Historiku i sheshit të TEC-it të ri e modern ka filluar para dy vjetësh. Si fillim është shprehur nevoja për një TEC në sistemin energjetik. Me tej në studimin për rehabilitimin e TEC-it të Fierit, janë skicuar nevojat për një studim me variante lëndesh djegëse, teknologjish dhe sheshesh eventuale si dhe opsioni i importit (HARZA); dhe së fundi, është ky projekt i cili në fazën e parë shqyrtoi 6 rajonet me nga 2 variante. Mendimet për këto faze nuk u morën nga pushteti lokal, pasi nuk u kërkua nga kompania për efekt konfidence dhe maturie. Sot dhe një muaj më parë në po këto takime sqaruese dhe të nevojshme procedurale. Në rolin e konsulentit lokal, në kemi sugjeruar që për çdo rajon të kishim 2 variante (njëri nga të cilët në ish zonë industriale dhe tjetri në zonë të lirë). Sugjerimet tona kanë qenë opinione brenda kompetencës sonë teknike dhe në kemi patur të drejtë.(4 minuta).

14. A ka ndonjë studim për ndonjë zonë të lirë të mundshme industriale në Vlorë?

Zoti Piro Mitrushi : Zonat (Parqet) industriale e tregëtare janë shumë interesante dhe studime të tilla afatmesme dhe afatgjata janë detyra të vetë pushtetit lokal, të shoqërisë civile dhe asaj të biznesit për çdo rajon. Ato nuk duhet t'i kërkohen as Qeverisë dhe as Ministrisë, por nëse këni duhet t'ja paraqitni Qeverisë. Studimet do jenë të mirepritura. Përsa i takon zonave të lira (Porti etj.), këtyre zonave ju ka ikur koha për vende që aspirojnë Komunitetin Europian.(3 minuta).

15. Mos është me mirë që kjo zonë të spostohet më në Veri ose më në Jug, mbasi vendi që këni zgjedhur për në vlonjatet është plazh më të ardhme?

Zoti Piro Mitrushi : Së pari, zona Vlora -B sot nuk është plazh, atje ka vetëm gropa nga marrjet e rërës dhe bunkere. Së dyti, më në Jug ndërmjet portit dhe Sode-PVC-së ka ndodje me shumë dhe praktikisht i afrohem qytetit dhe plazhit. Së treti, kalimi më në Veri na çon në Zvernec-Nartë (që është zonë e mbrojtur) ose në Akerni-Poro, gjë që do të kërkonte më tepër investime.(3 minuta)

16. Vlora është e lokalizuar në një shtrirje e cila është trajtuar nga një program i UNDP si një Zonë e Mbrojtur e Lagunes së Nartës e cila përmban specie të rralla. Kjo ka bërë të këto vështirësira për të bërë të mundur aprovimin e TEC-it. A nuk do të ishte e mundur të bëhej një investigim tjetër?

Z. Besim ISLAMI: HARZA s bashku me KESH-in dhe më në filluan investigimin për vendodhjen e TEC-it të ri duke studjuar shtatë zona: Shëngjin, Durrës, Elbasan, Cërrik, Korce, Fier dhe Vlorë. Në të gjitha këto zona u analizuan dy vende: I pari të ishte një zonë industriale e abandonuar kurse e dyti një zonë e virgjert. Të gjitha vendet në ish zonat industriale që u analizuan janë shumë të ndotura dhe më e ndotura është ajo e zonës së ish Zonës së Sodes Kaustike në Vlorë. Nga njëra anë është mirë që të shfrytëzohet një ish zonë industriale për ndërtimin e TEC-it, por nga ana tjetër kjo do të kërkonte së pari rrafshimin e çdo gjeje në atë zonë dhe dekontaminimin e zonës (sic është në Vlorë nga mercuri (zhiva)) dhe investimet për të realizuar këto janë të nivelit 15-20 Milion USD. Në se do të përdorëshin këto 20 Milion Usd për të bërë gati vendin do të thote që do të zbritëshin nga 100 Milion USD që do të jepet hua për TEC-in për pasojë TEC-i nuk do të ishte më 125 MW por rreth 70-80 MW. Megjithatë sic e kemi theksuar disa here, vendi i zgjedhur është 1.3 km larg zonës së mbrojtur të Lagunes dhe nuk ka si të përfshihet në një zonë të mbrojtur kur ajo është pranë një porti, tubacioni dhe terminali naftë.

Zoti Petrit Ahmeti:

TEC-i i ri qe po diskutojme eshte nje perpjekje e madhe e specialisteve Amerikane se bashku me ata Shqiptare per te bere te mundur perfundimin me sukses te studimit dhe implementimin e tij. Ne si Ministri do te bejme te gjitha perpjekjet, se bashku me AKE-ne, ne menyre qe te realizojme zgjidhjen me kosto minimale dhe ndikim minimal ne mjedis.

Zoti Bashkim Habilaj:

Ne fjalen time se pari dua te flas si inxhinier termik. Nga kjo pikepamje duke pasur nje eksperience te gjate, studimin e deritanishem e vleresoj shume te mire. Zgjedhja e teknologjise dhe e vendit eshte bere ne perputhje me parimet teknike. Ajo qe ne do te kerkonim si autoritet lokal eshte qe te behen disa llogaritje te thjeshta per Vlora- C ne zonen e Akernise. Ne do te vazhdojme te mbeshtesim projektin dhe kerkojme nga grupi studimor qe ne fazen e studimit te impaktit mjedisor te perfshihen edhe autoritetet lokale. Si perfundim, takimin e vleresoj shume te mire dhe pergezoj pjesetaret e AKE-se per punen shume te mire qe kane bere.

Zonja Tatjana Hema :

Takimin e organizuar nga Ministria e Industrise dhe Energjitikes e vleresoj si shume te vlefshem. Eshte hera e pare qe behet nje studim kaq i detajuar ne Shqiperi duke analizuar 7 zona dhe 14 sheshe ne te gjitha vendin. Une pergezoj koleget e Ministrise se Industrise dhe Energjitikes, vecanerisht AKE-ne dhe kryetarin e saj zotin Besim Islami per punen shume te mire qe kane bere. Njekohesisht dua te theksoj qe vendi i zgjedhur nga ana e tyre eshte nje zone e cila ndodhet rreth 13 km larg lagunes se Nartes keshtu qe kjo zone nuk eshte perfshire ne zonen e mbrojtur. Ashtu sic edhe u shpreha ne fillim ky eshte nje takim shume i vlefshem dhe shpresoj qe kjo te realizohet dhe ne faza te tjera. Gjithashtu dua te shprehem se eshte e domosdoshme qe te tre institucionet tona te behet nje studim i detajuar i cili beje nje studim te plote impaktit ne mjedis meqenese ne kete zone medohet te ndertohen TEC-i i ri, depozitat e karburanteve dhe shpinet per puset e naftes.

Zv. Ministri Pjeter Dema :

Ministria jone po punon qe studimi i TEC-it Vlores te perfundoje ne kohe. Vleresimet, verejtjet, sugjerimet tuaja kane qene shume te vlefshme dhe ne do ti marrim parasysh gjate hapave te tjere te studimit. Ministria jone se bashku me AKE-ne po merr te gjitha masat per ti paraprire studimit mjedisor, i cili pritet te filloje se shpejti. Gjate muajit Nentor ne do te bejme gati te gjitha dokumentacionet e duhura per te bere te mundur marrjen e lejes per sheshin e ndertimit te TEC-it. Gjithashtu ne do te studiojme edhe variantin e Akernise, duke bere disa llogaritje te shpejta per te pare sa me i shtrenje eshte ky variant.

Prefekti i Vlores Z. Shpetim Gjika

Ne mbyllje te keti takimi dua te falenderoj Zv. Ministrin e Industrise dhe Energjitikes Zotin Pjeter Dema, Zv. Ministren e Mjedisit Zonjen Tatjana Hema, Zv. Ministrin e Rregullimit te Territorit dhe Turizmit Zotin Arben Demeti, Zotin Petrit Ahmet si dhe Agjencine Kombetare te Energjise dhe ne vecanti Zotin Besim Islami per punen e madhe qe kane bere. Sigurisht te gjitha te pranishmit dhane vleresime shume te mira dhe disa sugjerime per permiresimin e metejshem te punes se projektit me te rendesishem per Shqiperine. Ne si autoritete lokale ju garantojme se do te vazhdojme te mbeshtesim zgjedhjen e bere qe TEC-i i Vlores te ndertohet sa me shpejt qe te jete e mundur dhe njekohesisht kerkojme qe studimi i impaktit ne mjedis te jete i plote dhe te kete ndikim minimal ne menyre te tille qe te marrim nje teknologji miqesore karshi mjedisit.

## ANEKS

### Lista e pjesemarrësve ne takim

1. Z. Petrit Ahmeti Keshilltar i Ministrit te Industrise dhe Energjitikes
2. Z. Piro Mitrushi Agjencia Kombetare e Energjise
3. Z. Artan Leskoviku Agjencia Kombetare e Energjise
4. Z. Aheron Hizmo Agjencia Kombetare e Energjise
5. Z. Zamir Dedej Ministria e Mjedisit
6. Z. Kanan Shakaj Kryetar i Komunes Novosele
7. Znj. Shpresa Mbyeti Ing. e Komunes Novosele
8. Z. Arqile Kume Inxhinier Elektrik
9. Z. Ferdinand Sulaj Shoqata e Pronareve Legjitime Shqiptare
10. Z. Vaso Suli Kimist
11. Z. Adhurim Rrapaj Inxhinier Pasurues
12. Z. Niko Dumani Biolog, Shoqata e Mbrojtjes se Mjedisit Natyror Vlore
13. Z. Mynyr Gjika Sekretar i Programacionit, Qarku Vlore
14. Znj. Luiza Zunaj Agjencia Rajonale e Mjedisit, Vlore
15. Z. Pandeli Monce Likuidator i Uzines Sode-PVC
16. Z. Sotir Qomaj Drejtoria e Sherbimit Pyjor, Vlore
17. Z. Pajtim Shpata Shoqata " Ekspedita Blu"
18. Z. Clirim Hoxha Shoqata Mjedisore " Kristo Papajani"
19. Z. Jahri Gaxhi Inxhinier
20. Z. Argent Alltari Banka Amerikane, Vlore
21. Z. Patriot Islami Biznesmen
22. Z. Vladimir Haxhiu Keshilli i Qarkut Vlore
23. Z. Halim Dervishaj Drejtor i Sh.A. Kripa, Vlore
24. Z. Spiro Hudhra Drejtor i Filialit Energjistik, Fier
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29. Z. Anastas Koka
30. Z. Dhionis Andoni
31. Znj. Varvara Gjika
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Tirane me 18.09.2002

**Lenda:** Dergohet studimi dhe nje permbledhje per zgjedhjen e vendit ne te cilin do te ndertohet TEC-i i ri

**Drejtuar:** Drejtuar: Zotit Lufter XHUVELI - Minister i Mjedisit

I nderuar Zoti Minister,

Ne perputhje me Shtesen Numer 2 te Kontrates ndermjet Ministrise se Industrise dhe Energjise dhe Kompanise Montgomery Watson Harza per Energjine dhe Infrastrukturen. MWH studjoi gjate peridhjes Maj-Gusht 02 se cili do te jete vendi me i mire, cila do te jete teknologjia me e mire, per ndertimin e nje TEC-i te ri ne Shqiperi, dhe me pas do te kalohet ne realizimin e studimit te plote te leverdishmense ekonomike. Raporti i prezantuar qe po Ju dergohet bashkangjitur permben Raportin per Zgjedhjen e Vendit. Ministria e Industrise dhe Energjitikes dhe MWH i bazoi investigimet e saj per te gjetur vendin e pershtatshem per te ndertuar nje TEC te ri i cili do te mbuloje bazen e grafikut te sistemit elektroenergjitik me fuqi te instaluar rreth 100 MW. Megjithate, bazuar edhe ne ToR, vendet jane pare edhe ne kendveshtrimin e ardhshem qe kapaciteti instalues ne kete zone te rritet deri ne 300 MW, pra duke ndertuar ne po te njejten zone edhe dy njesi te reja secila me nje fuqi rreth 100 MW. Gjate pergatitjes se raportit nje numer i madh takimesh dhe inspektim vendesh (zonash) u realizuan ne Shqiperi.

Ne takimin e dates 11 Shtator 2002, Task Force qe eshte ngritur me urdhet te Kryeministrit per monitorimin e Dokumentit te Politikes Elektroenergjitike aprovoi ne parim studimin e MWH per zgjedhjen e Vlores si vendi me i mire per ndertimin e TEC-it dhe te gjithë rane dakord me propozimin e Kryetarit te Task Forces qe Studimi ti kalohet per mendim edhe Ministrise se Mjedisit.

Analiza tregoi qe Vendi 6B (Vlorë B -- zone 1.5 km ne veri lindje te portit te ri ne Vlore dhe Vendi 3 (Fier - mbrapa TEC-it ekzistues ne Fier) kane qe te dyja rreshtimin me te larte lidhur me llojin e teknologjise qe do te perdoret dhe llojin e lendes djegese. Zona 6B (Vlorë B), e cila ka tregues shume te mire eshte nje zone e virgjjer dhe eshte identifikuar si zona me e vlefshme persa i perket kosos me te vogel te gjenerimit per sa lidhet me instalimin e nje TEC-i me cikël te kombinuar qe do te perdore si lende djegese distilat nafte (dizel). Meqenese do te kemi nje TEC qe do te te punoje me distilat nafte kjo alternative e vendosur ne Vlore do te kete edhe nje permiresim te ndjeshem te reduktimit te humbjeve teknike ne rrejetat transmetuese. Qenia e kesaj zone ne te cilen pritet te ndertohet TEC-i prane Lagunes se Nartes kerkon qe ne planet e zonave te mbrojtura te mos e perfshijne kete sipërfaqe brenda zones se mbrojtur. Saktesisht se ku ndodhet sipërfaqja e piketuar e TEC-it te ardhshem eshte dhene ne hartën topografike te vendosur ne studim. Do te ishte mire qe kjo sipërfaqe te mos futej ne zonen e mbrojtur gje e cila do te ndihmoje ne marrjen e shpejte te vendimit per zgjedhjen e ketij vendi per te ndertuar TEC-in.

Me respekt,

MINISTRI

Viktor DODA

# Informatizimi, Poçi firmos marrëveshjen në Beograd

Ministri i Transportit dhe Telekomunikacionit ka firmosur marrëveshjen për informatizimin e shoqërisë. Implementimi i saj, si nismë e Paktit të Stabilitetit, synon që në vitet në vazhdim shumë shërbime publike dhe qeveritare të kryhen "online"

Shqipëria ka firmosur marrëveshjen për zhvillimin e informatizimit të shoqërisë, prej së cilës gjatë viteve në vazhdim mund të kryhen nëpërmjet internetit edhe disa shërbime qeveritare. Ministri i Transportit dhe Telekomunikacionit Spartak Poçi, firmos këto ditë në Beograd, marrëveshjen, realizimi i së cilës u bë në kuadër të Paktit të Stabilitetit me pjesëmarrës, Bosnjë-Hercegovinën, Kroacinë, Maqedoninë, Moldavinë, Malin i Zi, Serbinë dhe Republikën Federale të Jugosllavisë, si dhe përfaqësues të Bashkimit Evropian. Implementimi i saj synon të krijojë terren për përafrim të vendeve të rajonit me Bashkimin Evropian, sidomos në fushat e administratës civile, të biznesit, doganave etj. Në marrëveshje përcaktohen dhe detyrimet shtetërore ndaj shoqërisë civile dhe mbrojtja e informacionit personal të individit si edhe etapat për realizimin

e saj. Ekspertët në Drejtorinë e telekomunikacioneve në MTTI, thanë se përshtirja e Shqipërisë në informatizimin e shoqërisë e integron atë me shtepjtë në vendet më të zhvilluara ekonomikisht. Informacioni po konsiderohet sot si një nga promotorët e rritjes ekonomike, shkëmbimi i të cilit nëpërmjet internetit, ndihoi me 4 për qind në kretë rritjen e ekonomike të SHBA-së vitin e kaluar. Marrëveshja që ka nënshkruar Shqipëria dy ditë më parë në Beograd, synon që gradualisht shoqëria shqiptare të jetë përdoruesë e të gjitha teknikave të informimit të shtepjtë. Në një fazë të mëvonshme implementimi i kësaj marrëveshjeje synon shkëmbimin e informacionit dhe nënshkrimin e marrëveshjeve qeveritare në distancë. Po kështu, synohet që shumë shërbime publike si: shëndetësia, arsimi dhe pagesa të ndryshme të ofrohen nëpërmjet



Ministri i Transportit dhe Telekomunikacionit, Spartak Poçi. **USA**  
internetit. Mirëpo, që të realizohet kjo, ekspertët rekomandojnë, dhënjën e licensave ndaj operatorëve private që ofrojnë shërbimet moderne të komunikimit ku përfshihet edhe interneti. **B.H.**

## TEC i ri në Vlorë, BB miraton studimin

Selia e Bankës Botërore në Shqipëri e ka vlerësuar të financueshëm studimin e fizibilitetit për ndërtimin e një TEC të ri në Vlorë. Studimi i shpërndarë për oponencë në institucione këto ditë nga Ministria e Energjitikës, rezultoi më i pranueshëm se studimi i fizibilitetit për hidrocentralin e Bushatit

Blerina HODJA

Banka Botërore e konsideron të financueshëm projektin e fizibilitetit për ndërtimin e një TEC të ri në Vlorë, i cili ka përfunduar së hirtuar nga kompania "Harza" disa ditë më parë. Burimet nga selia e BB në Shqipëri, i bënë të ditur "Korrierit", se studimi i TEC është shumë më fizibil edhe se projekti që është hartuar për ndërtimin e hidrocentralit të Bushatit. Si rezultat i këtij vlerësimit projekti është totalisht i financueshëm dhe se për ndërtimin e tij, Banka Botërore ka miratuar në parim kohë më parë një shumë prej 20 milionë dollarësh. Ministria e Industrisë dhe Energjitikës, ka përfunduar këto ditë studimin e fizibilitetit për vepërimet e re të prodhimit të energjisë dhe e ka dorëzuar atë për

Të dhëna për TEC-in e ri
• Totali i fuqisë së instaluar për prodhimin e energjisë elektrike 300 MegaVat
• 100 MV do të instalohen gjatë fazës së parë me financime të Institucioneve financiare ndërkombëtare
• 200 MV të tjera do të instalohen nga investitorët privatë
• Projekti i fizibilitetit kushtoi 750 mijë USD
• Vlera e ndërtimit llogaritet rreth 400 milionë USD
• Vënja në oficisë llogaritet në 2004

oponencë në institucione, në të cilat përfshihen shumica e ministrive të qeverisë shqiptare dhe institucione të tilla ndërkombëtare si Banka Botërore Fondi Monetar ndërkombëtar etj. Pasi, të jenë dhënë vlerësimet në lidhje me vlefshmërinë e projektit atëherë TEC do të futet në procedurat e tenderimit, pohan burimet zyrtare në Ministrinë e Energjitikës. Nga informacionet paraprake,

mësohet se studimi ka marrë "OK" e disa prej institucioneve më të rëndësishme prej të cilave varen edhe financimet për ndërtimin e tij. Kosto e një kilovatit energji, sipas studimeve përfshin një vlerë prej 4, 5 lekë, e cila sipas ekspertëve të energjisë më mirën e çmimit të këtij produkti do të justifikohet tërësisht. Procesi nëpër të cilin do të kalojë ndërtimi i vepres me të re të sektorit të energjitikës

përfshin 4 faza, 3 prej të cilave pothuajse janë ezauaruar. Së shpejti, studimi i fizibilitetit pritet të kalojë në proces tenderimi dhe në gjashtë muajt e parë të vitit 2003, do të përzgjidhet kompania që do të merret me ndërtimin. Në fazën e parë të do të instalohen 100 MV dhe financimet do të sigurohen nga organizatat financiare ndërkombëtare. Kjo fazë pritet të përfundojë gjatë një vit dhe më pas për më dy vite të tjera do të fillojë nga montimi i një kapacitet prej 200 MV të reja.

Instalimi i kësaj fuqie është llogaritur të realizohet nëpërmjet dhënjës me koncesion investitorëve private, të cilët do të përfundojnë këtë fazë për rreth dy vite. Ndërtimi i kësaj vepre mbetet e vetmija mundësi për zbutjen e dritë të krizës energjitike.

## BB mbështet rritjen e çmimit të energjisë

Banka Botërore e mbështet rritjen e çmimit të energjisë elektrike si prioritet që qeveria shqiptare e ka shpallur në Dokumentin e Politikave Energjitike. Sipas saj, është në të drejtën e qeverisë të ndërmarë vendime të mbështetura në politikat dhe strategjitë e miratuara nga vetë ajo, për reforma në sistemin elektroenergjik shqiptar. Në këtë kuadër parashikohet edhe rritja e çmimit të energjisë, e cila ndërmerret si një hap për përmirësimin e gjendjes financiare të KESH dhe uljen e kostos në buxhetin e shtetit. Kështu, sipas burimeve në Ministrinë e Industrisë dhe Energjitikës me 1 janar të vitit 2003 do të fillojë zbatimi i tarifave të reja të energjisë. Mesatarja e çmimit të një kilovatit energji aktualisht është 4,7 lekë, ndërsa ky nivel pritet të shkojë në 7,5 lekë. Institucionet e energjitikës përfundojnë për studimin me tarifave të reja, i cili gjatë këtyre dy muajve do të bëhet gat për miratim në organet ligjvënës.

## KESH, 4500 debitorë në gjykatë

Gjykatat dhe zyrat e Përbërimit po bashkëpunojnë për trajtimin e fakturës së energjisë elektrike "Titull Ekzekutiv", tha dje drejtori i KESH, Andis Harasani në një takim me drejtorin e Përgjithshëm të ENEL, Paolo Scaroni. Vizia e tij në vendin tonë, një foto në zyrë e shpëtit në KESH, ka për qëllim thellimin e bashkëpunimit ndërmjet KESH dhe kompanisë italiane të elektroenergjikës. Harasani tha se në zbatim të ligjit për fatërn e energjisë elektrike si Titull Ekzekutiv, gjatë 8 muajit të vitit 2002 janë në gjykatë, rreth 4500 subjekte. Të cilat janë debitorë në KESH me shumta të ndryshme. Prej këtyre është arritur të shlyhet faktura e detyrimit nga rreth 350 subjekte. Gjatë takimit të dy drejtuesit kanë kanë biseduar për thellimin e bashkëpunimit me projekte konkrete. Së shpejti pritet të vizitojë Koooperatën Elektroenergjitike Drejtori i ENEL, Scaroni. ENEL praj dy vjetësh bashkëpunon me KESH, kryesisht për përmirësimin e treguesve financiarë.

**REPUBLIKA E SHQIPERISE**  
**KESHILLI I MINISTRAVE**  
Departamenti i Administratës Publike

Në zbatim të ligjit Nr. 8549, datë 11.11.1999 "Statusi i Nënpunësit Civil", Departamenti i Administratës Publike shpall konkurimin për 1 vend të lirë, në pozicionin

### Drejtor i PMU Phare Cross Border në Ministrinë e Transportit dhe Telekomunikacionit

Kandidati duhet të plotësojë kërkesat e përgjithshme në përputhje me nenin 12 të ligjit Nr. 8549, datë 11.11.1999, "Statusi i Nënpunësit Civil".

- KËRKESA TË VEÇANTA PËR KANDIDATËT**
- Të ketë mbaruar fakultetin Ekonomik ose Fakultetin e Inxhinjerisë së Ndërtimit, nota mesatare mbi 7.
  - Të ketë jo më pak se 7 vjet eksperiencë pune, përbën avantazh përvoja e punës në administratë publike.
  - Të ketë njohuri të mira të gjuhës angleze, përbën avantazh njohja e një gjuhe të dytë.
  - Të njohë mirë programet bazë të punës në kompjuter.
  - Të ketë aftësi komunikuese, koordinuese dhe menaxhuese.

## Ministria e Transportit dhe Telekomunikacionit Njoftim për vend të lirë pune

**PAGA**  
Paga bruto e pozicionit të kërkuar 74 000 + 9 000 (+2% shtesë mbi 9000 për çdo vit vjetërsi pune) lekë në muaj.  
Paraqitja e dokumentave  
Kandidati duhet të paraqesë bredna datës 02.12.2002 në kutinë postare me nr.1751 këto dokumenta: Kërkesën për aplikim, CV-në, fotokopje të diplomës dhe të listës së notave, të librezës së punës, certifikatave të kualifikimit, dëshmitave të gjuhëve të huaja dhe kompjuterit nëse ka, si dhe të paktën një letër rekomandimi. Mosparaqitja e plotë e dokumentave përbën skuallfikim të kandidatit.

**KONKURIMI**  
Konkurimi është i hapur për nëpunësit civil ekzistues nëpërmjet procedurave të lëvizjes paralele dhe të ngritjes në detyrë si dhe për kandidatët jashtë administratës publike nëpërmjet procedurave të pranimit në shërbimin civil.  
Pas verifikimit paraprak, më datë 05.12.2002 në selinë e Ministrisë së Transportit dhe Telekomunikacionit do të shpallet lista e konkurentëve, që do të vazhdojnë më tej konkurimin si dhe data kur do të zhvillohet testimi me shkëmbim të intervistave me të. Konkurimi do të bazohet mbi njohuritë rreth Kushtetutës, Kodit të Procedurave Administrative, si dhe mbi "Practical Guide" e Programit Evropian AID.

Të gjitha njoftimet për shpalljen e vendeve të lira mund t'i gjeni në adresën e Web Site të Departamentit të Administratës Publike [www.pad.gov.al](http://www.pad.gov.al)



## **The new TEC in Vlora, WB approves the study**

The World Bank office in Albania has evaluated the feasibility study for the construction of a new TEC in Vlora as financeable. The study, recently distributed by the Ministry of Energy to the institutions for evaluation, is regarded as more acceptable than the feasibility study for Bushat hydropower project.

Blerina Hoxha

The World Bank considers the feasibility study for the construction of a new TEC in Vlora as financeable. Its was finished by "Harza" company few days ago. Sources from the WB Albania office informed Korrieri that the TEC study is more feasible than the project of Bushati hydropower plant. As a result of this evaluation, the project is financeable and the World Bank has long approved in principle an amount of 20 million USD. The Ministry of Industry and Energy has recently completed the feasibility study for the new power project and has submitted it to other relevant institutions for evaluation and remarks. These institutions include most of the ministries of the Albanian government and international institutions such as the World Bank, IMF, etc. After collecting all the evaluations and remarks regarding the feasibility of the project, TEC will be passed onto the procurement process, official sources from the Ministry of Energy affirmed. The preliminary information shows that the project has received an "OK" from some of the institutions that are the most important for financing its construction. The cost of one kWh, according to studies, will be at 4,5 lek which, considering the rise of this product's price, will be fully justified. The process to build the newest energy project includes 4 stages, 3 of which are almost concluded. Soon the feasibility study will be procured and the construction company will be selected in the first semester of 2003. The installed capacity in the first stage will be 100 MW, and funding will be secured through the international finance organizations. This stage is expected to be concluded within one year, and 200 MW capacity will be installed in the next two years.

This capacity is planned to be installed through the concession to private investors, who will complete the stage in two years. The construction of this project remains the only alternative to mitigate somehow the energy crisis.

# Shkaq shirat. Në 3 muaj 62 ditë ishin me shi. Kanë përfunduar mbi 75% e punimeve Turqit; Duam dhe 5 muaj kohë

**PËRRENJAS**-Segmenti fundor i Koridorit të 8-të në Shqipëri, ai Qukës-Qafë Thanë nuk do të përfundojë brenda vitit, ashtu siç ishte paralajmëruar nga zbatuesi i projektit dhe drejtues të shtetit shqiptar. Për dorëzimin e veprës do të duhen dhe rreth 5 muaj të tjerë. Ky fakt bëhet i ditur nga drejtuesit e firmës turke "Mak-Yol", e cila po zbaton projektin për ndërtimin e këtij segmenti. Shkak për këtë shtyrje në afatin e caktuar, sipas drejtuesve të firmës zbatuese, është moti i keq i muajve të fundit. Gjatë tre muajve, sipas statistikave që ofron ndërtime, kanë rezultuar 62 ditë me reshje të shumta që kanë sjellë rëndiment të ulët të punimeve, për shkak të terrenit tepër të vështirë e shkarjeve masive malore mbi aksin e rrugës në ndërtim. Sipas drejtuesve turq, shtyrja e afatit është e motivuar dhe janë marrë që të gjitha masat që punimet të kryhen me intensitet dhe me cilësi. "Deri tani është kryer mbi 75% e volumit të përgjithshëm të punimeve, veçanërisht në sektorët më të vështirë dhe veprat e artit", pohon Nafi Akman, një prej drejtuesve turq të firmës "Mak-Yol". Sipas statistikave zyrtare deri tani rezultojnë të asfaltuara 14 km rrugë, nga 20 km që është gjithsej ky segment rrugor, duke filluar që nga pika doganore. Ndërsa me veprat e artit, që janë jo vërtet të shumta, por dhe të vështira për t'u realizuar për shkak të terrenit të thepisur e kryqëzimeve mbi lumin e Shkumbinit, po sipas statistikave të drejtuesve, janë përgatitur e hedhur në bazamente 33 mijë metro kub beton. Në përmbushje të projektit, firma turke "Mak-Yol" ka shtuar kohët e fundit si fuqinë punëtore ashtu dhe makinëritë e pajisjet. Nga rreth 300 punëtorë që punojnë në këtë segment të Koridorit 8, më shumë se dy të tretat janë punëtorë shqiptarë të zonës si dhe të trevave për rreth (nga Pogradeci, Librazhdë e Elbasani). Segmenti Qukës-Qafë Thanë është segmenti i 5-të i Koridorit 8 në vendin tonë dhe pika lidhëse me vendin fqinj Maqedoninë.

Kujtim Boriçi



**Aksion në hotelin "Kidi", në zonën e plazhit. Pranga dhe dy italianëve të tjerë. Shoqërohen në polici dhe 6 shqiptarë**

# Kapet në Durrës anëtari i "Cosa Nostra"

**Arrestohet me 8 kg heroinë italianë i kërkuar Xhankarlo Koliçi. Përdorte 7 identitete të ndryshme**

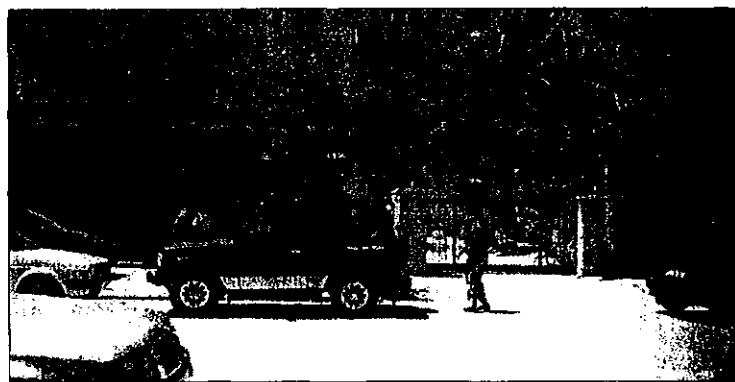
**DURRËS** - Arrestohet në Durrës një italian i shumëkërkuar, i dyshuar si anëtar i organizatës "Cosa Nostra", një nga organizatat mafioze më të njohura në shtetin fqinj të Italisë, ndërsa janë sekuestruar 8 kilogramë heroinë e pastër që posedohej prej tij. Xhankarlo Koliçi 29 vjeç është shtetas italian i kapur në flagrancë në orët e vona të ditës së djeshme, ndërsa bëhet e ditur se atij i janë bllokuar dhe dy pistoletat tip Zasatav. Burime të policisë së Durrësit, - thanë për gazetën se 29-vjeçari përdorte 7 identitete të ndryshme, ndërsa mësohet nga burime jo zyrtare se ai kishte hapur edhe një bar në qytetin bregdetar, të cilin e kishte marrë me qera. Burime të policisë së Durrësit thanë për gazetën se bashkë me shumë të kërkuarin e policisë italiane u ndaluan edhe dy shtetas të tjerë italianë, ndërsa u shoqëruan në Komisarariat edhe gjashtë shtetas shqiptarë. Ëntrat e dy shtetasve të tjerë italianë dhe të shqiptarë të ndaluar nuk bëhen të ditur nga policia.

**Kanë qenë orët e vona të ditës së djeshme kur unifroma të shumta policie i janë drejtuar hotel "Kidi" një hotel 5 katësh, në stacionin hekurudha të plazhit të Durrësit. Burime të policisë thanë se kishim informacione të sigurta se në këtë hotel strehoeshin shtetas italianë të dyshimtë**

heroinë i cili e kalon drogën tranzit nga Shqipëria në drejtim të Italisë. Sipas hetimeve të para përjashtohet një lidhje e munshme e shtetasve italianë të ndaluar me pronarët e hotelit ku ata u kapën. Gjithsesi, thanë burimet do të jenë hetimet e mëtejshme ato që do të saktësojnë pozicionin

## VLORE

**VLORE** - Vendi për ndërtimin e TEC-it të Vlorës nuk u përcaktua as dje në një mbledhje që zgjati mbi tre orë. Përfaqësues të agjencisë kombëtare të energjisë, të Ministrisë së Energjetikës, Mjedisit dhe Turizmit, janë munduar prej tre orësh të bindin pjesëmarrësit në këtë diskutim, për mundësinë e ndërtimit të TEC-it të ri në zonën e portit të ri të Zvërmecit, ku ndodhet edhe pentili i shoqërisë Armo të nafës. Diskutantët, drejtues të pushtetit lokal, prefekti Gjika, kryekëshilltari i qarkut Abili dhe kryebashkiaku Veizi kanë kërkuar më shumë hollësi rreth projektit të këtij TEC-i, ndërkohë që përfaqësuesit e OJQ-ve të mjedisit dhe specialistë të tjerë të energjetikës kanë bërë një opozencë të fortë, duke hedhur idenë e ndërtimit të këtij TEC-i në një qytet zonë të Vlorës, në atë të Akëmisë. Kjo ide është kundërshtuar nga përfaqësuesit e komunës së Novoselës, të pranishëm në diskutim. Sipas tyre ndërtimi i TEC-it në Akëmi do të rezikonte zhdukjen e shumë gjallesave në këtë zonë. Mbrojtësit e projektit për ndërtimin e TEC-it të ri në



Komisariat i Durrësit

e tyre si dhe do të zbardhin rrethjet e këtij rrjeti. Brenda një harku kohor të shkurtër është rasti i dytë që policia e Durrësit kap shtetas të huaj, të implikuar në trafikun e drogës.

**Masat**  
Ndërkohë masa të forta janë marrë edhe në pikën kufitare të portit të Durrësit. Burime të drejtorisë së policisë së Durrësit thanë për gazetën se kohët e fundit, në kuadër të luftës kundër trafikut të çdo lloji janë forcuar masat si nga policia kufitare e portit të Durrësit ashtu dhe nga policia e drejtorisë së qytetit bregdetar. Po ashtu është rritur edhe bash-

këpunimi midis tyre. Duket se kësaj here kanë qenë të efektshme emërimet e reja në portin e Durrësit. Falë punës së drejtuesve të kësaj strukture, gjatë gjithë muajit të fundit, porti ka qenë në qendër të kronikave të rendit, për ndëshkimin e abuzimeve me ligjin.

**LL.Kalliço**

**Përfaqësuesit e komunës së Novoselës nuk kanë pranuar që TEC-i të ndërtohet në Akëmi**

# Debati; ku do të ndërtohet TEC-i

zonën e portit pranë Zvërmecit, një munduar të bindin të pranishmit me faktin se është një projekt i madh, "një shans që i jepet Shqipërisë nga ana e Bankës Botërore". Teci sipas projektit, do të zërë një sipërfaqe prej 15 ha tokë. Në fazën e parë të ndërtimit TEC-i do të prodhojë 225 megavate dhe në përfundim të fazave të tjera ai do të ketë një kapacitet të prodhimit të energjisë elektrike deri në 400 megavate. Sipas projektit vetëm një njësi e TEC-it, do të prodhojë 3 milion kilovate/orë në ditë, ndërkohë që do të jenë tre njësi të tilla të cilat së bashku do të prodhojnë 1 miliard kilovate/orë në vit. TEC-i është parashikuar të ndërtohet 1,3 km larg nga laguna e Nartës. Specialistët vlonja të energjetikës kanë ngritur shqetësimin e shiut acid, si rezultat i kondensimeve gjatë rënies së shirave, por përfaqësuesit e agjencisë kombëtare të energjetikës kanë thënë se kjo do të jetë e papërfilleshme. TEC-i do të shfrytëzojë ujin e detit për ftohjen e kondensoreve, i cili do të merret 6 km në thellësi të detit dhe do të kthehet

po në këtë distancë. Përkundër këtij projekti nuk po gjendet vendi për ndërtimin e TEC-it. Ndërkohë për gjetjen e vendit Banka Botërore ka

përcaktuar si afat përfundimtar muajin nëntor, me qëllim që të çelen fondet në muajin mars të vitit të ardhshëm.

## SHKURT

**Të mos kalojë i dyshuari pakistanez**  
**POGRADEÇ** - Burime të mirëinformuara policore thanë se dogana e Qafë Thanës dhe ajo e Tushemishtit është urdhëruar që të mos lejojë hyrjen në Shqipëri të shtetasit pakistanez Mahoman Musalio. Burimet për "Shekull-in" thanë se në Tiranë zhvillohet kongresi i Radikalëve dhe një grup i quajtur "Martirët e Allahut" janë shprehur se do ta ndalojnë me çdo kusht kongresin ndërkomëtar. Këto janë masa që merr policia shqiptare për forcimin e kufirit si dhe sigurimin e delegacioneve në kryeqytetin shqiptar. Për personin e mësipërm, sipas të njëjtrave burimeve, ka informacione të dyshimta, pasi ai kërkon të vijë në Shqipëri. B.Berberi

## Djegja e depozitës, pa qëllim

**VLORE** - Hetimet e policisë së Vlorës lidhur me djegjen e depozitës së nafës në Gonihtë, kanë rezultuar se zjarri nuk është vënë qëllimisht, por për shkaqe të proceseve kimike brenda depozitës. Edhe drejtori i ndërmarrjes së nafës në Gorisht Kristaq Anastasi tha për gazetën se shkaqi i rënies së zjarrit nuk është ndikim i jashtëm, por një reaktion piroferik, i cili zhvillohet brenda në kokën e depozitës. Ilir Ruci

Well-known German producer of Diagnostic Reagents and Equipment for medical laboratory use would like to extend its worldwide business relationship to Albania.

For this reason we are looking for an

### Exclusive distributor for diagnostic reagents and systems

Companies established in the area of laboratory and hospital supplies preferably with diagnostic or instrument experience should contact under No.K 258 our agency.

**Peter Emrich-WERBUNG**  
P.O.BOX 1805, D-55008 Mainz  
Telefax +49 6131 687021

*Novosela commune representatives have disagreed with TEC being build in Akernia*

## **Debate: where will the TEC be constructed**

Ilir Ruci

VLORE – The location for the construction of the Vlora TEC (Thermal Power Plant) was not decided yesterday in a meeting that lasted over three hours. Representatives of the national energy agency, the Ministries of Energy, Environment and Tourism, have tried for three hours to persuade the participants in the discussion on the possibility to build the new TEC in the area of the new Zvernec port, where the pier of the ARMO oil company is situated. The discussants, local government leaders, prefect Gjika, the chair of regional council Abili and Mayor Veizi, demanded more details about the TEC project, while the representatives of the environmental NPOs and other energy experts strongly opposed, forwarding the idea of building this TEC in another area of Vlora, in Akernia. This idea was opposed by the representatives of Novosela commune, present in the discussion. According to them, building the TEC in Akernia would endanger many organisms in the area. The defenders of the construction of TEC in the port area near Zvernec, have tried to persuade the participants about the fact that this is a big project, “a chance the World Bank has given to Albania”. The thermal power plant, according to the design, will occupy a 15 ha area of land. After the first stage will be completed, the plant will have a 225 MW installed capacity, and after the completion of the next stages the installed capacity will be up to 400 MW. According to the design, only one unit of this plant will produce 3 million kWh/day, while all three units will generate 1 billion kWh/year. The plant is planned to be constructed 1.3 km from the Narta lagoon. The energy experts from Vlora raised the concern about the acid rain, resulting from the condensations during rainfall, but the experts from the national energy agency have said that it will be insignificant. The plant will use the sea water for cooling the condensers, taken 6 km from the coast, and returned to the same point. But there is no site determined for the construction of this project. Meanwhile, the World Bank has established November as the deadline for determining the site, in order to allocate the funds in March next year.



## **Extensive discussions regarding the construction site for Vlorë TEC**

VLORË – Following the decision made, a broad discussion regarding the construction site for the new TEC (Thermal Power Project) was organized yesterday in the Palace of Culture “Llabëria” in the town of Vlorë. The participants included three deputy ministers of Energy, Tourism and Environment, the Vlorë region prefect, Mr. Shpetim Gjika, the Chairman of the Regional Council, Mr. Bashkim Abili, the Mayor of Vlorë, Mr. Niko Veizaj, as well as experts from the energy sector, environmental non-governmental organizations, lecturers from the “Ismail Qemali” University of Vlorë, intellectuals, etc.

The participants were introduced to the existing alternative for the TEC site in Vlorë, its capacity, the land it will occupy, the construction stages, levels of pollution, quantity of fuel to be used, quantity of the waters to be used for cooling the condensers, the temperature of the waters discharged into the sea, etc. After the presentation of the study, the participants made many questions and discussions. They rightfully asked that the representatives of the National Energy Agency present a study for another construction site, mentioning the site in Akërnia. The moderators of this discussion said that they will take into consideration all the remarks and suggestions made, while leaving open the possibility for a future broad discussion.

**ANNEX 6**  
**GOVERNMENT OF ALBANIA RESPONSE TO DRAFT FINDINGS OF THE**  
**AARHUS CONVENTION COMPLIANCE COMMITTEE**



**To: Mr. Jeremy Wates  
Secretary, Convention on Access to Information, Public  
Participation in Decision making and Access to Justice in  
Environmental Matters**

**From: Pellumb Abeshi  
General Secretary  
Ministry of Environment, Forestry and Water Administration.**

**Dear Mr. Wates,**

The Albanian Ministry of Environment, Forestry and Water Administration (MoEFWA), as the National Focal Point for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) would like to express its appreciation to the admirable work done by the Aarhus Convention Compliance Committee and the opportunity given to Albania for further comments on the Draft Findings and Recommendations dated on 29 March 2007.

The Draft Findings and Recommendations will certainly help Albania to a better implementation of the Aarhus Convention and a better involvement of the public in the decision-making process.

We believe that the Albanian Society will have great benefits from the democratic spirit of Aarhus Convention and we would like to show our commitment in respecting all the recommendations given by the Convention Secretariat.

However, the MoEFWA, on behalf of the Albanian Government, would like to raise a few comments on the Draft Findings and Recommendations aiming to highlight a few evidences that might have not been taken in account during our previous communications.

## ***I. INTRODUCTION***

***Comment on paragraphs 1-23.*** Despite our disagreement with some of the communicant opinions we think that our concerns have to be presented in the next chapters since we want to respect the communicant independent opinion.

## ***II. SUMMARY OF THE FACTS, EVIDENCE AND ISSUES<sup>1</sup>***

### ***Industrial and energy park***

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<sup>1</sup> This section summarizes only the main facts, evidence and issues considered to be relevant to the question of compliance, as presented to and considered by the Committee.



25. On 19 February 2003, the Council of Territorial Adjustment of the Republic of Albania approved through Decision No. 8 the site of an industrial and energy park immediately to the north of the city of Vlora. Through this Decision, signed and stamped by Mr. Fatos Nano, Chairman of the Council, who was the Prime Minister at the time, the Council “Decided: The approval of the territory for the development of ‘The Industrial and Energy Park – Vlore.’” Decision No. 8 furthermore deemed that the Ministry of Industry and Energy “should coordinate work” with various Ministries and other bodies “to include within this perimeter [of the industrial and energy park] the projects of the above mentioned institutions, according to the designation ‘Industrial and Energy Park.’” It stated also that various Ministries “must carry out this decision” and “This decision comes to force immediately.”

**Comments on Paragraph 25.** According to the Secretariat of the Council of Territorial Adjustment of the Republic of Albania (CTARA), the Ministry of Economy, Trade and Industry has proposed the abrogation of the Decision Nr. 8 Date 19/02/2003 “On Approval of the Industrial and Energy Park-Vlore”. It is expected the CTARA will abrogate the decision during its next meeting.

28. In October 2005, following a change of government the Prime Minister established an ad hoc commission to consider the economic and environmental aspects of Vlora industrial and energy park project. Three meetings were held with stakeholders, two in Tirana (22 and 29 October 2005) and one in Vlora (11 November 2005). The communicant has not contested that these meetings took place and that they enabled the concerned stakeholders to participate, and it has confirmed that its representatives did indeed participate in them. (1) Its objections relate rather to the perception that there was a lack of willingness to from the proponents of the project, including the Government, to “listen and to take into consideration the opinion and the will of the people”, thereby reducing the decision-making process to “a mere rubber stamp”.

**Comments on paragraph 28.** We believe that the last sentence stated as below “Its objections relate rather to the perception that there was a lack of willingness to from the proponents of the project, including the Government, to “listen and to take into consideration the opinion and the will of the people”, thereby reducing the decision-making process to “a mere rubber stamp”” expresses only the feelings of the communicant and not the facts, evidences and/or the issues.

We would like to stress that the Albanian Government did organize three consultation meetings with independent experts and high representatives of the Civic Alliance. The meetings were facilitated by the Albanian Council of Ministers in the presence of the Deputy Prime Minister, high political representatives of the Ministry of Economy, Trade and Industry, Ministry of Environment, Forests and Water Administration, members of the Albanian Parliament representing the whole political spectrum, representatives from the Local Authorities of Vlora, representatives from several governmental technical institutions as well as the rector of Vlora University. They were broadly followed by the national and local media. The Civic Alliance as well as the independent experts did have the possibility to express their concerns in this meeting. They took the floor several times and defended their ideas through several presentations and interventions. Based above we believe that this public hearing did show the interest of the government to listen and to take into consideration the





opinions of the communicant. As such we suggest that the upper mentioned sentence is not relevant and/or could be included in the introduction chapter.

***Thermal electric power plant (TEP)***

30. On 19 February 2003, the Council of Territorial Adjustment approved through Decision No. 20 on the construction site of the TEP in Vlora. Through this Decision, signed and stamped by Mr. Fatos Nano, Chairman of the Council, who was the Prime Minister at the time, the Council “Decided: to approve the construction site with a surface of 14 hectares for the facility of the new Prot of Vlora, within the industrial Energy Park... according to the attached layout”. It stated also that the Council of the District of Vlora and the Ministry of Energy and industry should carry out this decision” and “This decision comes to force immediately.”

**Comments on paragraph 30.** We suggest that this paragraph could be removed after paragraph 35. We believe that this order gives a better view of the activities undertaken before the first national decision-making on TEP. Such an order could be more relevant for the discussion held below with regards to paragraph 31.

Indeed the Council of Territorial Adjustment Decision No. 20 on 19 February 2003 “On the construction site of the new TEP in Vlora” was preceded by the following events (see paragraph 34 and 35) :

- Site selection undertaken during the period April-September 2002,
- Draft Sitting Report completed on 6 June 2002 recommending Vlora as the best site,
- On 21 June 2002, the Ministry of Energy and KESH approved the recommendation,
- On 21 October 2002, the feasibility study completed and introduced in Vlora,
- On 31 October 2002, the Ministry of Energy and Industry convened a public meeting in Vlora,
- On 21 December 2002, the Council of Territorial Adjustment (Vlora District) approved the choice of the site for the TEP,

31. *The Committee has not been provided with any evidence of public participation including notification or public announcement in the process leading up to Decision No. 20.*

**Comments on paragraph 31.** We suggest this paragraph could be revised and re-drafted as follows ” The Committee has been provided by the Party with evidences of public participation in the process leading up to Decision No. 20.”

As stated in paragraph 35 a public meeting was convened in Vlora on 31 October 2002 to introduce the project and begin the public consultation process. The Party had shown evidences of this public hearing through a list of participants. The Party has also informed that this meeting was attended by more 39 people listed in (Annex 1), including representatives from local NGOs, members of local business community as well as independent experts. To take only one example, in the list participants in the meeting of 31 October 2002 in Vlora, the persons by number 16, 19, 24 and 25 are



representatives of local NGOs and the persons by number 15, 17, 18, 26-28 and 33-39 represent interested public that have not specified their institution or organization.

37. As regards the participation of the public in the three public meetings referred to in the previous paragraphs, varying degrees of information are available to the Committee:

(a) The introductory meeting on 31 October 2002 was attended by various representatives of national and local authorities as well as, according to the Party concerned, intellectuals and NGOs of Vlora. The communicant disputes the claim that intellectuals and NGOs of Vlora participated. The Committee has repeatedly requested<sup>2</sup> the Party concerned to provide specific information concerning the process of notification for the meeting (for residents, NGOs and other stakeholders) and a list of participants, **but no such information has been forthcoming.**

**Comments on Paragraph 37 a.** According the information included in Annex 1 the meeting of 31 October 2002 in Vlora was attended by 39 people, 17 of whom (circa 43%) represented either NGOs or independent interested public. Based upon we suggest the paragraph 37 could be re-viewed and re-phrased in order to respect the evidences presented above ensure that the Party has provided a list of participants.

(b) The meeting on 2 April 2003 to review the scope of the EIA was attended by more than 100 people, 40 of whom signed an attendance sheet a copy of which was made available to the Committee. The communicant commented that “there was not a single NGO represented or any important environmental activist in this meeting” and that public opinion was not taken into account in the decision. It stated that those considered to represent the public presence at this meeting and at the third meeting were mostly members of the local government and the Socialist Party who were promoting the construction of the industrial and energy park. Without directly disputing this, the Party concerned maintained that among those actors it had identified as potential participants in the meeting were environmental and public information NGOs. However, it did not provide the Committee with any details of which of these were invited to participate, or more generally of the steps taken to notify the public concerned.

**Comments on paragraph 37 b.** We suggest the paragraph 37 b could be reviewed in order to reflect the evidences below :

The meeting was attended by participants representing different political parties in a local level, as well as social segments of the community. For example, the individual by number 3 is the Chairman of the Local Opposition Party. The civil society was represented in this meeting by representatives of Vlora University, members of local private sector and two NGO representatives (see the list of people present in the meeting and more specifically the numbers 6, 8, 10, 23, 27, 28, 29, 30, 31, 33, 34, 36, 37). Furthermore we would like to point out that the meeting has been more extended, but the Albanian culture on the organization and participation in public events does not imply confirmation of participation through signature. So, many participants have not signed despite their presence in the meeting.

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<sup>2</sup> Initially by letter of 16 December 2005.



*(c) The meeting on 3 September 2003 to review the draft EIA was attended by some 35 people, a list of whom was included in the EIA study (Appendix E). Of these, five appear to have been technical experts, 15 represented various public authorities, five represented various local enterprises, the affiliation of six was not indicated and four appear to have been associations, including two environmental organizations. Again, information requested from the Party concerned regarding the process of notification of the public concerned which might help to shed light on this **apparent imbalance** in participation has not been forthcoming.*

**Comments on paragraph 37 c.** A closer look to the list of representatives shows that this meeting was attended by three NGOs out of six local environmental NGOs accounted in Vlorë region in 2003. Furthermore we consider that the participation has not been of “apparent imbalance” since 17-18 persons out of 35, circa 50% of the participants, are representatives of the concerned public.

*(d) The Party concerned states that notifications of these meetings "were made available one month prior (according to the information given by the consulting company)."<sup>3</sup> No further information on the manner or content of the notifications has been forthcoming.*

**Comments on paragraph 37 d.** We would like to clarify that the notification has been done by the local and regional authorities who have been subject of several changes due to elections for the central and the local government. As such it is quite difficult for the Party to find evidences of the notifications.

*41. No application for an environmental permit, construction permit or operating permit for the TEP has yet been lodged. The only decision that has been taken concerns the location of the TEP.*

**Comment on paragraph 30-41.** An Environmental Permit on TEP has been issued in February 2007 following a demand from the Ministry of Economy, Trade and Industry. After that the same Ministry has requested nearby the Council of Territorial Adjustment in Vlorë the construction permit for Vlorë TEP. Up to now, no construction permit has been delivered by Vlorë CTA.

### **Oil storage terminal and port infrastructure**

*42. On 19 February 2003, the Council of Territorial Adjustment of the Republic of Albania approved the construction site for a coastal terminal for storage of oil and by-products and associated port infrastructure through Decision No. 9. On 8 May 2003, the Council of Ministers adopted a decision approving a concession procedure to the benefit of the Italian-Romanian company La Petrolifera. On 13 May 2004, the concession was approved by Parliament. On 11 February 2005, the Council of Ministers adopted a decision registering the land in the name of Petrolifera. Any **such facility having a capacity of 200,000 tons or more would fall** within the scope of annex I of the Convention. The communicant provided information orally at the fourteenth session, which was not contested by the Party concerned, to the effect that the envisaged capacity was of the order of 500,000 tons.*

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<sup>3</sup> Letter of 25 November 2005.



**Comment on paragraph 42.** The EIA study on the Oil Storage Terminal shows evidence that the total maximum storage capacity for Phase 1 of the PIA terminal is less than 70.000 tons and even in its largest envisaged future developments of Phase 2 and 3 it could possibly reach a capacity of about 170.000 tons, still well below the 200.000 threshold and by all means not related to the capacity of 500.000 tons assume by the communicant. Based above the Oil Storage Terminal and Port Infrastructure might fall beyond the scope of Annex I of the Convention.

We would like to stress that the area for the localisation of terminals is a former PVC Soda factory, with ruins of the factory buildings and significant pollution. The area is abandoned and not fit for residential or tourist development. In fact as the terminal will be built on a site previously used for the manufacture of PVC, using chlorine production in mercury cells there is contamination present at the proposed terminal site due to the past site use. The extent of contamination is described in UNEP study "Post Conflict Environmental Assessment and State of The Environment Report" of 1999, qualifying the area as an environmental hot spot.

*43.No evidence of public participation in or prior to this sequence of decisions has been presented to the Committee.*

**Comment on paragraph 43.** With reference to the EIA study on Oil Storage Terminal, the Government of Albania started in 1999 to address the issue of finding safe and efficient solutions to the problem of logistics for oil products. The problem was perceived as significant because either oil products arrived into the Country via tanker trucks, mainly from Greek refineries, at a very high cost, or ships were discharged in commercial or passenger ports (mainly Vlora and Durres) without any precaution for safety or environmental protection, with frequent oil spills and occasional accidents, a situation that persists to these days with a last year event in Vlora. In order to solve these problems the Government charged the Institute of Oil and Gas of Fier, a Government body dependant from the then Ministry of Industry and Energy, to carry on a study for the positioning of no more than two ports in the Country, dedicated to the handling and storage of oil products. Such study, issued in January 2001 after considering several alternatives on the coasts of Albania, indicated in a bay north of Durres (Porto Romano) and in the Vlora Bay the two areas. Such orientation was then incorporated in a decision of the Council of Minister (no. 351 dated April 29, 2001), and a call for bids (based on Decision of the Council of Ministers n. 30 of 28th January 2002) from interested parties was published on Albanian newspapers on July 3rd, 2002. At this stage PIR constituted its Albanian subsidiary, PIA, and submitted its proposal to the Government.

In parallel to these events the Government endeavored to obtain appropriate zoning decisions for the construction of one or more oil terminals and of the related port infrastructure. To this end in 2001 it submitted to the competent authority, the Council for the Regulation of Territory of Vlora (KRRT), a first proposal. In its meeting held on 7<sup>th</sup> September 2001, with decision no. 9/1 the KRRT rejected the proposal of the Government (after analyzing two alternative sites: the former Soda and PVC factory, and the salty area near Akerni). On October 3rd 2002, most national newspapers, including Ekonomi, Dita, Albania and Gazeta Shqiptare, published a



rather detailed description of PIR proposal. On a second meeting held on November 12th, 2002 the KRRT rejected again a Government proposal for zoning the former Soda and PVC factory on the ground that, i.a. the proposed port solution included a platform at sea for discharge of oil products, whereas such solution was considered at risk of spillages and of significant visual and environmental impact, and because the proposed plan of the Government did not offer any remedy for the existing pollution in the areas interested by the zoning decision.

The Government finally submitted in 2003 to the KRRT of Vlora a proposal which included a protected port facility close to shore, and remedies for the pollution of the area interested by the requested zoning decision, and the KRRT approved the zoning of the area with its decision no. 1, of 17th January 2003 in a public meeting attended by more than 30 people (minutes of the meeting are available at the Vlora Municipality). The zoning decision then required further approval by the National KRRT, which took place on 19th February 2003, by decision no. 9.

When eventually the project of the Terminal was ended, it was presented to all interested parties, public and private and all valid suggestions were carefully taken into consideration and reflected in its final version. The Public Consultation with the Community of Vlora on December 15, 2004.

**Comments on paragraph 42-43.** An Environmental Permit on **Oil storage terminal and port infrastructure** has been issued in April 2007 following the demand from PIA. After that the same Ministry has requested nearby the Council of Territorial Adjustment in Vlora the construction permit for Vlora TEP. Up to now, no construction permit has been delivered by Vlora CTA.

### **Oil and gas pipelines**

*44. On 5 December 2003, the Council of Territorial Adjustment of the Republic of Albania approved the route of the proposed AMBO pipeline. On 26 April 2004, the Council of Territorial Adjustment (Vlora District) approved the route of the pipeline. No evidence of public participation prior to either of these decisions has been presented.<sup>4</sup>*

**Comments on paragraph 44.** The Oil pipeline Burgas – Vlore is only at the phase of study. It is not decided yet the location of its coastal Terminal. The Albanian government has asked the interested (AMBO Corporation) to submit several proposals on the location of the terminal at the Albanian coast. Up to now, there has been no further proposal from AMBO part. At the moment such a study will be ready, it will certainly be subject of public discussion with the pertaining community.

### **III. CONSIDERATION AND EVALUATION BY THE COMMITTEE**

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<sup>4</sup> The Committee is aware of another proposal for a gas pipeline passing through Vlora, namely the Trans-Adriatic Pipeline proposal from the Swiss company Elektrizität Gesellschaft Laufenburg AG for a pipeline which would bring gas from the Caspian, Russia and the Middle East through Greece and Albania to fuel Italian power stations, but has not received any information concerning the decision-making processes involved.



50. *The Convention, as a treaty ratified by Albania, is part of the Albanian legal system and is directly applicable, including by the courts. The Party concerned has stated that some aspects of the Convention have been transposed into national law, but has not been specific about this.*

**Comments on paragraph 50.** We believe that information regarding the transposition of the Convention has been sent to the Secretariat in previous years. The last reporting has been delivered on 2006 and it is considered by the Secretariat as quite positive. Please find further information on Annex 2. Nevertheless further efforts should be concentrated in the preparing by law acts.

#### **A. Admissibility and use of domestic remedies**

52. *The communicant attempted to justify this at one point by asserting that Albanian legislation did not provide domestic judicial or similar remedies of the kind envisaged under article 9; at another stage, by reference to its lack of confidence in the ability of the Albanian courts to safeguard its interests in an effective way, referring to the judicial system as ‘slow and sluggish, in many aspects corrupted’ and asserting that ‘there was not a single case up to this day that would have been decided in favour of an environmental complaint or charge’. Furthermore, it considered its efforts to raise signatures and thereby precipitate a referendum to be a form of domestic remedy, albeit not in a conventional sense.<sup>5</sup>*

**Comments on paragraph 52.** In order to avoid emphasis with paragraph 21 we suggest the following change:

“The communicant attempted to justify this at one point by asserting that Albanian legislation did not provide domestic judicial or similar remedies of the kind envisaged under article 9; at another stage, by reference to its lack of confidence in the ability of the Albanian courts to safeguard its interests in an effective way. Furthermore, it considered its efforts to raise signatures and thereby precipitate a referendum to be a form of domestic remedy, albeit not in a conventional sense.”

53. *Decision I/7 of the First Meeting of the Parties of the Aarhus Convention says that the Committee should “take into account any available domestic remedy” (emphasis added). As previously noted by the Committee (MP.PP/C.1/2003/2, parag. 37), this is not a strict requirement to exhaust domestic remedies. The Party concerned said in November 2005 that there was no domestic judicial remedy that could be used before the decision was taken, as there was nothing that a court could consider. A year later, the Party concerned presented general information to the effect that according to the Constitution and laws of Albania, there was access to administrative review, Ombudsman and courts. The first statement of the Party concerned could be seen to imply that the three decisions the text of which it submitted to the Committee in June 2006 (see para. 9 above) were not subject to appeal, which was also the position of the communicant (see para. 23); by contrast, its second statement indicated that they could have been appealed. In any event,*

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<sup>5</sup> The reasons why the Election Committee, and subsequently the Supreme Court, rejected this initiative despite the requisite number of signatures having supposedly been obtained remain unclear to the Committee.



*there appears to be a certain lack of clarity with regard to possibilities to appeal certain decisions.*

**Comments on paragraph 53.** Further consultation with legal experts has shown that according to the Constitution and laws of Albania, the communicant has had full access to administrative review, Ombudsman and courts.

54. *The Committee regrets the failure of both the Party concerned and the communicant to provide, in a timely manner, more detailed and comprehensive information on the possibilities for seeking domestic remedies. Furthermore, it does not accept the communicant's assertion that it has tried all possible domestic remedies. Nonetheless, in the face of somewhat incomplete and contradictory information concerning the availability of remedies, also from the side of the Party concerned, the Committee cannot reject the allegations of the communicant that domestic remedies do not provide an effective and sufficient means of redress.*

**Comments on paragraph 54.** We would like to notice that the contradictory information from the Party does not imply that domestic remedies do not provide an effective and sufficient mean of redress. As in other countries, the court system is independent form the executive system. In this context the contradictory information might rather reflect a lack of know how from the Party rather than lack of “effective and sufficient mean of redress”.

## **B. Legal basis**

59. *Decision Nos. 9 and 20 concern activities of types that are explicitly listed in annex I of the Convention. Paragraph 1 of annex I refers to ‘Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more’. Paragraph 18 refers to ‘Installations for the storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tons or more’. **Other paragraphs of the annex may also be relevant to Decision No. 9.** As regards Decision No. 8, industrial and energy parks are not listed in annex I as such, even though many of the activities that might typically take place within such parks are listed. If an EIA involving public participation for such a park were required under national legislation, it would be covered by paragraph 20 of annex I.*

**Comments on paragraph 59.** We would like to recall our comments with regard to paragraph 42. “*The EIA study on the Oil Storage Terminal shows evidence that the total maximum storage capacity is about 170.000 tons, still well below the 200.000. Based above the Oil Storage Terminal and Port Infrastructure might fall beyond the scope of paragraph 18 of Annex I of the Convention.*”

## **C. Substantive issues**

### **Industrial and energy park**

65. *The Party concerned has informed the Committee that there was “no complex decision taken on the development of industrial park as a whole”. It has emphasized that Decision No. 8 of the Council of Territorial Adjustment of the Republic of Albania*



*“On the Approval of the Industrial and Energy Park - Vlore”, which approved the development of ‘The Industrial and Energy Park –Vlore’, was just a location (sitting) decision. However, this does not detract from its importance, both in paving the way for more specific decisions on future projects and in preventing other potentially conflicting uses of the land. Several Ministries were instructed to carry out this decision. The decision came into force immediately. It is clear to the Committee that this was a decision by a public authority that a particular piece of land should be used for particular purpose, even if further decisions would be needed before any of the planned activities could go ahead.*

66. *No evidence of any notification of the public concerned, or indeed of any opportunities for public participation being provided during the process leading up to this decision, has been presented to the Committee by the Party concerned, despite repeated requests. The documents provided by the Party concerned do not demonstrate that the competent authorities have identified the public that may participate, as requested under article 7 of the Convention, and that they have undertaken necessary measures to involve the members of the public into the decision-making. To the contrary, the evidence provided suggests that the opponents were not properly notified about the possibilities to participate. The Committee is therefore convinced that the decision was made without effective notification of the public concerned, which ruled out any possibility for the public to prepare and participate effectively during the decision-making process. Given the nature of the decision as outlined in the previous paragraph, even if public participation opportunities were to be provided subsequently with respect to decisions on specific activities within the industrial and energy park, the requirement that the public be given the opportunity to participate at an early stage when all options are open was not met in this case. Because of the lack of adequate opportunities for public participation, there was no real possibility for the outcome of public participation to be taken into account in the decision. Thus the Party concerned failed to implement the requirements set out in paragraphs 3, 4 and 8 of article 6, and consequently was in breach of article 7.*

**Comments on paragraph 65-66.** The section on Industrial and Energy Park (Chapter Substantive Issues) could also mention that the Secretariat of the Council of Territorial Adjustment of the Republic of Albania, the Ministry of Economy, Trade and Industry has proposed the abrogation of the Decision Nr. 8 Date 19/02/2003 “On Approval of the Industrial and Energy Park-Vlore”. This fact shows clearly that the concerns raised by the communicant as well as other public groups have been seriously taken in consideration by the Government of Albania.

### **Thermal electric power plant**

67. *Contrary to the decision-making process leading up to the designation of the site of the industrial and energy park, the decision-making process relating to the proposed TEP involved some elements of public participation, e.g. public notifications, public meetings, availability of EIA documentation and so on. However, as regards Decision No. 20, dated 19 February 2003, which establishes the site of the TEP, the only element of public participation in this phase of the process appears to have been the public meeting that took place in Vlora on 31 October 2002. The issues of who was notified of the meeting and invited to participate in it, the content of the notification, and who actually participated, are therefore important. As mentioned above (para.*





37(a)), the Party concerned asserted that among those who participated in the meeting were “intellectuals and NGOs of Vlora” This assertion has been strongly disputed by the communicant. Unfortunately, despite repeated requests by the Committee, the Party concerned has failed to provide specific information on these points. (1)**The obscure circumstances** around the meeting in October 2002, and the failure of the Party concerned to provide anything to substantiate the claim that the October meeting was duly announced and open for public participation, (1) **clearly point to the conclusion that the Party concerned failed** to comply with the requirements for public participation set out in paragraphs 3, 4 and 8 of article 6 of the Convention.

**Comments on paragraph 67.** We believe that this paragraph could give a better picture of the reality by avoiding expressions as “*obscure circumstances around the meeting in October 2002*” which at least are not based in evidences that were provided by the Party. We would like to recall our comments regarding the paragraphs 30-41 in the Chapter “Summary of The Facts, Evidence and Issues”.

*The Council of Territorial Adjustment Decision No. 20 on 19 February 2003 “On the construction site of the new TEP in Vlora” was preceded by the following events :*

- *Site selection undertaken during the period April-September 2002,*
- *Draft Sitting Report completed on 6 June 2002 recommending Vlora as the best site,*
- *On 21 June 2002, the Ministry of Energy and KESH approved the recommendation,*
- *On 21 October 2002, the feasibility study completed and ‘introduced in Vlora,*
- *On 31 October 2002, the Ministry of Energy and Industry convened a public meeting in Vlora,*
- *On 21 December 2002, the Council of Territorial Adjustment (Vlora District) approved the choice of the site for the TEP,*

The first meeting, held on 31 October 2002 in Vlora sought public input on the Sitting and Feasibility Study. It was attended by 39 people, 17 of whom (circa 43%) represented either NGOs or independent interested public. A list of participants has been provided by the Party.

The meeting on 2 April 2003 was attended by participants representing different political parties in a local level, as well as social segments of the community. Furthermore we would like to point out that the meeting has been more extended but many participants have not signed despite their presence in the meeting.

The third meeting was held on 3 September 2003, in Vlore to discuss the Draft EIA. The Draft EIA was made available to the Public at least thirty days prior to the meeting. This process was coordinated by the National Agency for Energy (NAE). It was attended by governmental representatives, local authorities, regional authorities, students and staff of Vlora University citizens and local non-governmental organizations. During this meeting, additional details about the project and the EIA were disclosed to the public. Participants had the opportunity to discuss the project impacts and provided further input to the EIA process. The meeting was well publicized through local news media outlets. Official Copies of the Draft EIA reside



with the Ministry of Environment, Ministry of Territory and Tourism, Ministry of Industry and Energy, KESH, and the NAE. NAE also sent 10 English copies and 20 Albanian copies of the Draft EIA to the Municipality of Vlore, District of Vlore and Prefecture of Vlore. One English and Albanian copy was also archived in the Vlore Library.

*68. The two meetings that took place on 2 April 2003 and 3 September 2003, respectively, obviously occurred after the adoption of Decision No. 20, and therefore cannot be considered as events contributing to the involvement of the public in that decision. Thus, they do not mitigate the failure of the Party concerned to comply with the Convention in the process leading to Decision No. 20 of 19 February 2003.*

**Comments on paragraph 68.** The meetings on 2 April and 3 September were discussing respectively the EIA scope and the EIA study. The TEP location was discussed in a previous meeting held on 31 September 2002, well before the Decision No. 20 of 19 February (see paragraph 31, 35, 37a and 67). According those paragraphs, the comments expressed above and the facts provided by the Party, it seems that the Party has not failed to comply with the Convention in the process leading to Decision No. 20 of 19 February 2003.

*69. Even so, the Committee wishes to make a short comment on these meetings as well, since they also give rise to concern. No information has been provided by the Party concerned to demonstrate that the meetings in April and September 2003 were publicly announced, so as to make it possible also for members of the public opposing the project to actively take part in the decision-making. Nor has the Party concerned been able to give any reasonable explanation as to why the rather strong local opposition to the project, indicated by the 14,000 people calling for a referendum, was not heard or represented properly at any of these meetings. It is thus clear to the Committee that the invitation process also at this stage was (1) selective and insufficient. The only public notification, in the form of newspaper advertisements, that was presented to the Committee related to meetings that took place later in 2004. (2) Thus the Committee notes that, despite some subsequent efforts to improve the means for public participation, there were several shortcomings also in the decision-making process after February 2003.*

**Comments on paragraph 69.** The party has provided evidences that the meetings were publicly announced (see paragraph 37 and 67) and that the meetings made it possible for members of the public opposing the project to take part in decision-making.

The Party would like also to highlight that the Civic Alliance was non-existent in 2003. The signatures of 14,000 people were mainly collected during 2005.

The Party is sure that the invitation process is neither selective nor insufficient. As stressed in paragraph 28, the Albanian Government did organize three consultation meetings with independent experts and high representatives of the Civic Alliance. The meetings were facilitated by the Albanian Council of Ministers in the presence of the Deputy Prime Minister, high political representatives of the Ministry of Economy, Trade and Industry, Ministry of Environment, Forests and Water Administration, members of the Albanian Parliament representing the whole political spectrum, representatives from the Local Authorities of Vlora, representatives from several governmental technical institutions as well as the rector of Vlora University. The Civic



Alliance as well as the independent experts did have the possibility to express its concerns in this meeting. They took the floor several times and defended their ideas even through several Power Point presentations.

### **Oil storage terminal and port infrastructure**

70. *Decision No. 9 approving the construction site for a proposed coastal terminal for storage of oil and by-products and associated port infrastructure appears to have been adopted without any prior public participation. Assuming that the proposed oil storage terminal would have a capacity of more than 200,000 tons (see para. 42), it is an activity falling within the scope of **annex I of the Convention**. Considered under either article, the lack of public participation possibilities leading up to the decision represents a failure to implement the requirements set out in paragraphs 3, 4 and 8 of article 6.*

**Comments on paragraph 70.** The EIA study on the Oil Storage Terminal shows evidence that the total maximum storage capacity is below the 200.000. Based above the Oil Storage Terminal and Port Infrastructure might fall beyond the scope of Annex I of the Convention.

### **Oil and gas pipelines**

71. *The Committee notes that pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km are listed in paragraph 14 of annex I of the Convention and therefore subject to the full set of public participation requirements under article 6. The AMBO pipeline and other pipeline proposals have not been a particular focus of the Committee's attention, and the Committee has not received sufficient information from the Party concerned or the communicant to be in a position to conclude whether or not there was a failure of compliance with the Convention.*

**Comments on paragraph 71.** We would like to recall on comments on paragraph 44 where we have stated that the Oil pipeline Burgas – Vlora is only at the phase of study. It is not decided yet the location of its coastal Terminal. The Albanian government has asked the interested (AMBO Corporation) to submit several proposals on the location of the terminal at the Albanian coast. Up to now, there has been no further proposal from AMBO part. At the moment such a study will be ready, it will certainly be subject of public discussion with the pertaining community.

## **IV. CONCLUSIONS**

### **A. Main findings with regard to non-compliance**

77. *With respect to the proposed thermal electric power plant (paras. 67-69), the Committee finds that the decision by the Council of Territorial Adjustment of the Republic of Albania on the sitting of the TEP near Vlora (Decision No. 20 of 19 February 2003) is subject to the requirements of article 6, paragraphs 3, 4 and 8. Although some efforts were made to provide for public participation, these largely*



took place after the crucial decision on sitting and were subject to some qualitative deficiencies, leading the Committee to find that the Party concerned failed to comply with the requirements in question.

**Comments on paragraph 77.** The Party believes that this finding should be reviewed and re-phrased since they do not comply with the evidences given in paragraphs 31, 35, 37, 67, 68 and 69.

The World Bank has followed meaningful consultations and disclosures as they are required under the regular World Bank safeguard policies.

79. *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 (para. 73).*

**Comments on paragraph 79.** The Party believes that this finding should be reviewed and re-phrased since it does not comply with the evidences given in paragraph 50. The information regarding the transposition of the Convention has indeed been sent to the Secretariat in previous years. The last reporting has been delivered on 2006 and it is considered by the Secretariat as quite positive. Please find further information on Annex 2. Nevertheless we agree that further efforts should be concentrated in the preparing by law acts ensuring a better implementation of the Convention.

## **B. Recommendations**

80. *[Noting that the Party concerned has agreed that the Committee take the measure referred to in paragraph 37 (b) of the annex to decision I/7,] the Committee, pursuant to paragraph 36 (b) of the annex to decision I/7, [has adopted] the recommendations set out in the following paragraphs.*

81. *The Committee recommends that the Party concerned take the necessary legislative, regulatory, administrative and other measures to ensure that:*

(a) *A clear, transparent and consistent framework to implement the provisions of the Convention in Albanian legislation is established;*

(b) *In order to comply with article 7 of the Aarhus Convention, “practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment” are in place not only during preparation of individual projects, including through development of detailed procedures and practical measures to implement article 25 of the EIA Law of Albania;*

(c) *The public which may participate is identified;*

(d) *Notification of the public is made at an early stage for projects and plans, when options are open, not when decisions are already made;*

(e) *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 kept of such notifications;*

*(f) 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.*

*(g) Public opinions are heard and taken into account by the public authority making the relevant decisions in order to ensure meaningful public participation;*

*82. Having regard to paragraph 37 (d), in conjunction with paragraph 36 (b), of the annex to decision I/7, the Committee recommends the Party concerned to 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.*

*83. The Committee also recommends that the measures proposed in paragraphs 80 to 82 be taken or elaborated, as appropriate, in consultation with relevant NGOs.*

*84. The Committee invites the Party concerned to draw up an action plan for implementing the above recommendations and to submit this to the Committee by 15 September 2007.*

*85. The Committee invites the Party concerned to provide information to the Committee by 15 January 2008 on the measures taken and the results achieved in implementation of the above recommendations.*

*86. The Committee 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 the measures referred to in paragraphs 80 to 88.*

*87. The Committee resolves to review the matter no later than three months before the third meeting of the Parties and to decide what recommendations, if any, to make to the Meeting of the Parties, taking into account all relevant information received in the meantime.*

**Comments on Recommendations.** First of all, we would like to thank the Convention on the recommendation done to the Party and we would like to assure you that the recommendations will be seriously taken into consideration by Albania. On behalf of the Albanian Government, the MoEFWA express its commitment towards a rapid implementation of the recommendations since it believes that they will strongly support the environmental conservation work done so far in our country.

We would like to inform you that the Albanian Government has approved in June 2005 the Strategy and Action Plan for the Implementation of the Aarhus Convention. The Strategy has foreseen also measures needed for its implementation.



With respect to Albanian EIA Law, the MoEFWA will prepare within 2009, two Minister's orders about informing public on environmental information, as well as for the procedures of public participation on decision making process.

The Regulation dated 17 August 2004 on "Public Participation in the process of environmental impact assessment" enlists in its article 10 the interested parties. The implementation of this regulation is still lacking due insufficient capacities among local authorities.

We would also like to inform you that recently the MoEFWA has established the Advisory Board of Aarhus Information Centre with the assistance of OSCE. The Board is composed by 7 members, three representatives of MoEFWA, one representing the OSCE and the other three are representatives of the most active national environmental organizations.

This Board has organized two meetings so far. During its second meeting the Board took the opportunity to distribute and to discuss the Draft Findings and Recommendations of Aarhus Convention.

At last but not the least, Albania welcomes any help given by the Convention and potential donors for reviewing and enhancing its legal and institutional framework in order to better enforce and implement the Aarhus Convention.

Yours Sincerely,

Pellumb Abeshi

# REPORT

## THE MINUTES OF THE PRESENTATIVE MEETING ON VLORA TEC (HELD IN VLORA ON OCTOBER 28, 2002)

Today on October 28. 2002, in presence of:

Mr. Pjeter DEMA	Vice-Minister of Industry and Energy
Mr. Petrit AHMETI	Adviser of Minister for Energy
Mr. Besim ISLAMI	Chairman of National Agency of Energy
Mr. Arben DEMETI	Vice-Minister of Regulation of Territory and Turismus
Mrs. Tatjana HEMA	Vice-Minister of Environment
Mr. Shpetim GJIKA	Prefect of Vlora
Mr. Bashkim HABILAJ	Chairman of Council of District of Vlora
Mr. Niko VEIZAJ	Chairman of Municipality of Vlora

And with participation of the interested persons (see Annex 1 (Participation List), here included)

Was held the presentation meeting of the final Study on New TPP of Vlora, executed by MWH Company.

The Meeting was opened by Mr. Gjika Shpetim, Prefect of Vlora, who presented in front of auditorium the participants in meeting and thanked the working body for the chosing made on appointing Vlora as the city of the TPP to be built (4 Minutes).

The second one who presented the project was Mr. Islami Besimi, Chairman of the national Agency of Energy. He presented the project on all phases extended till now, beginning from idea draft on the building of a new TEC with a high productivity, the chosen of the place, the feasibility study, the technical and environmental aspects of the project. He also made a description of the other steps expected to be undertaken till the full realization of the project. During its presentation were made some short questions, especially on technical issues as for example on the fuel sorts to be used, on the technology to be used, etc. After finishing his presentation Mr. Islami invited the participants to ask questions (20 Minutes).

Here unten is given a summary of the questions made and the answers given on the resulted issues.

1. How much is going to influence on the sea water the hot water temperature, turned back from the cooling of the TPP condensation?

Mr. Islami Besim : The cold water temperature entering into the condendenser as average during all year is 15°C. After cooling in the condenser this temperature is increased on the level of 19-20°C. Moving the pulled out tube into the depth, in a distance 3-5 km from the seaside, is made posible that the sea water temperature to be increased no more than 1.5°C towards its value. This

makes possible the phenomenon avoidance of thermic heating and is within the permitted norms making possible the preservation of the marine flora and fauna (about 3 Minutes).

2. Has been taken in consideration the fact that into lagoon are not poured other water sources except the water sea and that the marine sole is clayey.

Mr. Islami Besim : The cold water is going to be obtained from the sea. The taking and unloading of the cooling water has no connection with lagoon. The full environmental study will make possible to be observed the impact which is going to have on the clayey sole the taking of the sea water. But the preliminary analyses show no negative influence will result (1 Minute).

3. What is the future of the Albanian Energy sector?

Mr. Islami Besim : The Ministry of Industry and Energy, the World Bank and KESH are doing a study on the development of the Albanian Electro energetic Sector. This study will finish on January 2003. Also since July 2002 has begun the work for preparing of National Strategy of Energy from the side of National Agency of Energy in collaboration with Albanian energetic institutions. Both these documents together with Electro energetic Politics will form the future basis for Albanian energetic sector development, in such a way that no crises to be more repeated (2 Minutes).

4. What kind of pollutants are emitted into the atmosphere?

Mr. Islami Besim : To reduce the emissions into the atmosphere has been showed caution since the election of the fuel which is going to be used onto TPP. As a result is going to be used diesel with a sulfur percent not higher than 0.5%. Both this with a very sophisticated technology offered by the combined cycle, especially gas turbines will make possible that the emissions into the atmosphere from this TPP to be within the permitted norms from WB, EIB and EBRD (3 Minutes).

5. Having in consideration that the TPP is near the city, have been analyzed the winds which may push the smokes towards the city?

Mr. Pirro Mitrushi : As here mentioned, the Vlora-City-Gulf, influenced from the Northwest-Southeast and Southwest-Northeast winds. On these conditions, based on the study of the rose of the wind of ex Soda PVC plant, the conditions for the TPP on the zone Vlora B are improved, because the displacement towards Northwest into 2-3 km improves (deviates) the wind movement. It is to underline that the new TPP emissions will be less problematic as those of ex-Soda-PVC Plant. The underlined values are the maximum ones on the case of using a non qualitative distillates with a Sulfur content less than 1% (2 Minutes).

6. Is the water to be taken from TPP to be unsalted?

Mr. Mitrushi Pirro : TPP needs for water are to be resolved : The potable water is to be taken from the water furnishing enterprise of city Vlora; industrial water < 200 m<sup>3</sup>/hour if possible



from the same enterprise, but if this enterprise will not be able to satisfy the needs of TPP, in Project has been foreseen an Unsalted Osmotic Plant of the sea water; the marine cooling water will be taken from the sea and then taken back into the sea. For the needs of boiler, turbines, etc. the project has foreseen as necessary an unsalted milder plant (2 Minutes).

7. Is polluted the zone chosen from the erecting of TPP?

Mr. Islami Besim : The chosen zone is 1.8 km way from PVC, zone which results polluted from mercury in very high levels. According the studies done this zone (Vlora B) may be not much polluted. But this zone may not be a turistic zone too, because is very near to the new port. (1 Minute)

8. Has been thought for the pipes and the pontile of oil?

Mr. Islami Besim : The question is very nice. On the study done from HARZA Company has been thought to be included all investments into the infrastructure connecting TPP with fuel, water and electricity networks. In the initial investment are included 2.6 millions US.\$ for rehabilitation of all terminal for a secure import and depositing of fuels. (3 Minutes).

9. Has any study been done for their renovation and replacement?

Mr. Islami Besim : I have to underline that in the supplementary investments to be included in the supply infrastructure with fuels, water and with electricity system, all these have been taken into consideration and consequently TPP will be secure in its job. Has to be underlined that also for other places this has been taken into consideration and this is it which gave priority the Vlora place. As conclusion I have again to underline that all investments have been taken into consideration for the whole infrastructure (2 Minutes).

10. Has been thought as a variant Vlora-C, because Vlora-A has since the beginning been disqualified?

Mr. Islami Besim: We first have chosen the Region. The analyse showed that the best region for this reason is Vlora. Then normally was passed in the choosing of the place in two zones of Vlora and the more promoting choices to be examined has been Vlora-A and Vlora-B. Vlora-A has problems with demolated objects and environmental pollution, as was analyzed over, so that consequently the other zone was it which provided the more effective and poore investments for the infrastructure, for supplying with fuels, for connection with the network and for the cooling water. We are going to analyse the variant presented here for Akernia zone, but in approximative calculations seems that this zone will need supplementary investments. (about 10-15 million US\$). (4 Minutes).

11. Are to be taken into consideration views resulting from this meeting?

Mr. Islami Besim : Yes of course. We show you that this conversation isn't done like a televisive show. We are totally preoccupied to follow all the steps, and as Mrs. Hema Tatjana said, it is

indispensable this meeting to be realized and the study on the environmental impact to analyse all preoccupations that concern you. Based on Aarhus Convent, it is the duty of the Albanian institutions to inform the public in reference to all projects phases and with the impact that it will bring to the community and surroundings.

12. What is Vlora going to win and lose from the construction of the TPP?

Mr. Islami Besim : The construction of the new TPP is firstly very important in national context and secondly in regional one. In national context the construction of TPP will make possible the diversification of the electricity generation, which will increase the supply security. As far as is concerned Vlora this TPP will make possible the local electricity generation, which will be a help in the development of local economy of the region. On the other side, this project, being combined with this one with the construction of a line 220 kV Fier- Babica (Vlora), will make possible the increasing of the production activities, especially the tourism, on which all we are looking. On the other side we have also to declare for all the problems to be confronted by the construction of TPP in the zone Vlora-B. This zone being near the port may of course not be a protective or touristic zone and showing prudence on choosing of the technology and operating of TPP we may decrease in maximum the influence on the environment. (4 Minutes).

13. Has been taken into account the view of local govern on the phase of the chosin of the place?

Mr. Mitrushi Pirro : The history of the new modern TPP place has begun since 2 years ago. As beginning has been explained the need on a TPP in energetic system. Onward in the study on the rehabilitation of Fier TPP, have been outlined the needs for a study with variants in fuels, tecnologies and eventual places and the import option (HARZA); at last it is this project, which in the first phase examined 6 regions with 2 variants each of them. The views on this phase were not taken from the local govern, because this was not requested from the company for efect of confidence and prudence. This day and a month before we have been passing into these explanatory and indispensable procedural meetings. On the role of albanian consultant, we have suggested to have 2 variants for each region (one of which in an ex industrial zone and the other in a fre zone). Our suggestions have been opinions within our technical compnetence and we have been right. (4 Minutes).

14. Is there any study for any free possible industrial zone in Vlora?

Mr. Mitrushi Pirro : The industrial and commercial zones (parcs) are very interesting dhe such long-term and middle-term studies are the duty of the local government, of the civil and business society on each region. These are not to be requested to the central government or Ministry, but if they exist you have to present them to the government. The studies will be wellcomed. (3 Minutes)

15. It wouldn't be better that this site to be displaced on the North or the South, because the chosen site for the Vlora citiciens have to be a beach on the future?

Mr. Mitrushi Pirro : Firstly, the zone Vlora-B now and before has not been a beach, there exists only holes from the taking off the sand and bunkers. Secondly, southward between the port and ex Soda-PVC plant there is more pollution and practically we approach the city and the beach. Third, passing towards North we approach to Zvernec-Narta (which is a protected zone) or in Akkerni-Poro, which will request much more investments for the infrastructure. (3 Minutes).

16. The city of Vlora is located on a extension, that has been treated from a UNDP Programm as a protected zone of Narta Lagoon, which contains rare species. This has been the reason that we have had a lot of problems to make possible the approving of the TEC. Is possible to do another investigation?

Mr. Islami Besim : HARZA, KESH and us have begun the investigation of the place of the new TEC studying seven zones: Shengjin, Durres, Elbasan, Cerrik, Korca, Fier and Vlora. In all these zones were analyzed two zones: the first to be an industrial abandoned zone and the second a virgin zone. All places in ex industrial zones, which were analyzed, are very polluted and the dirtiest is the zone of ex Soda Plant in Vlora. On the one side it is good to be exploited an ex industrial zone for the construction of TPP, but on the other side it would firstly request the razing of everything in that zone and the decontamination of the zone (as exists in Vlora from mercury) and the investments for its realizing are at the level of 15-20 Millions US\$. If this value would be used for preparing of the place, this means that about 100 Millions US\$ borrowed for construction of the TEC would be decreased and the capacity of the TPP in this case would be 70-80 MW instead of 125 MW. Nevertheless, as we have repeatedly underlined, the chosen place is only 1.3 km way from the protected zone of lagoon and so is not possible to be included in a protected zone because it is near the port, the pipe network and the oil terminal.

Mr. Ahmeti Petrit : The new TEC we are discussing is a great endeavaour of both the American and Albanian specialists to make possible the successfull conclusion of the study and its implementation. Both the Ministry and the National Agency of Energy are going to do all the efforts for realizing the solution with minimal costs and minimal effect on the environment.

Mr. Habilaj Bashkim: Firstly I want to discuss as an thermal engineer. From this point of view having a long experience, I appreciate very good the up to now study. The tecnology and place chosing has been done in conformity with technical principles. What we would request as local authority is that are to be made some simple calculations for Vlora-C in Akerni zone just to compare with Vlora B site. If the new site (Vlora C) will asked an higher value for investment for TPP we of course will agree with the proposed site Vlora B. We are going to sustain the project and request from the study team that on the phase of environmental impact study to be also included the local authorities. As conclusion, I appreciate this meeting very good and congratulate Mr. Islami and the NAE participants for the good job done.

Mrs. Hema tatjana : I appreciate very valuable the meeting organized from Ministry of Industry and Energy. It is the first time that a very detailed study is done in Albania analyzing 7 zones and 14 places in all the country. I congratulate thecolleges of Ministry of Industry and Energy, espeeceally NAE and iths chairman Mr. Islami Besim for the good job done.

At the same time I want to underline that the place chosen from their side is 1.3 km way of Narta lagoon, so that this zone has not been concluded in a protected zone. As I was expressed at the beginning this meeting is very valuable and I hope that this to be also realized in other phases. I want also to express that is indispensable that all three our institutions make a detailed study on the environmental impact, because on this zone is thought to be constructed the new TEC, fuels deposits and the drilling for oil wells.

Vice Minister Dema Pjeter : Our Ministry is working that the study of Vlora-TEC to be concluded on time. Your appraisements, remarks and suggestions have been very valuable and we will take them into consideration during the the other steps of the study. Both our Ministry and NAE are taking all the measures in order to precede the environmental study, which is expecting to begin soon. During November we will prepare all the necessary documentations to make possible the getting of licence on the construction place of TEC. We will also study the Akernie variant, doing some quick calculations to verify how more expensive is this variant.

Prefect of Vlora Mr. Gjika Shpetim : In conclusion of this meeting I want to thank Vice-Minister of Industry and Energy Mr. Dema Pjeter, Vice-Minister of Environment Mrs. Hema Tatjana, Vice-Minister of Terrain Regulation and Tourism Mr. Demeti Arben, Mr. Ahmeti Petrit and National Agency of Energy and especially Mr. Islami Besim for the great job they have done. Of course all participants gave constructive advices and some suggestions on the further improvement of the most important project job for Albania. We as local authorities guarant that we shall go on to sustain the made choosing that the TEC of Vlora to be constructed as sooner as possible and at the same time we request that the environmental impact study to be complete and from a good chosen technology to have a minimum impact on the environment.

## ANNEX

### Participants list on meeting

1. Mr. Pjeter DEMA Vice-Minister of Industry and Energy
2. Mr. Besim ISLAMI Chairman of National Agency of Energy
3. Mr. Arben DEMETI Vice-Minister of Regulation of Territory and Turismus
4. Mrs. Tatjana HEMA Vice-Minister of Environment
5. Mr. Shpetim GJIKA Prefect of Vlora
6. Mr. Bashkim HABILAJ Chairman of Council of District of Vlora
7. Mr. Niko VEIZAJ Chairman of Municipality of Vlora
8. Mr. Ahmeti Petrit Adviser of Minister of Industry and Energy
9. Mr. Mitrushi Pirro National Agency of Energy
10. Mr. Leskoviku Artan National Agency of Energy
11. Mr. Hizmo Aheron National Agency of Energy
12. Mr. Dedej Zamir Environment Ministry
13. Mr. Shakaj Kanan Chairman of Novosele Comune
14. Ms. Mbyeti Shpresa Eng. of Novosele Comune
15. Mr. Kume Arqile Electric Engineer
16. Mr. Sulaj Ferdinand Society of Albanian legitim owners
17. Mr. Suli Vaso Chemist
18. Mr. Rrapaj Adhurim Engineer
19. Mr. Dumani Dhimo Biolog, Society of Natyral Environment protection of Vlora
20. Mr. Gjika Mynyr Programmation Sekretary, District of Vlora
21. Mrs. Zunaj Luizaj Environment Regional Agency, Vlora
22. Mr. Monce Monce Liquidator of Soda-PVC Plant
23. Mr. Qomaj Sotir The Directory of Forest Service, Vlora
24. Mr. Shpata Pajtim Society "Blue Expedition"
25. Mr. Hoxha Clirim Environment Society "Kristo Papajani"
26. Mr. Gaxhi Jahri Engineer
27. Mr. Alltari Argent American Bank, Vlora
28. Mr. Islami Patriot Businessman
29. Mr. Haxhiu Vladimir Region Council, Vlora
30. Mr. Dervishaj Halim Director of SH.A Salt, Vlora
31. Mr. Hudhra Spiro Director of Electro-energetic Filial,, Fier
32. Mr. Gjidede Spiro Industry inspector in prefecture of Vlora
33. Mr. Meksi Arben Urbanistic Engineer
34. Mr. Sota Mario
35. Mr. Opari Faslli
36. Mr. Koka Anastas
37. Mr. Andoni Dhionis
38. Ms. Gjika Varvara
39. Mr. Kotorri Petrit

Transposition of the Aarhus Convention in the Albania legal framework

**Law “On Environmental Protection” No.8934, Date 5.09.2002**

**Article 3**

Definition of terms

38“*Public authority of environmental protection*” is the Ministry of Environment with its bodies and structures, environmental bodies in state institutions on central and local level, as well as any central or local body established subsequently to them.

39“*Public authority of environmental management*” refers to the central and local governmental bodies, which are entitled by law to environmental management and its elements.

**Article 10**

Local environmental plans

Local government bodies develop action plans on environment, in compliance with the requirements of the national environmental strategy.

Line ministries assist the development and implementation of the local environmental plans, by providing the necessary information and technical expertise.

Local government bodies should involve the public and environmental or professional non-profit organizations and business organizations, in the development and approval of the programs and plans.

The chairmen of the municipalities should report to the Region Council about the implementation of the local environmental action plan, every year.

**Article 54**

Environmental information

1. Information on the state of the environment includes:

Data on the state of environmental elements;

Data on the development of the economical sectors, which affect the environment, and their direct factors, which exercise pressure on the environment;

Data on the environmental impacts;

Data on activities, undertaken for the protection of the environment;

Data on the state and exploitation of the natural, biological, mineral and energy resources;

Data obtained from the national monitoring program implementation;

Data on environmental discharges, on environmental quality and natural phenomena.

2. The information is accompanied with explanations on the likely negative impacts with delayed effect on the environment and human health and with recommendations on the citizens' action in cases of verification of the negative impacts.

### **Article 55**

#### Gathering of information

The information on the state of the environment is received and collected by the Ministry of Environment and its Regional Agencies, other ministries and central institutions, and local government bodies.

The environmental information is requested, drafted and submitted according to rules, defined by the Minister of Environment. The legal and physical persons should submit the information, within 15 days after the receipt of the request.

### **Article 56**

#### Publication of information

The state bodies that collect the environmental data and information publish them through mass media or other appropriate means in an easy and understandable form for the public.

The state bodies and physical or legal persons, as soon as they observe any environmental pollution or damage, should inform the population about negative environmental changes, the measures taken for their limitation or avoidance, as well the actions to be undertaken from the citizens to protect their health and safety.

The physical and legal persons inform the buyer or consumers, at the time of sale or service provision, in writing or orally, about the hazardous components of their goods or services, as well as about the negative impacts on environment and health.

The information which contains confidential data on national security or national commercial confidentiality, is administered according to the requirements of the Law No. 8457, date 11.2.1999, on "Information classified as state secret".

## **CHAPTER X**

### **ROLE OF THE PUBLIC**

#### **Article 77**

#### The right to environmental information

The public and non-profit organizations are informed about the state of the environment through the publications of the information made by the state bodies and physical and legal persons, as well as by requesting data from the state bodies.

The Minister of Environment defines the rules and procedures for the publication and provision of the environmental bodies by the environmental protection bodies.

## **Article 78**

### Public participation in environmental decision-making

The decision-making bodies ensure the participation and active role of the public and non-profit organizations during the decision-making process.

The Minister of Environment defines the rules and procedures that realize the participation of the public in the decision making of environmental bodies.

Everybody has the right to complain at the environmental state bodies about any activity that utilizes, threatens, damages or pollutes the environment. Further to taking measures, the state bodies should respond in writing to every request of this kind, within 1-month period, from the receiving date.

According to the conditions previewed by the law No.7866, of 6.10.1994 "For the referendums", the public and the non-profit organizations have the right to request the holding of general or partial referendums for environmental matters.

## **Article 79**

### Non-profit organization for environmental protection

Environmental non-profit organizations enjoy the right to be opponent to and to cooperate with the environmental protection bodies.

The Minister of Environment defines the obligatory rules and procedures for environmental bodies to accomplish the rights of these organizations especially as regards:

The formulation of policies, strategies and development plans and environmental protection programs;

The preparation and implementation of the management plans for various areas;

The preparation and implementation of monitoring programs;

The environmental control;

The EIA process and approval of the environmental permit;

The preparation of legal and environmental normative acts

Representatives of non-profit organizations participate as members in councils and committees created for the environmental management and protection.

The Ministry of Environment supports the projects of non-profit organizations, according to the regulations approved by the Council of Ministers, upon proposal of the Minister of Environment.

## **Article 80**

### Professional business organizations

Professional business non-profit organizations present their views in institutional way for the management and protection of the environment. They participate in the preparation and implementation of programs of development, management and protection of the environment.



The Minister of Environment defines the rules and procedures for the communication of the public environmental institutions with the professional business organizations.

## **Law On Environmental Impact Assessment No.8990, Dated 23.1.2003**

### **Article 17**

#### Review Criteria

1. The review of request from the commission shall be conducted on basis of review criteria that consist of the following:

Verification of level of impact on environment;

b) Conformity of the project with national and regional plans of social and economic development and with territory adjustment plans;

c) Ability of the proposer to bear rehabilitation costs of damaged and polluted environment by its activity;

ç) Technical and technological characteristics of the project to apply requirements for prevention of pollution and damage to environment;

Consideration of opinions of interested parties.

2. Meeting of the commission of request review is open to interested public, non-for profit organizations, the proposer and the media.

### **Article 19**

#### Consultation with Interested Parties

The Minister of Environment shall require an opinion whether the project is in conformity with national and regional development programs and plans and about the expected level of impact on environment forwarding the description of the project and the profound impact assessment on environment report to:

Central organs covering the field of project objective;

Urban and tourism development organs;

Local government organs of the area where the project will be implemented;

ç) Specialized institutions in the forecast of impact on environment.

### **Article 20**

#### Public Debate

1. The project and the report of impact assessment on environment shall undergo a public debate where participate representatives of the ministry which licenses the project, territory adjustment and tourism organs, local government organs, specialized institutions, interested people, environmental non-for profit organizations and the proposer.

2. The debate shall be organized and directed by the local government organ where the project will be implemented which within five (5) days upon receipt of consultation request from the Minister of Environment shall:

a) Notify the public and environmental non-for profit organizations and put into their disposal the impact assessment on environment report for a period of one (1\_ month;

b) In collaboration with the Ministry of Environment and the proposer set the debate day, notify participants ten (10) days in advance and within one month deadline organizes the open debate with all the interested.

3. If in the conclusion of the debate participatory parties does not submit their opinions to the Ministry of Environment, the commission of request review shall continue the procedures.

### **Article 23**

#### Notice and Appeal of Decision

1. The Minister of Environment shall notify its decision which is published and a copy of the environment declaration or permit shall be delivered to the proposer, state organs that license activity and local government organs of area where the project will be implemented.

2. Against the decision the proposer may appeal in court within thirty (30) days of its publication.

### **Article 26**

#### Public Participation

1. The interested public and environmental non-for profit organizations shall participate in all phases of the impact assessment on environment process decision-making inclusive. The Minister of Environment shall determine with separate normative act duties of environmental organs in order to guarantee public participation and of environmental non-for profit organizations in this process.

2. When the interested public and environmental non-for profit organizations observe irregularities in the process of impact assessment on environment shall require the Minister of Environment partial or entire re-review of the process of impact assessment on environment and the Minister shall reply within twenty (20) days from receipt of request.