Climate Change Impacts when implementing the Strategic Environmental Assessment (SEA) Directives and Spatial Planning policies”

Assessment of Institutional and Administrative Units

15 April 2015

Supported by UNITED NATIONS DEVELOPMENT PROGRAMME
### Assessment of the Institutional Administrative Units

<table>
<thead>
<tr>
<th>UNDP Contract Number:</th>
<th>2015-IC-007</th>
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<td>Programme Title:</td>
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<tr>
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<td>“Support for Low Emission Development in SEE (SLED)”-00087252</td>
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<td>Project Component:</td>
<td>“Climate Change Impacts when implementing the Strategic Environmental Assessment (SEA) Directives and Spatial Planning Policies”</td>
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</table>
- Background Analysis.  
- Assessment of relevant EIA/SEA legislation.  
- Assessment of the institutional framework, i.e. of the administrative units, both central and local, responsible for EIA/SEA  
- Assessment of other ongoing initiatives and donors’ support and guidelines related to EIA/SEA |
| Report Title: | Assessment of the institutional administrative units  
15 April 2015 |
| Topics of the Report | Conduct an assessment of the internal organizations (departments, sections, units) of the key Ministries and Municipalities of Kosovo*, in order to check the institutional framework responsible of finalizing the SEAs applying the corresponding procedures foreseen by Kosovan legislation, EU Regulation and IFIs guidelines, taking also into consideration the effects that the enforcement of the sectoral plans under their responsibility will have on climate change.  
This assessment integrates the Assessment Report already prepared on September 2014 within the project “Environmental Impact Assessment / Strategic Environment Assessment that integrates Climate Change and Biodiversity, SLED Project” financed by the Austrian Development Cooperation. |
| Period of Report Preparation: | From 23rd February to 15th April 2015 |
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Mr. Shukri SHABANI (Chief of EIA/SEA Section-EPD-MESP)  
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### Name, Surname and Position

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<thead>
<tr>
<th>Name, Surname and Position</th>
<th>Signature for the approval of the Report</th>
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</table>
| Mr. Giuseppe RAZZA  
International Expert |  
[Signature] |
| Mr. Muhamet MALSIU  
Project Beneficiary |  
[Signature] |

### Disclaimer

The opinions expressed in this Report are those of the authors and do not necessarily reflect the opinions of the UNDP Office in Kosovo or any other organisation mentioned. As a result, these will be verified before implementation of any of the recommendations contained herein.

* References to Kosovo shall be understood to be in the context of Security Council Resolution 1244 (1999)
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<tr>
<td>AI</td>
<td>Administrative Instruction</td>
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<tr>
<td>ADA</td>
<td>Austrian Development Agency</td>
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<td>ADC</td>
<td>Austrian Development Cooperation</td>
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<td>AoK</td>
<td>Assembly of Kosovo</td>
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<td>BAT</td>
<td>Best Available Technology</td>
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<td>BC</td>
<td>Beneficiary Country</td>
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<td>CA</td>
<td>Competent Authority</td>
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<td>CAA</td>
<td>Competent Administrative Authority</td>
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<tr>
<td>CAFRDESP</td>
<td>Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Plan</td>
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<td>CCS</td>
<td>Climate Change Framework Strategy</td>
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<td>CECIS</td>
<td>Common Emergency Communication and Information System</td>
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<td>CLP</td>
<td>Classification Labelling and Packaging</td>
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<td>CPR</td>
<td>Construction Products Regulation</td>
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<td>CPD</td>
<td>Construction Product Directive</td>
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<td>DB</td>
<td>Database</td>
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<td>DEP</td>
<td>Department for Environmental Protection</td>
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<td>DHC</td>
<td>Department for Housing and Construction</td>
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<td>DoP</td>
<td>Declaration of Performance</td>
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<td>DSIP</td>
<td>Directive Specific Implementation Plan</td>
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<td>DW</td>
<td>Drinking Water</td>
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<td>DUPCE</td>
<td>Directorate for Urban Planning, Cadastre and Environment (within the Kosovan Municipalities)</td>
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<td>EAS</td>
<td>Environmental Approximation Strategy</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECENA</td>
<td>Environmental Compliance and Enforcement Network for Accession</td>
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<td>EE</td>
<td>Energy Efficiency</td>
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<td>EEA</td>
<td>European Environmental Agency</td>
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<td>EED</td>
<td>Energy Efficiency Directive</td>
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<td>EHS</td>
<td>Environmental, Health and Safety</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EIIONET</td>
<td>European Environment Information and Observation Network</td>
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<td>ELV</td>
<td>Emission Limit Values</td>
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<td>EMEP</td>
<td>European Monitoring and Evaluation Program</td>
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<td>EP</td>
<td>Environmental Protection</td>
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<td>EPA</td>
<td>Environmental Protection Agency</td>
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<td>EPD</td>
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<td>EU Rule of Law Mission in Kosovo</td>
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<td>EUNO</td>
<td>European Union Office</td>
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<td>EUPs</td>
<td>Energy Using Products</td>
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<td>EWC</td>
<td>European Waste Catalogue</td>
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<td>FIA</td>
<td>Financial Impact Assessment</td>
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<td>FD</td>
<td>Flood Directive</td>
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<td>GO</td>
<td>Governmental Order</td>
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<td>GoK</td>
<td>Government of Kosovo</td>
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<td>HEN</td>
<td>Harmonized standard</td>
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<td>HMI</td>
<td>Hydro-Meteorological Institute</td>
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<td>ICO</td>
<td>International Civilian Office</td>
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<td>IFC</td>
<td>International Finance Corporation</td>
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<td>IFI</td>
<td>International Financial Institution</td>
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<td>IMPER</td>
<td>EU Network for the Implementation and Enforcement of Environmental Law</td>
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<td>INEP</td>
<td>Institute of Nature and Environment Protection</td>
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<td>INSPIRE</td>
<td>Infrastructure for Spatial Information in the European Community</td>
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<tr>
<td>Acronyms</td>
<td>Meaning</td>
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<tr>
<td>IPA</td>
<td>Instrument for Pre-accession Assistance</td>
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<td>IPPC</td>
<td>Integrated Pollution Prevention and Control</td>
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<td>KEK</td>
<td>Kosovo Energy Corporation</td>
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<td>LCP</td>
<td>Large Combustion Plant</td>
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<td>KCB</td>
<td>Kosovo Consolidated Budget</td>
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<td>KEAP</td>
<td>Kosovo Environmental Action Plan</td>
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<td>KEPA</td>
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<td>KES</td>
<td>Kosovo Environmental Strategy</td>
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<td>KSEI</td>
<td>Kosovo State Environmental Inspectorate</td>
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<td>MAFRD</td>
<td>Ministry of Agriculture, Forestry and Rural Development</td>
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<tr>
<td>MDP</td>
<td>Municipal Development Plan</td>
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<tr>
<td>MESP</td>
<td>Ministry of Environment and Spatial Planning of Kosovo</td>
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<td>MLG</td>
<td>Ministry of Local Government Administration</td>
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<td>MIS</td>
<td>Management Information System</td>
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<td>MO</td>
<td>Ministerial Order</td>
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<td>MoH</td>
<td>Ministry of Health</td>
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<td>MS</td>
<td>Member State</td>
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<td>NEEP</td>
<td>National Energy Efficiency Plan</td>
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<td>NEAP</td>
<td>National Environmental Action Plan</td>
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<td>NEAS</td>
<td>National Environmental Approximation Strategy</td>
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<td>NGO</td>
<td>Non-Government Organization</td>
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<td>NIPHK</td>
<td>National Institute of Public Health of Kosovo</td>
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<td>NWFP</td>
<td>Non-Wood Forest Products</td>
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<td>NWS</td>
<td>National Water Strategy</td>
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<td>OJ</td>
<td>Official Journal</td>
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<td>PA</td>
<td>Public Awareness</td>
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<td>PC</td>
<td>Public Consultation</td>
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<td>RBD</td>
<td>River Basin District</td>
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<td>RBMP</td>
<td>River Basin Management Plans</td>
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<td>RENA</td>
<td>Regional Environmental Network for Accession</td>
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<td>REOC</td>
<td>Regional Emergency Operation Centre</td>
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<td>RIA</td>
<td>Regulatory Impact Assessment</td>
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<td>RTA</td>
<td>Resident Twinning Adviser</td>
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<td>RWC</td>
<td>Regional Water Council</td>
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<td>SEA</td>
<td>Strategic Environmental Assessment</td>
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<td>SEAD</td>
<td>Streamlining enforcement of contracts – report and recommendations regarding commercial case procedures</td>
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<td>SIDA</td>
<td>Swedish International Development Agency</td>
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<td>SPAs</td>
<td>Special Protection Areas</td>
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<td>SRSG</td>
<td>Secretary-General of the United Nations</td>
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<tr>
<td>TA</td>
<td>Technical Assistance</td>
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<td>TAIEX</td>
<td>Technical Assistance and Information Exchange Instrument</td>
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<td>TFEU</td>
<td>Treaty on the Functioning of European Union</td>
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<td>United Nations Development Program</td>
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<td>UNMIK</td>
<td>UN Interim Administration Mission in Kosovo</td>
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<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<td>URP</td>
<td>Urban Regulatory Plan</td>
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<td>UP</td>
<td>Urban Plan</td>
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<td>USAID</td>
<td>US Agency for International Development</td>
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<td>WB</td>
<td>World Bank</td>
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<td>WFDD</td>
<td>Water Framework Directive</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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<td>WP</td>
<td>Work Plan</td>
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<td>WTF</td>
<td>Water Task Force</td>
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Preface

The present report has been finalised as a specific deliverable of the individual assignment to Mr. Giuseppe RAZZA (also called “UNDP Expert”) to implement his assistance to the Ministry of Environment and Spatial Planning (MESP) of Kosovo within the Task “Climate Change Impacts when implementing the Strategic Environmental Assessment (SEA) Directives and Spatial Planning policies” of the Component 2 of the Project “Support for Low Emission Development in SEE (SLED)” (hereinafter simply called “the Project”), which is part of the Programme “Support to respond to forthcoming EU accession related environment requirements” funded by the Austrian Development Cooperation (ADC) and implemented with the support of the United Nation Development Programme (UNDP). This individual assistance aimed to develop the capacities of the MESP and stakeholders to integrate climate risks and opportunities in the development policies, strategies and plans and to support the same MESP, key Ministries and Municipalities and organisations of Kosovo in strengthening their capacities to draft and finalise SEAs that include climate change and biodiversity issues. Within this framework, during the period from 15.02.2015 to 14.08.2015, the following main tasks and sub-tasks identified in the ToR have been implemented and the corresponding deliverables produced:

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<td>1</td>
<td>Support the MESP officials, key Ministries and Municipalities and organisations in strengthening their capacities to draft and finalise SEAs that include climate change and biodiversity issues (30 w/days)</td>
<td>1.1 Conduct an assessment of the internal organisations (departments, sections, units) of the key Ministries and Municipalities of Kosovo*, in order to check the institutional framework responsible of finalising the SEAs applying the corresponding procedures foreseen by Kosovan legislation, EU Regulation and IFIs guidelines, taking also into consideration the effects that the enforcement of the sectoral plans under their responsibility will have on climate change. The assessment comprises: 1) an assessment of the institutional framework and responsible officials within the key Ministries and Municipalities; 2) an assessment of needs for training in relation to the procedural requirements of SEA in the key Ministries and Municipalities</td>
<td>“Assessment of the institutional administrative units, both central and local”</td>
<td>15.04.2015</td>
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<td>1.2 Design a coherent set of procedures for the administration of SEA in Kosovo according to the legislation</td>
<td>“Set of Procedures for the administration of SEA”</td>
<td>15.05.2015</td>
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<td>1.3 Assist the target officials in writing their opinions as to the information on environmental and climate change impacts to be presented in the SEAs to be finalised by the Key Ministries within the national sectoral plans and by the Municipalities within the Municipal Plans. Such assistance will include the check of: 1) the description of possible alternatives; 2) the description of likely significant impacts on the environment and climate change; 3) the reasons for identifying these impacts; 4) a description of the protective measures foreseen to avoid, decrease and if possible offset the harmful impacts on environment</td>
<td>“Handbook on how to carry out a SEA”</td>
<td>15.05.2015</td>
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<td>1.4 carry out the SEAs, including the organisation and implementation of public debates</td>
<td>“Booklet on the SEA process” (“Mechanisms to carry out a SEA in Kosovo”)</td>
<td>15.06.2015</td>
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<td>1.5 Prepare a booklet that will provide in a clear and concise format the information related to the SEA process; the booklet will contain the following information applicable to SEA in Kosovo in conformity with European Community Law: (i) circumstances under which a SEA is required; (ii) how the scope of a SEA is to be determined; (iii) the steps how to carry out a SEA</td>
<td>“Procedures to ensure full and effective communication and cooperation in regard to SEA”</td>
<td>15.07.2015</td>
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<tr>
<td>2</td>
<td>Training/workshops for public administration of seven regions Pristina/Pristina, Mitrovica/a/Gjilan/Gnjilane, Ferizaj/Urosevac, Pejë/Pec, Prizren, and Gjakovë/Djakovica (10 w/days)</td>
<td>2.1 for conducting a SEA: (iv) responsibilities during the process; and (v) availability of additional sources of information</td>
<td>“Training Programme for public officials on SEA”</td>
<td>15.07.2015</td>
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<td>2.2 Prepare and implement a training programme for the national and local environmental officers who are to be trained in technical and administrative matters related to SEAs</td>
<td>“Training Material for public officials on SEA”</td>
<td>15.04.2015</td>
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In accordance with the above mentioned ToR and project organisation, this first report named “Assessment of the Institutional Administrative Units, both at central and local” has been finalised as a specific deliverable of the Sub-
Assessment of the Institutional Administrative Units

Task 1.1, describing the related 10.0 w/days activities implemented during the first 2 months of the assignment (23.02.2015+22.03.2015). In compliance with the ToR and contract requirements of the assignment, this Report integrates the Assessment Report already prepared on September 2014 by the same UNDP Expert within the project “Environmental Impact Assessment / Strategic Environment Assessment that integrates Climate Change and Biodiversity, SLED Project” by the following further assessments foreseen by the ToR:

- An assessment of the institutional administrative units, both central and local (see § 4).
- An assessment of needs for training in relation to the procedural requirements of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA). This assessment has been included in the Report named “Training Programme for Public Officials on SEAs”, which is a deliverable of Task 2.3 of the assignment.

In addition to the above mentioned ToR requirements, to complete and update the assessment already implemented on 2014 concerning the relevant information that is useful for the implementation of the assignment as a whole, the UNDP Expert included in this report also the following further analysis:

- An assessment of the relevant background information (see § 1) including a brief description of the main ToR requirements together with other information that are relevant to the implementation of EIA/SEA procedures in Kosovo, including the international requirements of European Union (EU) Directives and Regulations (see § 2).
- An assessment of the procedures and guidelines to be adopted in accordance with the Kosovan legislation and that are followed by the main International Financing Institutions (IFIs) and by some EU Member States (see § 3). In this frame, the “Set of Procedures for the administration of SEA” considered as specific deliverable of the Task 1.2 of the assignment has been included in this specific chapter of this Report.

Therefore, this “Assessment Report” has been organised in the following main Chapters:

- **1-BACKGROUND INFORMATION**: presenting the relevant background, information, documents and purpose of this report. Together with a brief description of the ToR requirements, this Chapter also provides a synthetic overview of the industrial policies and related environmental issues, of the legislative process and the environmental legislative framework in Kosovo related to the Horizontal Legislation (namely Environmental Protection (EP), EIA, SEA, IPPC, Nature Protection and Biodiversity), Water and Wastewater Management Legislation, Waste Management Legislation, Air Protection Legislation, Spatial Planning and Construction Legislation and other relevant Legislation affecting the implementation of EIA and SEA (including Environmental Risks, Civil Protection, Protection from Noise, Dam Safety, Chemicals). It includes also information of the main projects already implemented by the main International Financing Institutions (IFIs), with the related policies and guidelines that could be interesting for this assignment.

- **2-EIA/SEA AND NATURE PROTECTION LEGISLATION**: assessing the EIA/SEA and Nature Protection legislation (primary and secondary) in force in Kosovo, in relations to the corresponding EU Directives that should be transposed in Kosovo, taking also into consideration their impacts on the climate change issues.

- **3-EIA/SEA PROCEDURES AND GUIDELINES**: assessing the EIA/SEA procedures defined by the laws in force as well as the guidelines and related recommendations of the World Bank (WB), International Finance Corporation (IFC) and European Bank for Reconstruction and Development (EBRD) that could be useful to the officials of MESP and of the competent Kosovan institutions for the implementation of their tasks related to the selection, consultation and approval of an EIA or SEA taking into consideration the climate risk issues.

- **4-EIA/SEA INSTITUTIONAL FRAMEWORK**: including the administrative organisation and the staff of the MESP and other relevant Kosovan institutions that are responsible for the approval of the EIA/SEA as well as for the monitoring the following implementation of the related projects/plans in compliance with the approved reports.

In the finalisation of this document, the strong support given by the Kosovan officials of the Environmental Protection Department (EPD) of MESP must be emphasised. In particular, the support given by Mr. Muhamet MALIJA (Director of EPD), Ms. Nezakete HAKAJ (Head of Environmental Protection Division within EPD), Mr. Shukri SHABANI (Head of EIA Commission-EPD-MESP), Mr. Naim ALIDEJA (Responsible EIA/SEA Unit-EPD-MESP), Ms. Xheverije BERISHA (Project Manager SLED Project-UNDP), Ms. Mentor BERISHA (Project Associate-UNDP) and Ms. Shkipe DEDA (UNDP Programme Analyst) have been particularly appreciated for the extremely good collaboration and professionalism, helping the UNDP Expert to gain access to the relevant information and documents and to get in contact with experts and employees involved in the project. Particular appreciation must be also expressed to all those interviewed and stakeholders met for precious information and active collaboration provided.
1 Background information and documents

1.1 The Project ToR

In perfect compliance to the ToR, the international assistance to the MESP provided by the individual selected expert (Mr. Giuseppe RAZZA) aimed to:

1. Task 1: Support the MESP officials, key Ministries and Municipalities and organisations in strengthening their capacities to draft and finalise SEAs that include climate change and biodiversity issues;

2. Task 2: Training/workshops for public administration of seven regions Prishtinë/Pristina, Mitrovicë/a, Gjilan/Gnjilane, Ferizaj/Urosevac, Pejë/Peć, Prizren and Gjakovë/Dakovica.

These tasks were mentored and advised by the Director of the Environmental Protection Department of MESP (Mr. Muhamet MALSIU) and therefore implemented in close consultation with such MESP official. These tasks are detailed in the following paragraphs copied from the same ToR.

1.1.1 Support the MESP officials, key Ministries and Municipalities and organisations in strengthening their capacities to draft and finalise SEAs that include climate change and biodiversity issues

In accordance with the ToR requirements, this Task has been divided in the following five sub-tasks or activities:

1.1 Conduct an initial assessment of the internal organisations (departments, sections, units) of the key Ministries and Municipalities of Kosovo implemented during the first month of the assignment to check the institutional framework responsible of finalising the SEAs applying the corresponding procedures foreseen by Kosovan legislation, EU Regulation and IFIs guidelines, taking also into consideration the effects that the enforcement of the sectoral plans under their responsibility will have on climate change. This assessment integrates the Assessment Report already prepared on September 2014 within the project “Environmental Impact Assessment / Strategic Environment Assessment that Integrates Climate Change and Biodiversity, SLED Project” financed by the Austrian Development Cooperation.

The related deliverable is an “Assessment of the Institutional Administrative Units” (this Report), both central and local comprising: (1) an assessment of the institutional administrative units, both central and local; (2) an assessment of needs for training in relation to the procedural requirements of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA).

1.2 Design a coherent set of procedures for the administration of SEA in Kosovo according to the legislation. The international consultant designs and proposes both interim procedures and final procedures. Therefore, the expected deliverable is a report named: “Set of procedures for the administration of SEAs” (chapter 3.3 of this Report) in Kosovo according to the legislation prepared (interim procedures and final procedures).

1.3 Assist the target officials in writing their opinions as to the information on environmental and climate change impacts to be presented in the SEAs to be finalised by the Key Ministries within the national sectoral plans and by the Municipalities within the Municipal Plans. Such assistance includes the check of: 1) the description of possible alternatives; 2) the description of likely significant impacts on the environment and climate change; 3) the reasons for identifying these impacts; 4) a description of the protective measures foreseen to avoid, decrease and if possible offset the harmful impacts on environment. The related information is included in the deliverables produced at the termination of the Task 1.4.

1.4 Prepare a handbook for officials at central and local level on how to carry out the SEAs. Taking into consideration that the main conclusions and recommendations contained in the SEA Report and in the Decision-Proposal shall be subject to the public debate (see Art.20 and Al No.09/11) this Handbook will also include the recommendations for MESP, Key Ministries and Municipalities for the organisation and implementation of such debates. The expected deliverable named “Handbook for officials on how to carry out a SEA” includes also the description of the main topics related to the implementation of the above mentioned Task 1.3.
1.5 Prepare a booklet that will provide in a clear and concise format the information related to the SIA process; the booklet will contain the following information applicable to SEA in Kosovo in conformity with European Community Law: (i) circumstances under which an SEA is required; (ii) how the scope of an SEA is to be determined; (iii) the steps for conducting an SEA; (iv) responsibilities during the process; and (v) availability of additional sources of information. Therefore, the related deliverable is a “Booklet on the SEA process”.

1.1.2 Training/workshops for public administration of seven regions Prishtinë/Pristina, Mitrovicë/a, Gjilan/Gnjilane, Ferizaj/Urosevac, Pejë/Peč, Prizren and Gjakovë/Dakovica

In order to strengthen the general understanding of the aforementioned SEA legislation and procedures, a dedicated training campaign has been implemented through the organization of dedicated training sessions and workshops and the implementation of the following main sub-tasks or activities:

2.1 Design procedures to ensure full and effective communication and co-operation between the various institutional administrative units including flow of information, and between them and the other governmental and non-governmental stakeholders in regard to SEA. Therefore, the related deliverable produced at the end of the implementation of this task is including the “Procedures to ensure full and effective communication and cooperation in regard to SEA”

2.2 Prepare and implement a training programme for the national and local environmental officers who are to be trained in technical and administrative matters related to SEAs. Training sessions within dedicated workshops are conducted in each of the following seven regions: Prishtinë/Pristina, Mitrovicë/a (including the municipalities of the North of Kosovo with Serbian majority), Gjilan/Gnjilane, Ferizaj/Urosevac, Peja/Pec, Prizren, and Gjakova/Dakovica. The following activities are implemented: 1) prepare training course material for the training sessions on the implementation of the SEA for the personnel of the public administration (MESP, Key Ministries and Municipalities) to be conducted through dedicated workshops; 2) organise and implement dedicated workshops opened also to the CSOs, Environmental NGOs, EIA licensed experts and a wider public. This activity is finalised with the production of a report named “Training Programme for Public Officials on SEA” for the national and local environmental officers.

2.3 Prepare training course material for the training sessions on the implementation of the SEA for the personnel of the public administration. This activity is finalised with the production of a report named “Training Material for public officials on SEA” for the personnel in the public administration;
1.2 The Industrial Policies and the related Environmental Issues

1.2.1 The main industrial sectors1 and the related plans, strategies and installations that need a SEA, EIA or environmental consent

The knowledge of the main industrial and economic development sectors of Kosovo with their related potential environmental impacts, mitigation measures and technologies is very important for conducting effective and useful EIAs (for new installations or for the modification of existing plants) and SEAs (for new sectoral plans and strategies or for the updating of existing ones) taking also into consideration the climate change concerns emphasised by the Component 2 of the SLED project that should not be considered as a separate environmental issue but as an important factor for the sustainable development.

In the following paragraphs the main Kosovan industrial sectors with potential environmental impacts have been preliminary analysed as a whole, leaving more detailed analysis of single projects/plans and related EIA/SEA reports to the MESP officials that will be responsible for the corresponding evaluations, monitoring, recommendations, suggestions and comments. At this purpose, we anticipate that Kosovo is landlocked and possesses many mineral resources, mainly coal, lead, zinc, chromium, and silver and therefore has several related industry sectors, which most developed are: Ferrous and Non-Ferrous, Metallurgy and Mining. In northern Kosovo, near the town of Mitrovica, sits a huge dilapidated industrial site known as the Trepcà mining complex. In the subsoil of Kosovo, one of the richest of Europe, enormous deposits are hidden of lignite, lead, zinc, non-ferric metals, gold, silver and petroleum,“ on top of 17 billion tons of coal. Other developed industry sectors in Kosovo are Agro-Food, Wood Processing, Construction, Automotive Components, Energy and Mining, Textile and Tourism as following detailed.

These industrial activities (existing and potential) and a legacy of former practices have health and environmental impacts related to air pollution, lead and other contamination from mining, water pollution and availability, degradation of forests and land, and untreated municipal and hazardous waste. These impacts generate economic losses and therefore the corresponding mitigation measures, which are also costing, should be identified through a financial approach.

The different environmental impacts that could be produced by the industrial activities are mentioned in the “IFC Environmental, Health and Safety General Guidelines” and in the “EBRD EIA Guidelines” (see next § 3.4) that could be used to the applicant who should deliver an EIA and to the MESP official and consultation bodies that should check if the envisaged mitigation measures are in compliance with the environmental standards required by law.

1.2.1.1 Agro-food industry

Description of the sector

Kosovo is well endowed with agricultural land. Out of a total surface of 1.1 million ha approximately 588,000 ha or 53% is cultivable land. Currently some 260,000 ha is used as agricultural land in the different fields as illustrated in the Fig.1.2.1.

With some 60% of the population living in rural areas and mostly working in agriculture, Kosovo has a long agricultural tradition. Currently, the sector of agriculture contributes 18% to the GDP and is the main source of income for the majority of the population. It is one of the most important employment providers in Kosovo and it accounts

\[ \text{Fig. 1.2.1-Use of the agricultural land in different fields in Kosovo} \]

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1 Investment Promotion Agency of Kosovo (IPAK): “Investing in Kosovo”, May 2011
for 13% of the value of exports. Some 70% of the local market demand for the agricultural products and processed foodstuff is still being fulfilled by imports. The arable land in Kosovo is considered to be of good quality. Combined with the temperate climate that prevails throughout the country, very good conditions for the agricultural production exist. This constellation, together with sufficient natural irrigation possibilities, enables Kosovan farmers to achieve high yields per ha in every sub-sector of agriculture.

In comparison to other countries, Kosovo additionally offers a very flexible and cost effective labour force and, due to trade liberalization within the CEFTA region, free access to the regional market consisting of 30 million consumers. In addition, Kosovo enjoys a preferential market access to the EU and US markets, with only few products exempted from this preferential treatment. Based on the area and average yield per ha, certainly the most important fields of agriculture in Kosovo are the vegetable and grain sectors (see Fig.1.2.2).

In October 2009 the US Agency for International Development (USAID), through Booz Allen, conducted a study that revealed new opportunities for growth. Given the natural resource characteristics of the climatic zones that exist in the country, the study showed that a total of 105 crops can feasibly be grown. Further evaluation of factors such as highest production value, economic feasibility and attractiveness, investment, ease of production and ease of market access, has given a list of the following top 10 agricultural products for Kosovo: 1) Bulbs (flower); 2) Lettuce/chicory; 3) Asparagus; 4) Apples; 5) Table grape; 6) Cucumbers/gherkins; 7) Currants/gooseberries; 8) Saffron; 9) Cranberries/bilberries; 10) Kiwi fruit.

Kosovo is already well known as a producer of different types of grapes. It has substantial acreages of vineyards largely dedicated to the production of Aselfelder branded wine for sale in Germany. Cabernet Franc, Merlot, Prokupac and Gamay are all planted here. The continental climate and the height of 300-400 meters above sea level provide ideal conditions for vineyards and the development and growth of grapes for wine. There are more than 200 sunny days annually to help ripen the grapes, on par with some well known wine production regions. These advantages create very good conditions for the qualitative wine production in Kosovo.

Due to its geographical composition, Kosovo also offers very good conditions for livestock farming. Although, still experiencing a livestock recovery process, farming in this sector has made great strides in recent years – both in numbers and yield. In particular, there are two main factors in favour of livestock investments in Kosovo.

Firstly, the country offers very good natural and climatic conditions for various types of livestock farming (see Fig.1.2.3). Secondly, market demand for livestock farming products is currently much higher than domestic production. The planned revitalisation of the food processing industry will furthermore create greater opportunities for livestock farming in the future.

Currently, the most significant obstacle remaining for Kosovo’s meat processing companies is the reopening of export markets. With Kosovo’s geographical location and its close proximity to non-EU countries such as Albania, Montenegro, Bosnia and Herzegovina and Turkey, a short-term pragmatic approach could be to initially focus on meat exports to these destinations, with the possibility of expanding into EU markets in the next stage.
There are numerous agro-industries in Kosovo with high market potential, offering potential investors immediate access to suppliers of primary products, substantial inherited capital, technical capability and promising market prospects. The highly competitive workforce and the custom and tax incentives, further underscore the opportunities available in this business field in Kosovo. Also taking into consideration the low prices of primary products, this field is very profitable and has the potential to expand into foreign markets. Recognising the potential, some foreign companies have already started to cooperate with local partners and are taking advantage of Kosovo’s friendly tax and customs systems allowing them to offer competitive products in European markets. In order to improve the competitiveness of the agricultural and food processing sector and consequently stimulate the local production, the Government of Kosovo (GoK) has recently introduced different incentives for farmers and processors.

The zero percent customs rate for most agricultural inputs and capital goods, together with VAT exemption on a wide range of agricultural inputs, have been designed to strengthen local production and enable it to further compete with foreign products.

The promotion of the processing businesses, support for exports and simple access to favourable financial means are some additional steps that, together with sufficient investor interest, will turn around this segment of Kosovo’s economy and lead to the creation of a large export business.

EIA Requirements

In this frame, the agro-food industries that need a project accompanied by an EIA are listed in Annex I to the Law No. 03/L-214 “on Environmental Impact Assessment”. These industries are:

- Manufacture and processing of food products from:
  - raw materials of animal origin (excluding milk) where production capacity of final product, exceeds 30 tons/day;
  - raw materials of plant origin where production capacity of final product, exceeds 250 tons/day (average based on the quarterly value);
  - milk products, where the amount of treated milk exceeds 100 tons/day (average based on annual amount);
- Installations for intensive rearing of poultry, pigs or livestock with more than:
  - 10,000 poultry;
  - 500 pigs;
  - 100 cattle; and
  - 1,000 small livestock;
- Installations for rendering or disposal of dead animals

The other projects of the agro-food sector that need an environmental consent without being necessarily accompanied by an EIA are listed in the Annex II to the Law No. 03/L-214 “on Environmental Impact Assessment”. These are:

1. **Agriculture, forestry and fishing:**
   1.1. Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;
   1.2. Water management projects for agriculture, including irrigation and land drainage projects;
   1.3. Initial forestation and deforestation, for the purposes of conversation to another type of land use;
   1.4. Intensive fish farming.
2. **Food industry**
   2.1. Manufacture of vegetable and animal oils and fats (projects not included in Annex I);
   2.2. Packing and canning of animal and vegetables products;
   2.3. Manufacture of dairy products (projects not included in Annex I);
   2.4. Brewing of beer (projects not included in Annex I);
   2.5. Confectionery and syrup manufacture (projects not included in Annex I);
   2.6. Installations for the slaughter of animals;
   2.7. Industrial installations for production of farina;
   2.8. Sugar factories (projects not included in Annex I).
12. **Other projects**
   12.9. Sites for storage and processing of dead and unwanted animals (projects not included in Annex I);
Assessment of the Institutional Administrative Units

12.10. Food industries (projects not included in Annex I or under section 7 above).
12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

On January 2010 a “Kosovo Agricultural Rural Development Project - (KARDP)” including an “Environmental Assessment – Environmental Management Framework” has been approved by the Government and published in the website of the MAFRD (http://www.mbpzhr-ks.net/en/home). This report could be an useful instrument for the implementation of an EIA for an agro-food industry as he also take into consideration the WB-IFC Guidelines (see next § 3.4) as well as the relevant Kosovan legislation and EU Directives.

SEA Requirements

For what concern the SEA, every 5 years Kosovo is finalising the “Agriculture and Rural Development Plan”. Despite the initial plan for the 2009-2013 had a specific Axis 2 dedicated to the Environment while the new plan for the 2014-2020 period has been drafted with the support of an IPA-Twinning Project, no any specific SEA has been implemented until now to accompany the Agriculture Strategies to be drafted by the Ministry of Agriculture, Forestry and Rural Development (MAFRD) and to be approved by the Government of Kosovo (GoK).

In addition, at the end of 2014 the MAFRD finalised the second edition of the “Green Report” presenting a detailed overview of the agricultural sector and situation of rural areas in Kosovo. In particular, this report reflected the structural changes in this sector including policies and support programs that are being implemented by the same MAFRD to intensify agricultural development and raise living standards in rural areas. Despite the different chapters of this “Green Report” are mentioning the environmental issues related to agricultural development, again no any dedicated chapter analyzing the environmental impacts have been considered.

1.2.1.2 Wood processing industry

Description of the sector

Forests and similarly covered surfaces make up around one third of the total territory of Kosovo and represent a resource of special importance for the country’s economy. With the annual value of wooden products and other benefits produced by forests reaching EUR 50 – 75 million, this sector represents a livelihood for 10% of the Kosovan population. Due to the sufficient availability of inputs, Kosovo offers great investment possibilities in every single wood processing cycle. The annual allowable amount of felling is currently slightly below 1 million m³ with Beech and oak being the main species. Potential for foreign investors ranges from doors and windows to a variety of furniture production. There is currently a large pool of companies in Kosovo that would make good outsourcing partners. A large amount of traditionally gained experience, great knowledge in wood processing, and a cost effective labour force make the Kosovan wood industry particularly well suited for the manufacturing of handmade luxury products. In addition, most sawmills in Kosovo only saw logs into rough, mixed grade lumber, and are not yet exploring the potential value of waste products, i.e. sawdust and wood chips.
Taking into consideration all these benefits, Kosovo’s wood processing industry has experienced significant developments during the past years. Due to better organisation and sufficient service-providing clusters, Kosovan producers have been able to increase the quality and product range, thereby allowing expansion into foreign markets. Currently, Kosovan wood processors supply furniture both for the domestic and international markets (for example hotels) to companies in Germany, the Netherlands, Switzerland and also neighbouring countries. Through the efforts and engagement of the members of the rich institutional environment of the wood industry, Kosovo offers various incentives that aim to further promote and facilitate primary and secondary wood production. The Kosovan Government has recently approved a zero customs rate for the imports of selected machinery and capital goods related to this sector, while further negotiations for the exception of wood raw material from VAT and customs are currently underway.

**EIA requirements**

In this frame, the wood processing industries that need a project accompanied by an EIA are listed in Annex I to the Law No. 03/L-214 “on Environmental Impact Assessment”. These industries are:

- Manufacture and processing of food products from Installations for production of paper and board exceeding 100,000 m³/year;
- Industrial plants for the:
  - production of pulp from timber or similar fibrous materials;
  - production of paper and board with a production capacity exceeding 50 tons/day;
- Furniture production with an input of wood or other basic material greater than 10,000 m³/year;

The other projects of the wood processing sector that need an environmental consent without being necessarily accompanied by an EIA are listed in Annex II to the Law No. 03/L-214 “on EIA”: These are:

8. **Paper Industry:**
   - 8.1. Factories for the production of paper and board (projects not included in Annex I);

12. **Other projects**
   - 12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
   - 12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

**SEA Requirements**

The SEA requirements are the same requirements by all the other sectoral plans and programmes under the responsibility of national authorities. In particular, the National Plans for the Forestry Development to be drafted by the Ministry of Agriculture, Forestry and Rural Development (MAFRD) and to be approved by the Government of Kosovo (GoK) should always contain a specific section dedicated to the SEA analysis.
1.2.1.4 Construction industry

During recent years the construction industry has become one of the most important sectors contributing to Kosovo’s economic growth. The construction sector in Kosovo has so far utilised several hundred million Euro that were primarily used for the construction of new homes, or for the rehabilitation and development of the road infrastructure. The construction industry remains a sector with highly promising economic potential for Kosovo. Roughly estimated, in order to meet the existing market demand, in the next few years Kosovo will need some 50,000 new apartments, including the associated infrastructure, such as roads, kindergartens, schools, leisure facilities, restaurants etc.

A further factor which is helping to boost the development of this sector is the demand for road and highway construction. The Government of Kosovo has set itself a goal to connect the country in three main directions with the most important international road corridors in Macedonia, Albania and Serbia. The construction of a highway, which will connect the northern and central parts of Kosovo with Skopje (Macedonia), is a mid-term goal of the Government. A much more important project represents the building of a highway between Merdare-Kukës-Durrës, which will connect Kosovo with the sea port of Durrës, Albania. This highway will become a part of the Trans European Corridor X that will connect the Adriatic Sea with the Western Europe. The construction work for this highway began in May 2010 and it is still ongoing.

In addition, as a result of an accelerated economic development Kosovo is facing an increased demand for commercial premises such as production facilities, office space and hotels as well as the construction of water and waste facilities.

EIA requirements

In this frame the infrastructures that need a project accompanied by an EIA are listed in Annex I to the Law No. 03/L-214 “on Environmental Impact Assessment”. These infrastructures are:

- Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 m or more.
- Construction of a new road of two or more lanes, or realignment and/or widening of an existing road to provide two or more lanes, where such new road, or realignment and/or widened section would be 5 km or more in continuous length.
- Pipelines with a diameter of 500 mm or more and a length of 10 km or more for the transport of:
  - natural gas, oil or chemicals, and;
  - carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations;
- Pipelines with a diameter of 800 mm or more and a length of 40 km for the transport carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations.
- Installations for incineration, recovery, chemical treatment, or land filling of hazardous waste.
- Facilities for municipal waste incineration, with an input of 1 tonne/hour or more.
- Landfills for non-hazardous waste, with an input of 30 tons/day or more.
- Plants for treatment of municipal wastewater with a capacity exceeding 100,000 population equivalents.
- Plants for treatment of industrial wastewater.
- Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 5 million m³.
- Excepting the transfers of piped drinking water, works for the transfer of water resources between river basins where:
  - the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 30 million m³/year;
  - the multi-annual average flow of the basin of abstraction exceeds six hundred (600) million m³/year and where the amount transferred exceeds 5% of this flow
- Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds five (5) million m³.
- Storage sites for the geological storage of carbon dioxide

The other projects of the construction sector that need an environmental consent without being necessarily accompanied by an EIA are listed in Annex II to the Law No. 03/L-214 “on EIA”: These are:
10. Infrastructure projects
   10.1. Industrial estate development projects;
   10.2. Urban development projects, including the construction of shopping centres and car parks;
   10.3. Construction of railways and intermodal transhipment facilities, and of intermodal terminals (projects not included in Annex 1);
   10.4. Constructions for airports and airfields (projects not included in Annex 1);
   10.5. Construction of roads (projects not included in Annex 1);
   10.6. Inland waterway construction or modification;
   10.7. Flood prevention projects including modifications to river channels (projects not included in Annex 1);
   10.8. Dams or other installations designed to hold water or store it on long-term basis (projects not included in Annex 1);
   10.9. Construction or modification of tramways, elevated or underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
   10.10. Oil and gas pipeline installations and pipelines for the transport of CO₂ streams for the purposes of geological storage (projects not included in Annex I).
   10.11. Groundwater abstractions and artificial groundwater recharge schemes (projects not included in Annex 1);
   10.12. Works for the transfer of water resources between river basins (projects not included in Annex 1).

12. Other projects
   12.2. Installations for the disposal of waste (projects not included in Annex 1);
   12.3. Waste-water treatment plants (projects not included in Annex 1);
   12.4. Sludge deposition sites (projects not included in Annex 1);
   12.5. Storage of scrap iron and other metals, including scrap vehicles;
   12.7. Installations for the recovery or destruction of explosive substances;
   12.8. Sites for disposal of industrial non-hazardous waste;
   12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
   12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

SEA Requirements

The Construction sector should be planned through the Spatial Plan instrument, which is still missing for Kosovo. Taking into consideration that the environmental infrastructures related to water treatment plants and to waste facilities are already included in the specific sectoral strategies to be drafted by MESP, it will be extremely important that the “Spatial Plan for Kosovo” will be accompanied by a specific SEA whenever finalized.

1.2.1.5 Automotive components’ industry

The origins of the automotive components industry in Kosovo date back to the 1960’s, when the first large scale auto components manufacturing companies were founded. Although these manufacturing units were primarily established to supply different parts for the production of Yugoslav vehicles, they very quickly penetrated foreign markets and cooperated with well-known European and American automotive component manufacturers. The two best known flagships of automotive component industrialization in Kosovo were the Ramiz Sadiku, which produced primarily car seats and small vehicle parts, and the Shock Absorber Factory Prishtina, which produced shock absorbers for various well known brands such as British Armstrong, German Susta as well as French Peugeot among others. Between 1989 and 1990 the Shock Absorber Factory produced 3.3 million units each year and employed over 1,500 workers.

With the loss of foreign markets as a result of political circumstances during the 1990’s, the Kosovan car component manufacturers were faced with immense financial problems and consequently many of them had to rethink their business philosophy in order to survive in the global market. Although the current output of these enterprises is still considered to be low, re-established links with the traditional partners bode well for a prospective development of this sector. The existing technology, large capacities and ample knowledge allow the automotive component industry to produce and support any Original Equipment Manufacturer [OEM] with parts at a competitive cost. Furthermore, the trend of shifting production to Central and Eastern Europe makes the Kosovan automotive component industry even more interesting for investors wishing to benefit from increasing opportunities in the region.
EIA requirements

The projects of the automotive sector that need an environmental consent without being necessarily accompanied by an EIA are listed in Annex II to the Law No. 03/L-214 "on EIA": These are:

12. Other projects
   12.1. Permanent racing and test tracks for motorized vehicles;
   12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
   12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

SEA requirements

Within the Ministry of Industry and Trade, there is a specific Division for Quality Infrastructure Policy inside the Industry Department, which should be responsible to prepare dedicated plans and programmes for the development of quality infrastructures that should include a dedicated SEA section. Such Plans and Programmes were never prepared until now.

1.2.1.6 Energy, mineral and mining industry

Kosovo has an enviable endowment of natural resources. At 14.7 million tonnes, Kosovo possesses the world’s fifth-largest proven reserves of lignite. This mineral is of outstanding importance for the country, representing in the long term one of the important factors for the generation of power.

Taking into consideration the high demand for energy in the local and regional markets, the Government of Kosovo is currently finalizing major projects regarding new lignite exploitation and power generation facilities. These projects will offer unique opportunities for companies willing to engage in the energy and/or mining sector(s) in Kosovo.

Apart from lignite fired energy generation capacities, Kosovo can also offer vast opportunities in the renewable energy sector. Currently some 98% of electrical energy is produced through thermal power plants. However consistent with the obligations of the Energy Community Treaty for South-East Europe, where Kosovo is a signatory party, Kosovo will have to cover eight percent of the electrical energy consumption with renewable energy resources by 2016.

The Department for Energy and Mining in the Ministry of Economic Development has already conducted a pre-feasibility study for numerous sites where hydro power plants can be constructed. The expression of interest for these HPPs will be internationally disseminated and their construction will be subject to EIA approvals. In addition, feed-in
tariffs for different renewable energy generation capacities have been put in place. The Kosovo resources for renewable energy are shown in Table 1.2.1 below.

<table>
<thead>
<tr>
<th>Type of resource</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biomass, wood</td>
<td>0.9 million m³</td>
</tr>
<tr>
<td>Biomass, livestock</td>
<td>322,000 cattle, 152,000 sheep/goats</td>
</tr>
<tr>
<td>Biomass, agriculture</td>
<td>0.3 million tonnes straw</td>
</tr>
<tr>
<td>Solid waste</td>
<td>0.44 million tonnes</td>
</tr>
<tr>
<td>Solar energy</td>
<td>1500 - 1650 kwh/m²/year</td>
</tr>
<tr>
<td>Wind energy</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

Table 1.2.1: Resources in Kosovo for renewable energy

In order to improve the efficiency of the distribution system, the Government of Kosovo privatized the state-owned energy distribution company and is planning further investments in distribution capacities. KEK is vertically integrated and was legally incorporated in 2005. KEK focused in production of energy from coal, with power supplied from plants outside of Kosovo. By the late 1990s, the core business of the Corporation became the production of coal and energy in Kosovo, through two open-cast coal mines - the Mirash mine and Bardh mine - and two power plants, PP Kosova A power station and PP Kosova B power station, which cover the territory of Kosovo, while the new Kosovo C TPP should be constructed soon.

In the mining sector, and in addition to lignite, base-metal mining has been a mainstay of Kosovo’s economy since pre-Roman times. Modern mining in this field began in the 1930’s, when the mining complex Trepça was revamped by the British Company “Selection Trust”. Zinc, lead, silver, gold, cadmium and bismuth are exploited along Trepça’s mineral belt. The lead and zinc reserves of Kosovo are estimated to be around 48 million tonnes, those of nickel to 16 million tonnes. Chrome reserves amount to 89 million tonnes and bauxite reserves to 13.2 million tonnes. There are different mines that can either be acquired through the ongoing privatization procedures or can be revamped by entering joint ventures with private owners.

The energy policies in Kosovo are now taking into strong consideration the climate change issues aiming to: (1) increase the capacity for low emission climate resilient development strengthened at national and local level; (2) enable development of low emission climate resilient strategy; and (3) promote sustainable energy policies and programs and enhance public awareness concerning energy efficiency. Taking into consideration that the electricity sector is the main contributor to GHG emissions in Kosovo, particular care will be given by the SLED project to the EIA/SEA analysis of priority projects/programmes in this sector.

At the same time, the energy and mining sectors are the most polluter sectors as demonstrated by the high costs due to the scarce attention to the environmental protection that was given in the past in the exploiting of the Kosovan mines and in the realisation of the Thermo Power Plants of Kosovo A and B.

This is why particular attention should be given to the EIA/SEA reports that will be produced for any future project/plans related to this sector.

EIA requirements

In this frame, the energy, mineral and mining industries that need a project accompanied by an EIA are listed in Annex I to the Law No. 03/L-214 “on Environmental Impact Assessment”. These industries are:

- Metal ore (including sulphide ore) roasting or sintering installations.
- Factories of cast iron and steel influx (primary or secondary fusion), including continuous casting.
- Factories/foundries for processing of ferrous metals:
  - hammer smithereens with an energy output exceeding 50 KJ per hammer, while the power input exceeds twenty (20) KW;
  - application of protective fused mixed metal coats with an input which exceeds 1 ton/hour of steel gross;
  - foundries for production of ferrous metals with capacity higher than 100 tons/day;
- Factories/foundries for:
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- non-ferrous metal production and production of non-ferrous crude metals from ore; concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
- smelting, including production of alloys, including reclaimed products (refining, casting in foundries, etc.) with production that exceeds 1 ton/day for lead and cadmium or 10 tons/day for other metals;
- Factories for surface treatment of metals and plastic materials, using electrolytic or chemical processes where the volume of treatment vats exceeds 10 m³.
- Installations for surface treatment of substances or products which use organic solvents especially for coating, painting, degreasing, protection against water and colour infiltration, cleaning or pressing where the amount of solvents used exceeds 100 tons/year.
- Production and processing of alloys from non-ferrous metals which contain arsenic, mercury and lead, with a capacity higher than 1,000 tons/year.
- Cement factories containing rotating kilns (baking and drying) with production capacity higher than 300 tons/day or lime producing factories with rotating limekilns with a production capacity of 30 tons/day or more, or containing other types of kilns with production capacity of 30 tons/day or more.
- Factories for production of materials using processes such as calcification and baking of minerals which contain toxic elements like, mercury, arsenic and cadmium.
- Glass producing factories, including production of glass fibre, with a production capacity of 10 tons/day or more.
- Foundries for smelting of mineral substances, including production of mineral fibres, with a production capacity of 10 tons/day or more.
- Factories for production of ceramic products, by firing, especially production of bricks, tiles, refractory bricks, stoneware and porcelain, with a production capacity of 30 tons/day or more.
- Installations for extraction of asbestos and for the processing and transformation of asbestos and other asbestos containing products, such as: asbestos-cement products, with an annual production of more than five 5,000 tonnes of finished products; for friction material, with annual production of more than 50 tons of finished products; and for other uses of asbestos, utilization of more than 200 tones/year.
- Factories for roasting and sintering of non-metallic minerals with a production capacity of 30 tons/day or more.
- Quarries and open-cast mining of clay where the surface of the site exceeds 5 ha, or peat extraction, where the surface of the site exceeds 10 ha or involves the extraction of 15,000 tons or more/annum.
- Extraction and processing (except liquefaction and gasification) of coal, lignite and bituminous minerals with a production capacity of 50,000 tons/year or more.
- Thermal power stations and other combustion installations with a heat output of 50 MW or more.
- Centrals of Nuclear Energy.
- Installation of electric lines of high voltage with minimum of 220 kV and with length longer than 10 km.
- Crude oil refineries and installations for gasification and liquefaction of coal and bituminous shale and installations for reclaiming of used oils involving amounts of one 100,000 tonnes/year or more.
- Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 100,000 tons or more.
- Installations for storage of radioactive materials.
- Storage sites for the geological storage of carbon dioxide.
- Installations for the capture of CO₂ streams for the purposes of geological storage from installations covered by this Annex or where the total yearly capture of CO₂ is 1.5 megatons or more.
- Any change or extension to projects listed in Annex I where such a change or extension in itself meets the thresholds, if any, set out in Annex I.

The other projects of the energy, mineral and mining sector that need an environmental consent without being necessarily accompanied by an EIA are listed in Annex II to the Law No. 03/L-214 “on EIA”: These are:

2. Extractive industry

2.1. Quarries, stone crushers, open-cast mining and peat extraction including sites identifies for municipally managed artisan mining (projects which are not included in Annex 1);
2.2. Underground mining;
2.3. Extraction, crumbling and other minerals by dredging of river beds;
2.4. Deep drillings, in particular:
   2.4.1. Geothermal drilling; and
   2.4.2. Drilling for water supplies, with the exception of drillings investigating the stability of the soil;
2.5. Surface installations for extraction of coal, lignite and bituminous minerals (projects which are not included in Annex I);

3. **Energy Industry**
   3.1. Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);
   3.2. Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);
   3.3. Surface storage of natural gas;
   3.4. Underground storage of combustible gases;
   3.5. Surface and underground storage of fluid combustible materials (projects not included in Annex I) and storage in land surface of fossil carburant;
   3.6. Industrial briquetting of coal and lignite;
   3.7. Installations for the processing and storage of radioactive waste (unless included in Annex I);
   3.8. Installations for hydroelectric energy production (projects not included in Annex I);
   3.9. Installations for harnessing of wind power for energy production;
   3.10. Continuous radiate resources (ionizing and non-ionizing).
   3.11. Installations for the capture of CO$_2$ streams for the purposes of geological storage (installations not covered by Annex I);

4. **Production and processing of metals**
   4.1. Installations for the production of pig iron or steel with continuous casting;
   4.2. Installations for the processing of ferrous metals (projects not included in Annex I);
   4.3. Ferrous metal foundries (projects not included in Annex I);
   4.4. Installations for the smelting, including the alloyage, of non-ferrous metals, including reclaimed products (refining, foundry casting etc.), (projects not included in Annex I);
   4.5. Installations for surface treatment of metals and plastic materials (projects not included in Annex I);
   4.6. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
   4.7. Installations for the roasting and sintering of metallic ores;
   4.8. Installations for building and repairing airplanes;
   4.9. Production of railway equipment;
   4.10. Disintegration with explosive

5. **Mineral industry**
   5.1. Coke ovens (dry coal distillation).
   5.2. Installations for the manufacture of cement (projects not included in Annex I);
   5.3. Installations for the production of asbestos and the manufacture of asbestos- products (projects not included in Annex I);
   5.4. Installations for production of glass including glass fibre (projects not included in Annex I);
   5.5. Installation for smelting mineral substances including production of mineral fibres (projects not included in Annex I);
   5.6. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (projects not included in Annex I);
   5.7. Factories for asphalt production;
   5.8. Factories for betony production.

12. **Other projects**
   12.5. Storage of scrap iron and other metals, including scrap vehicles;
   12.8. Sites for disposal of industrial non-hazardous waste;
   12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
   12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

**SEA requirements**

Despite the Energy Strategy 2013-2022 approved on 2013 includes a specific chapter dedicated to the environmental protection and a SEA was not discussed in a public debate and submitted to MESP. In addition, the Ministry of
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Economic Development, where the Department for Energy is located, adopted the Kosovo Economic Development Plan 2011-2014, which has not any dedicated chapter to SEA too.

1.2.1.7 Textile industry

With over 200 years of tradition, textiles were the second largest industrial sector in Kosovo, after mining. In the past, products from Kosovan manufacturers targeted the local market, as well as other markets throughout the former Yugoslavia, Western and Eastern Europe and the United States. At its peak in around 1990, each of the 15 socially owned enterprises (SOEs) engaged in textile production employed more than 1,000 people and sales totalled some 35 million Eur.

Recent developments in the region have frozen the primary trading links of the textile industry, causing lower production rates and resulting in a lack of competitiveness with foreign products. As a result, a major share of former SOE workers has become redundant.

A minor part has, however, established private textile companies. Currently there are over 450 private companies engaged in textile production, out of which 90% are final product manufacturers. Although the textile industry has experienced a significant recovery during the past years, the majority of businesses is still small and takes the form of micro enterprises. Consequently, they cater solely for the Kosovo market and are primarily geared towards a niche market.

Analysis indicates that some 55 to 65 million Euro in exports could be reached, assuming that trading links with former partners can be re-established. There is considerable scope in this sector for investors to recreate a vertically integrated manufacturing cluster so that Kosovo would once again produce finished clothing from thread. In particular, Kosovo offers three major benefits for investors wishing to revamp one of the existing SOEs or found a new textile manufacturing company. These are:

- A cost effective, well skilled and experienced work force
- A solid base of technology that can be acquired through the ongoing privatization process
- Numerous subcontracting and outsourcing possibilities

With the existing know-how, cost effective labour force and other comparative advantages that the country offers, including the friendly business and investment environment, the textile industry in Kosovo has therefore the Principal industrial and business sectors 15 potential to become highly competitive internationally.

EIA requirements

In this frame, the textile industries that need a project accompanied by an EIA are listed in Annex I to the Law No. 03/L-214 “on Environmental Impact Assessment”. These industries are:

- Factories for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles.
- Factories for tanning of hides and skins.

The other projects of the textile sector that need an environmental consent without being necessarily accompanied by an EIA are listed in Annex II to the Law No. 03/L-214 “on EIA”. These are:

8. Textile, leather, wood and paper industry
   8.2. Plants for pre-treatment (washing, bleaching, mercerization) or dyeing of fibres or textiles (projects not included in Annex 1);
   8.3. Plants for the tanning of hides and skins.

12. Other projects
   12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
   12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.
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SEA requirements

Also the Textile Industrial Policies are generally included in a wider Industrial Development Plan for the whole Kosovo that should be prepared under the responsibility of the Ministry of Industry and Trade. Therefore, the specific SEA chapter should be included in such plan/programme, whenever available.

1.2.1.8 Tourism industry

The natural wealth of Kosovo represents high quality tourism resources. The description of Kosovo’s potential in tourism is closely related to its geographic position. Kosovo’s position in south-eastern Europe, with a central location in the Balkan Peninsula, represents a crossroad which historically dates back to Illyrian and Roman times. The mountainous south of Kosovo has great potential for winter tourism. One of the most interesting opportunities for foreign investors in this sector is the ski resort Brezovica in the Sharr Mountains. The resort, situated between 1,700 and 2,500 meters above sea level. It offers excellent weather and snow conditions, as well as long ski seasons from November to May. Assets of Brezovica include three hotels with 680 rooms, two restaurants and nine ski lifts with the capacity to transport 10,000 skiers per hour. Through its proximity to Prishtina Airport (60 km) and Skopje Airport (70 km), the resort is a possible destination for international tourists and has the potential to become the most favourable winter tourism destination in the Balkans.

Also in the Sharr Mountains in the very south of the country, bordering Macedonia and Albania, Kosovo is offering about 22,000 hectares of largely untouched land in the mountainous area, belonging to the SOE “Sharrprodhimi” for privatisation. The region offers excellent tourism opportunities, such as skiing, eco-tourism, paragliding, mountain biking, rock climbing, trekking, kayaking, horse riding, etc. The Sharrprodhimi land in the municipality of Dragash is stunningly beautiful. It is clearly a remarkable property for eco-tourism, and will only be sold to a proven investor who is committed to a sustainable and rational development program which will have strong local support.

Apart from the above-mentioned tourism resorts, Kosovo is generally rich with mountains, artificial lakes and rivers and therefore also offers prime possibilities for hunting and fishing.

The area of wellness in Kosovo also offers great potential for development. The numerous thermal springs of Kosovo are well known in the region for their healing effects. Foreign investors in this field will find high demand in the regional and domestic market. The widespread production of rare artisan crafts in Kosovo, such as the Filigree (silver), represents an attraction for foreign tourists. In addition, Kosovo has the potential to develop cultural tourism with numerous religious and other sites with extraordinary cultural and historical value.

EIA requirements

The projects of the tourism sector that need an environmental consent without being necessarily accompanied by an EIA are listed in Annex II to the Law No. 03/L-214 “on EIA”: These are:

11. Tourism and leisure
   11.1. Ski-runs, ski-lifts, and cable cars and associated activities;
   11.2. Holiday villages and hotel complexes outside urban areas and associated developments;
   11.3. Permanent camp and caravan sites;
   11.4. Theme parks;
   11.5. Infrastructure installations in protected zones, not included in spatial plans.

12. Other projects
   12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
   12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

SEA requirements

With the support of the EURED project funded by EU, different Regional Tourism Strategies were finalised in Kosovo. Nevertheless, no any specific SEA was prepared for these strategies.
1.2.2 The relevant environmental pollution and the related costs

In responding to environmental issues, the Ministry of Environment and Spatial Planning (MESP) updated the Kosovo Environmental Strategy (KES) and the National Environment Action Plan (NEAP) for 2011–15 working with ministries, nongovernmental organizations, and other stakeholders. The strategy and the action plan identify priorities for air, water, waste, chemicals, biodiversity, and environmental policy and categorize the proposed investment needs into high and medium priorities, as well as high (more than €3 million, with majority funding by donors), medium (€1 million–€3 million, with a mixture of funding sources), and low costs (less than €1 million, with most funding from the government). The environmental priorities for the next five year are identified as completing environmental legislation in harmony with the EU “acquis”; gradually fulfilling EU standards and efficiently carrying out and incorporating environmental legislation and methodologies in all sectors; and setting up and expanding institutions for the implementation of environmental policies (including capacity building).

The KES lists the following specifics:

- Providing financial and economic instruments for environmental protection. These should go hand-in-hand with economic development.
- Setting up and running an environmental monitoring network throughout Kosovo, with priority to major industrial pollutants and hotspots.
- Gradually increasing the population’s access to clean potable water, the sewage network, and municipal waste disposal, with support for programs for recycling wastewater and solid waste.
- Using natural resources such as soil, water, minerals, and forests rationally. Special attention is needed in using limited resources and orienting toward renewables.
- Expanding protected areas and further protecting the natural heritage, along with increasing capacity for efficient management as per the 1992 Rio Declaration on Environment and Development.
- Developing long-term educational and public-awareness campaigns and generating support for environmentally focused scientific projects.
- Applying energy-efficient concepts in all different economic sectors.

The analysis conducted by the World Bank (WB) in its Country Environmental Analysis on 2010 by using international epidemiological research evidenced the relationship between the population exposed to environmental pollution and the increased risks of health impacts to estimate the environmental disease burden in Kosovo and its associated economic impacts. In this analysis costs were measured as, for example, impacts on health (morbidity and early mortality), and were then expressed as annual economic damage costs in euro and as a share of gross domestic product (GDP). By assigning monetary values to environmental degradation, the WB analysis achieved four main results that were useful also in the definition of the best approach in conducting the EIA/SEA of environmental priority projects. It provided a useful mechanism to rank the relative social costs of various forms of degradation and provided a tool for prioritization of environmental problems. It offered policy makers an instrument to integrate the environment into economic decision making. It expressed the damage costs as a share of GDP, allowing for comparison with other economic indicators. And it gave to different stakeholders a tool for discussing the importance of environmental protection in economic terms—useful in deciding on how to allocate scarce resources and to increase awareness of the “costs of doing nothing” about pressing environmental problems. Therefore, the approach used in this WB study is particularly useful for an EIA/SEA that could be evaluated on the base of the financial impacts that the potential pollution and remediation actions could determine.

According to this WB analysis, the annual cost of environmental degradation in Kosovo is estimated at €123 million – €323 million in 2010, with a midpoint estimate of €221 million (Table 1.2.2). This cost is equivalent to 2.9–7.7% of GDP, with the midpoint at 5.3%. Costs are indications rather than precise figures, as data gaps are many, some data have not been recently updated—due to country’s turbulent history—and not all impacts can be monetized.

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1 World Bank: “Country Environmental Analysis”, 2010
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<table>
<thead>
<tr>
<th>Pollution or contamination estimate</th>
<th>Annual cost (£ million)</th>
<th>% of 2010 GDP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low</td>
<td>Mid</td>
</tr>
<tr>
<td>Outdoor air</td>
<td>37.2</td>
<td>95.6</td>
</tr>
<tr>
<td>Lead</td>
<td>41.7</td>
<td>67.9</td>
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<td>Solid waste</td>
<td>19.0</td>
<td>25.1</td>
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<td>Forests</td>
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<td>Water, sanitation, and hygiene</td>
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<td>Water from heavy metals</td>
<td>0.4</td>
<td>2.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>123.0</strong></td>
<td><strong>220.8</strong></td>
</tr>
</tbody>
</table>

Table 1.2.2-Estimated annual cost of environmental degradation in Kosovo, 2010

Note: These economic assessments provide a range of damage costs reflecting data shortcomings, range applied in valuation of damages, and scientific uncertainties regarding environmental impacts.

With annual costs of environmental degradation of €221 million, Kosovo faces serious social and economic impacts from poorly managed polluting activities and could make huge gains from remedial actions to protect and restore the quality of the environment.

The cost of **outdoor air pollution** in urban areas, with the most significant health effects caused by particulates which are responsible for increases in cardiopulmonary and lung cancer mortality from long-term exposure and for chronic bronchitis and respiratory diseases, has the highest impact with estimated damage costs ranging from €37 million to €158 million per year (0.89-3.76 percent of GDP). Air pollution is estimated to cause 835 premature deaths, 310 new cases of chronic bronchitis, 600 hospital admissions and 11,600 emergency visits each year.

The cost of **lead contamination** has the second highest impact with total economic costs at an annualized loss of €42 million - £94 million (or 1.0-2.2 percent of GDP in 2010). The high impacts for lead are mainly caused by releases from the un-remediated lead and zinc mines and former lead processing facilities mostly near Mitrovica and the continuous use of leaded gasoline – though a new administrative instruction was issued in September 2011 to regulate leaded gasoline. Due to the gradually reducing release of lead to cause human exposure from legacy sources and the expected phasing out of lead in petrol; it is expected that this impact will reduce in time as well.

Ambient air quality could be greatly improved and health impacts ameliorated if the main polluters complied with laws and standards on air emissions, especially from stationary pollution sources. Between others, the following measures should be taken into consideration as recommendations of EIA/SEA reports to achieve greater compliance of key polluters:

1. **Enhance the effectiveness of environmental standards currently in place, particularly for air pollution.** Air pollution is responsible for the highest costs of environmental degradation in Kosovo and a substantial portion of the air pollution can be attributed to point source pollution of major industries. MESP has issued administrative instructions on limit values for effluents that can be discharged into water, on quality of drinking water, on air quality standards, and on air emission standards. Such measures need to be accompanied by stronger monitoring, inspection, and enforcement of compliance as well as through strict recommendations to EIA/SEA about the corresponding mitigation measures to be adopted. MESP and its inspectorates could start by adopting relevant guidelines and providing inspectors with monitoring and inspection equipment and improving the emission registration of key industries Significant funding and training are required to improve monitoring of environmental quality information as well as accurately monitoring environmental emissions from key polluters. Given the heavy burden costs of IQ loss in children from exposure to lead, this should include strict enforcements of the lead-fuel phase out.

2. **Rely more on economic instruments, such as fines and charges.** That also requires strengthening overall regulatory and enforcement mechanisms. Such charges and fines would increase the private sector’s share of environmental expenditures and make it pay for its negative environmental externalities, particularly since a decline in capital spending of MESP is foreseen in the Medium-Term Expenditure Framework 2011–13. Levying charges and fines already defined in the law could be a good start to initiate change in the environmental performance of some of the biggest polluters, particularly for air pollution which carries the biggest share in degradation costs. Enforcing current environmental regulations will help ensure private sector investment in environmental mitigation measures, generating health benefits and at reasonable costs. For energy efficiency, measures could even be implemented without any cost or with a revenue gain in the longer term. This approach...
can work only when the private sector invests in pollution reduction and when fines are steep enough to compel firms to take the necessary actions. Other costs of environmental degradation are substantially lower. The estimated annual costs of inadequate solid waste collection and disposal, including that for coal ash amounts to €19 million-€31 million or 0.45-0.75 percent of GDP out of which the highest costs is associated with effects of illegal dumpsites and on property prices. This is caused due to high levels of air pollution, through emissions of, for example, methane (landfill gas), as well as dioxins and fine particles when burned and water pollution, through leachate and the corresponding negative impact on property prices. Total health costs related to inadequate water supply, sanitation and hygiene as well as heavy metal water pollution of surface waters are equivalent to €8.4 million - €19.8 million per year (or 0.20 – 0.47% of GDP in 2010), dominated by the costs of morbidity from diarrhoea as most monitored water pollution is from bacteriological sources. Regarding sanitary biological water quality, all main rivers are classified as polluted and with unacceptable levels of biological oxygen demand as well as lack of dissolved oxygen in the rivers, particularly downstream of the discharge of untreated sewage and in addition in smaller streams.

3. **Strategic sector master plans for water supply - including river basin management -, sanitation, and wastewater treatment; and waste management should be prepared.** These master plans should take into account the current legislative and regulatory framework, EC Directive requirements, and investment needs for the next 10–15 years. They would include an analysis of the required operational and maintenance costs and take into account affordability constraints related to increasing utility tariffs to achieve long-term financial sustainability of these proposed investments. With a target of 90% of the population with access to piped water supply (against the current 40% not connected or poorly served), a total cost estimate of €210 million of investments would be required for water supply. For wastewater collection/sewerage and treatment, around €425 million would need to be invested to comply with EU standards and further annual operating costs of around €80 million would be required. Regarding waste, there is no comprehensive assessment available of investment needs but a rough estimate based on unit costs would amount to €50 million to develop a basic but sanitary sound collection and disposal system for household waste and approximately double that amount if the system included recycling and composting. The master plans can facilitate attracting strategic donor support for specific investment projects phased over such a 15-year period.

4. **For the legacy environmental problems, a detailed and comprehensive feasibility study and clean-up plan should be prepared.** These legacies are still responsible for widespread environmental and health insults, particularly in the hotspot in Mitrovica. A master plan could also be considered for the forest sector. Costs of forest degradation is estimated to amount to € 16.7 million- € 19.5 million per year (equivalent to 0.4% of GDP). An action plan could be prepared to protect forestry against illegal logging and to implement activities that can be undertaken with low investments. Examples include restoring degraded forest areas through natural regeneration, increasing revenues from timber production, biomass, and firewood generation, and establishing regular forest inventories to monitor the health and needs of different forest areas.

5. **For all sectors, it is necessary to build on good European practice in applying environmental impact assessments (EIAs) and environmental mitigation and monitoring plans (EMMPs).** These crucial environmental management tools must be run more efficiently and their impact made more effective. EIAs and EMMPs should be reviewed to adopt the good practices already used in the European Union (EU). Greater technical capacity is required for preparing, reviewing, and overseeing EIAs and EMMPs, particularly for large and technically complex infrastructure investments. Capacity building should focus on sectors that are likely to grow and that have heavy environmental impacts, such as energy and mining. They should incorporate EU practices that oblige investors to apply the best available pollution abatement techniques at reasonable cost and properly report on industrial emissions.

6. **The Government should also enhance environmental awareness through greater access to information for the media and other government institutions and greater public participation in EIA procedures for large infrastructure investments and strategic policies.** Information on laws and regulations is readily obtainable, but data on the state of the environment need to be strengthened, particularly for air pollution. This would entail stronger environmental monitoring as well as efforts by MESP to share environmental information and monitoring data with citizens—through annual “state of the environment” reports and through indicators that are easy to measure and update. Enhancing awareness of the media on environmental issues and collaborating with civil society organizations help support MESP in enhancing pressure for improvements for improved environmental quality. And given the high disease burden related to air pollution, improving the patient registration system for diseases directly related to air pollution, in line with international classifications, would demonstrate the health impact of environmental degradation and boost public support for change. The role of the judiciary in environmental management remains weak. This in turn affects cases enforcing environmental
legislation, such as illegal mining and forestry, and severely limits the role of the judiciary in environmental management and citizens’ ability to seek recourse to justice for environmental management issues.

Kosovo is well poised to act on these recommendations, for its key sectoral plans and strategies already incorporate environmental considerations. Kosovo’s Environmental Strategy and National Environmental Action Plan (2011–2015) were updated in 2011. The new KES (2011–2021) aims to reduce pollution, protect biodiversity, ensure sustainable use of natural resources, and protect valuable national landscapes. Short-term priorities include implementing the EU acquis, integrating EU environmental structures, and mainstreaming environmental concerns. Sectoral strategies that incorporate environmental objectives or have implications for environmental quality include the following:

- **Kosovo’s Energy Strategy 2009–18.** This aims to promote environmental awareness in energy activities, energy efficiency, and renewable energy use, and to develop gas infrastructure.
- **The Industrial Strategy for Kosovo 2010–13** provides a basis for raising the quality of industrial policy. It envisages a greater role for industry in contributing to GDP, including exports and investment.
- **The Agriculture and Rural Development Strategy 2009–13** aims to sustain rural development and improve the quality of life (including infrastructure) through promoting farming and other economic activities that are in harmony with the environment.
- **Kosovo’s Policy and Strategy Paper on Forestry Sector Development 2010–20** aims to improve capacity to deal with environmental issues related to forestry, enhance capacity of Kosovo institutions to implement and monitor biodiversity action plans, and establish and manage protected zones in compliance with national goals and international agreements.
1.3 The Legislative and Policy Framework in Kosovo regarding Environment and Climate Change

1.3.1 The overall legislative process

According to Article 79 of the Constitution of Kosovo⁴ "The initiative to propose laws may be taken by the President of Kosovo from his/her scope of authority, the Government, deputies of the Assembly or at least ten thousand citizens as provided by law". The vast majority of laws proposed to the Assembly come from the Government⁵. The principal planning tool for the legislative activity of the Government is the annual legislative programme the Government's law drafting process occurs throughout the year. Prior to December, ministries develop their priorities for the next year’s legislative agenda including the Regulatory Impact Assessment (RIA) and a Financial Impact Assessment (FIA) for each draft law. The Agenda is forwarded to the Prime Minister and the Government reviews the ministries’ priorities and develops the Annual Legislative Strategic Plan for Kosovo.

The originating body is responsible for the procedures of preparing the first draft of an Explanatory Memorandum of the initial draft in three languages, Albanian, Serbian and English, in conformity with the principles and standards on legislative drafting specified by the Government and the Office of the Prime Minister before being submitted to the Assembly. Ministers have the right to approve secondary legislation that is under the scope of responsibilities of the relevant ministry after the completion of the consultation process specified in article 7 of the Regulation no. 09/2011 of rules and procedure of the government. Ministers shall inform the Prime Minister and the Government on any act of secondary legislation issued by them and on the day of its signing shall send a copy (in paper and electronic) to the Legal Office of the Prime Minister⁴.

In the following Figure 1.3.1 the legislative process in Kosovo has been synthesized:

2. USAID Kosovo: “Legislative drafting manual A Practitioner’s Guide to Drafting Laws in Kosovo”, P. 15
1.3.2 The hierarchy of legal norms

In order to give an exhaustive and clear overview of the environmental legislative framework in Kosovo few words should be spent to introduce shortly the ‘[…] distribution of power, due to the presence of some international organisations which, prior to the full implementation of the Comprehensive Proposal for Kosovo Status Settlement, hold executive powers and share areas of public authority: This is the case of the UN Interim Administration Mission in Kosovo (UNMIK), the EU Rule of Law Mission in Kosovo (EULEX), and the International Civilian Office (ICO). The transitional provisions of the Constitution assign a special role to the ICO as the ultimate authority in Kosovo regarding the civilian aspects of the Kosovo Status Settlement / Even considering that the situation is tending to improve, for the time being the legal framework in Kosovo is still confusing as three different sources of legislation are still in place. […]The three sources are: 1) Yugoslav laws in force prior to the 1990s war in the Balkans; 2) UNMIK laws, adopted by the Special Representative of the Secretary-General of the United Nations (SRSG); 3) laws adopted by the Assembly of Kosovo⁶.

On 10 June 1999 the United Nations Security Council passed its resolution number 1244, establishing the UNMIK. After that UNMIK Regulation No. 1999/1 “On The Authority of the Interim Administration in Kosovo” establishes that the laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with the international recognized standards the United Nations Security Council resolution 1244 (1999), or any other regulation issued by UNMIK⁷. According to this provision the legislation in force includes:

a) Laws passed by the Assembly of Kosovo (AoK) enacted on 15 June 2008 and thereafter;
b) Regulations enacted by the United Nations Interim Administration in Kosovo (UNMIK) between 10 June 1999 and 14 June 2008;
c) Laws dated prior to 22 March 1989, enacted before the abolishment of Kosovo’s autonomy within the Socialist Federal Republic of Yugoslavia; and
d) Laws dated between 22 March 1989 and 10 June 1999, enacted after the abolishment of Kosovo’s autonomy, provided that they are not discriminatory and are required to fill a legal gap.

Despite the vast majority of the Laws and Regulations approved before 15 June 2008 have been replaced by new Laws approved by the AoK, the coexistence of all these regulations creates relevant problems of implementation and enforcement and seems to be not considered as part of the Kosovo legislative framework and: for example in few cases the laws enacted within the Socialist Federal Republic of Yugoslavia, which should be still in force until specific regulation are issued by the AoK, are not known and are referred to a different administrative asset.

On 17 February 2008 Kosovo declared its independence and in April 2008 the Assembly adopted a country’s Constitution that has entered into force in June 2008. Article 16⁸ establishes that “The Constitution is the highest legal act of the Kosovo. Laws and other legal acts shall be in accordance with this Constitution” International agreements come after the Constitution in the ranking of norms and they have an important place in Kosovo legal system. Article 19⁹ establishes that International agreements ratified by Kosovo become part of the internal legal system after their publication in the Official Gazette of Kosovo and they are directly applied except for cases when they are not self-applicable and the application requires the promulgation of a law.

 Ratified international agreements and legally binding norms of international law have superiority over the laws of Kosovo. Article 93 of Constitution provides that the Government has the competencies to makes decisions and issues

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⁶ Support for Improvement in Governance and Management A joint initiative of the OECD and the European Union, principally financed by the EU Kosovo (under UNSCR 1244/99) administrative legal framework assessment May 2009, p. 3
⁷ UNMIK/REG/1999/1 of 25 July 1999: “On the Authority of the Interim Administration in Kosovo – Section 3 Applicable law in Kosovo”. The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with standards referred to in section 2, the fulfilment of the mandate given to UNMIK under United Nations Security Council resolution 1244 (1999), or the present or any other regulation issued by UNMIK.
⁸ The Constitution of Kosovo, Article 16 “Supremacy of the Constitution”
⁹ The Constitution of Kosovo Article 19 “Applicability of International Law”
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legal acts or regulations necessary for the implementation of laws. According to the above mentioned constitutional statement the hierarchy of legal norms in Kosovo that are effective in the entire territory of Kosovo are (Figure 1.3.2):

I. The Constitution;
II. Ratified international agreements;
III. Laws;
IV. Normative acts of the Government.

1.3.3 The overall environmental legislation already in force

To date, Kosovo has pursued approximation to EU environmental standards with important advances in legislation concerning the Environmental Protection as a whole, the EIA, the SEA, IPPC and the Nature Protection. In addition the establishment of new environmental laws\(^\text{10}\) and further recruitment of staff at both central and local level are seen as positive steps forward. Many laws have been recently revised and adopted by the Assembly of Kosovo (see http://www.assembly-kosova.org) and other secondary legislation (administrative instructions, administrative orders and ministerial regulations) have been approved mainly by MESP.

In the Table 1.3.1 of the following pages these primary laws and secondary legislations have been summarised together with the corresponding list of EU legal acts\(^\text{11}\), directives and regulations to facilitate a further comparative analysis regarding the transposition of the EU environmental accquis into the Kosovan legislative framework. These laws have been grouped in the following main sections: (1) Horizontal legislation (Environmental Protection, SEA, EIA, IPPC, Nature Protection); (2) Water and Wastewater Management Legislation; (3) Waste Management; (4) Air Protection; (5) Spatial Planning and Construction; (6) other legislation (Environmental Risks, Chemicals, Civil Protection and Protection from Noise). All these laws should be taken into consideration in any EIA/SEA in compliance with the environmental sector affected by the corresponding project/plan.

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\(^{10}\) New Law on Environmental Protection (03/L-025), on EIA (03/L-214), on SEA (03/L-230), on Nature Conservation (L-03/L-233) and on Integrated Prevention Pollution Control (03/L-043), all approved on 2009 and 2010;

\(^{11}\) Although this is not technically correct, for the sake of simplicity we use the term "EU legal act" to describe the directives and regulations for which progress in transposition or implementation is being monitored
Kosovan Laws/ Regulations | EU acquis/assessment
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**General Environmental and Permitting Laws**

**Law on Environmental Protection**
- Law No. 03/L-025 “on Environmental Protection” approved by the Assembly of Kosovo on 26.02.2009 and promulgated by the President Decree on 19.03.2009;
- AI No. 02/2004-MESP “on the Establishment of Environmental Protection Inspectorate”, dated 18.02.2004;
- AI No. 2004/09-MESP “on the Cadastre of Environmental Polluter Emissions. Forms and Instructions on Form Application”, dated 03.08.2005;
- AI No.17/2013 “on the Cadastre of Environmental Pollution Discharge”;
- AI No. 22/2003-MESP “on organisation of the KEPA”, dated 06.10.2003;

**Law on EIA**
- Law No. 03/L-214 “on Environmental Impact Assessment” approved by the AoK on 23.09.2010 and promulgated by the Presidential Decree No. DL-048-2010 of 14.10.2010. It replaced the Law No. 03/L-024 approved by the AoK on 26.02.2009;
- AI No. 05/2011 “on the methodology for risk assessment from chemical accident and measures for consequence elimination”;
- AI No. 11/2011-MESP “to determine the amount of the fee for services relating to the EIA” dated 13.07.2011.
- Council Directive No. 85/337/EEC “on the assessment of the effects of certain public and private projects on the environment” approved on 27.06.2985 (the so called “EIA Directive”);
- Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 “on the assessment of the effects of certain public and private projects on the environment and applies to the assessment of the environmental effects of those projects which are likely to have significant effects on the environment”;

**Law on IPPC**
- The Law No. 03/L-043 “on Integrated Prevention Pollution Control” approved by AoK on 26.03.2009 and promulgated by the Presidential Decree No. DL-010-2009 of 23.04.2009.
- AI No. 26/05-MESP “on Issuing Ecological Permit/License”, dated 07.11.2005;
- AI No. 08/2010-MESP “on Licence Requirements for specific types of operations and plants”;
- AI No.01/2011-MESP “on Procedures for the Development and Approval of Documents referring to the Best Available Techniques”, dated 31.03.2011;
- AI No.03/2011-MESP “on Form, Content and Filing Method of Application for an Integrated Permit”, dated 31.03.2011

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Tab.1.3.1: Relevant primary and secondary Kosovan Environmental and Spatial Planning Legislative Framework and EU Directives and Regulations to be approximated (continue)
### Kosovan Laws/ Regulations

#### Law on SEA
- Law No. 03/L-230 “on Strategic Environmental Assessment” approved by the AoK on 30.08.2010 and promulgated by the Presidential Decree on 18.10.2010. It replaced the Law No. 03/L-015 approved by the AoK on 12.02.2009

#### Law on Nature Protection
- Law No. 2003/3 “on Kosovo Forests” approved by the AoK on 13.02.2003 and promulgated by the SRSG on 20.03.2003 (UNMIK Regulation No. 2003/6). This Law was amended by Law No. 2004/29 approved by the AoK on 28.07.2004 and by the Law No. 03/L-153 approved by the AoK on 25.02.2010;
- Law No. 03/L-233 “on Nature Protection” approved by the AoK on 30.09.2010 and promulgated by the Presidential Decree No. DL-054-2010 of 18.10.2010. It replaced the Law No. 02/L-18 “on Nature Conservation” approved by AoK on 23.03.2005;
- Law No. 02/L-53 “on Hunting” approved by the AoK on 16.12.2005 and promulgated by the SRSG on 11.08.2006 (UNMIK Regulation No. 2006/41);
- Al No. 04/2006-MESP “on the form and manner to manage a Central Register of Nature Protected Areas” dated 05.10.2006;
- Al No. 01/2007-MESP “on the form and manner for the determination of Natural Protected Areas” dated 25.01.2007;
- Al No. 08/2011-MESP “for the collection of protected wild plants species with the purpose of processing and trading” dated 13.07.2011;
- Al No. 12/2011 “for the sort of natural habitat types, natural habitat map, threatened and rare natural habitat types as well as safeguard measures for conservation of natural habitat types" dated18.08.2011;
- Al No. 01/2012 “for the keeping conditions, the manner of marking and evidencing of the protected animals in captivity” dated 28.02.2012;
- Al No.07/2012 “on content and manner of keeping nature protected values register”, dated 18.06.2012;
- Al No.16/2012 “on wildlife crossings”, dated 01.08.2012;
- Al No.18/2012 “for the proclamation of wild species protected and strictly protected”, dated 01.08.2012;
- Al No.24/2012 “on the content, form and manner of issuing of identification card and appearance of uniform for the supervisors and nature ranger", dated 05.12.2012;
- Al No.27/2012 “for the form and manner of providing the official card and sign for nature protection inspector” 20.12.2012;
- Al No. 18/2013 “on proclamation of Ecological Network”;
- Al No. 19/2013 “on assessment of acceptability of plan, programme or intervention of ecological network”;

#### EU acquis/assessment
- Council Regulation No. (EEC) 3254/91 of 04.11.1991 “prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards”;
- Commission Regulation No. EC/865/2006 “laying down detailed rules concerning the implementation of Council Regulation EC/338/97”;
<table>
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<th>Kosovan Laws/ Regulations</th>
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<tr>
<td><strong>Water Laws</strong></td>
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<td>▪ AI No. 2/99 “on Testing and Enforcing Minimum Standards of Drinking Water Quality”;</td>
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<td>▪ AI No. 24/05-MESP “on the Content, Form, Conditions and Method of Issuing and Retaining the Water Permit”, dated 11.10.2005;</td>
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<td>▪ AI No. 06/2006-MESP “on the Structure of Water Charges”, dated 02.06.2006;</td>
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<td>▪ AI No. 06/07-MESP “on the Content of Water Infrastructure”, dated 08.06.2007;</td>
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<td>▪ AI No. 13/07-MESP “on the Criteria’s for Defining the Water Protected Zones and their Protection Measures for Water Resources used for Drinking Water”, dated 23.11.2007</td>
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<td>▪ AI No. 08/26 “on Limit Values of Effluents Discharged in Water Bodies and in Public Sewage Network” approved by the Government of Kosovo (GoK) on 09.07.2008;</td>
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<td>▪ AI No. 12/2013 “Water Information System”, dated 17.06.2013</td>
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<td>▪ Commission Decision No.95/337/EC “concerning questionnaires relating to directives in the water sector”;</td>
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<td>▪ Directive No. 2007/60/EC of 23 October 2007 “on the assessment and management of flood risks” (text with EEA relevance);</td>
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Tab.1.3.1: Relevant primary and secondary Kosovan Environmental and Spatial Planning Legislative Framework and EU Directives and Regulations to be approximated (continue)
Law on Waste Management and Disposal

- Law No. 02/L-30 “on Waste” approved by the AoK on 22.07.2005 and promulgated by SRGS on 05.05.2006 (UNMK Regulation No 2006/31);
- Law No.04/L-060 “on Waste” approved by the AoK on 24.05.2012 and promulgated by the Decree of the President of Kosovo No.DL-027-2012, dated 08.06.2012. This new waste law repealed the Law No. 02/L-30 with exception of Annex 1 “Waste catalogue” (OJ nr 7, June 29, 2012);
- Al No. 03/2007-MESP “on Waste Management of Expired Oils”, dated 20.01.2006;
- Al No. 08/2007-MESP “on Waste from Expanded Batteries and Accumulators”, dated 13.03.2007;
- Al No. 01/2008-MESP “on Waste Management of Expired Oils”, dated 13.03.2007;
- Al No. 05/2008 “on administration of medical waste”;
- Al No. 12/2008 “for elimination of medicinal products waste”;
- Al No. 01/2009 “on conditions for selecting the location of the waste storage construction”;
- Al No. 04/2009 “for penalties with mandatory fines”;
- Al No. 05/2009 “on waste from major public areas”;
- Al No. 07/2009 “for management of waste containing asbestos”;
- Al No. 09/2009 “on waste management license”;
- Al No. 01/2010 “on management of biodegrading waste”;
- Al No. 02/2011-MESP “on waste management of fluorescent tubes containing mercury”, dated 31.03.2011;

- European Standard EN 50419 “on marking of electrical and electronic equipment” in accordance with Article 11(2) of the WEEE Directive;
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<tr>
<th>Kosovan Laws/Regulations</th>
<th>Status</th>
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<tbody>
<tr>
<td>Air Protection Laws</td>
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<td><strong>Law on Air Protection</strong></td>
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<tr>
<td>Draft AI &quot;on the control of volatile organic compound (VOC) emissions resulting from storage, loading or unloading and transport of petrol&quot;;</td>
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<td>Directive No. 2001/80/EC “on the limitation of emissions of certain pollutants into the air from large combustion plants” and its corrigendum;</td>
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<td>Directive No. 2003/87/EC “on exchange of emission quota between the Community countries”;</td>
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<td>Directive No. 2008/50/EC of the European Parliament and of the Council of 21.05.2008 “on ambient air quality and cleaner air for Europe” (Compliance deadline: 11 June 2010);</td>
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<td><strong>Law on Protection from Non-Ionised, Ionised Radiation and Nuclear Security</strong></td>
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<td>Directive No. 96/29/Euratom of 13.05.1996 “laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation”;</td>
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### Kosovan Laws

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<th>Regulation</th>
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<td>Law on Spatial Planning</td>
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<td>Law No.2003/14 &quot;on Spatial Planning&quot;, adopted by the AoK on 03.07.2003 and promulgated by SRGS on 10.09.2003;</td>
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<td>Al No. 25/03-MESP “on the implementation of the Law on Spatial Planning on basic content elements of the Spatial Plan of Kosovo”, dated 21.11.2003;</td>
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<td>Al No. 30/03-MESP “on the implementation of Spatial Planning Law on basic elements of UDP”, dated 26.12.2003;</td>
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<td>Al No. 14/03-MESP “on the implementation of the Law on Spatial Planning and on the regulation of the supervision, punishment and implementing measures”, dated 27.04.2004;</td>
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<td>Al No. 04/04-MESP “on the implementation of the Law on Spatial Planning and on the establishment of the Council on Spatial Planning”, dated 27.05.2004;</td>
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<td>Al No. – MESP “on the establishment of the Council of Planning Experts”, dated 04.11.2004;</td>
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<td>Al No. 01/05-MESP “on the implementation of the Law on Spatial Planning on the conditions for location, urban consent and urban permit”, dated 04.03.2005;</td>
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<td>Al No. 03/05 “on the implementation of the Law on Spatial Planning on basic content elements for URP”, of 04.03.05;</td>
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<td>Al No. 05/2005 “on the criteria and procedures on issuing licenses to practice activities in the field of design, construction, as well as professional supervision and review”;</td>
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<td>Al No. 06/2005 “on the professional examination for technician, engineer, engineer of construction, etc.”</td>
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<td>Al No. 2005/42-MESP “on the implementation of the Law on Spatial Planning on basic content elements of Spatial Plans for special areas”, dated 04.03.2005;</td>
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<td>Al No. 54/2005 “on the implementation of the Law on Spatial Planning on the procedure of public review for Spatial and UPRs”, 10.05.2005;</td>
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<td>No.2012/04-L-10 &quot;on construction&quot; approved by the AoK on 31.05.2012;</td>
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<td>No. 93/2012-L-14 &quot;on construction products&quot;, adopted by the AoK on 23.03.2005;</td>
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<td>No. 03/L-164 &quot;on financing of special housing programmes&quot;;</td>
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<td>No. 03/L-91 “on use, management and maintenance of the condominum”;</td>
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<td>Al No. 27/2005 “on conditions and measures for giving the authorization for project control”, of 23.12.05;</td>
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<td>Al No. 57/2005-MESP “on the eligibility for the construction inspectors of MESP and municipal construction inspectors”;</td>
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<td>Al No. 58/2005 “on maintaining records of inspection –registry form, form used during inspection”, of 14.07.05;</td>
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<td>Al No. 60/2005 “on the closing of construction site and its siege made from the construction inspector”, of 14.07.05;</td>
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<td>Al No. 01/2006-MESP “on other administrative violations and corresponding fines”, dated 10.02.2006;</td>
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<td>Al No. 03/2006-MESP “on the list of objects for which no construction permit is required”, dated 16.06.2006;</td>
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<td>Al No. 33/2007 “on the technical conditions for access to buildings for people with disabilities”, of 18.06.2007;</td>
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<td>Al No. 2009/03 “on technical rules on saving of thermal energy and thermal protection in buildings”, 06.2009;</td>
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<td>Al No. 13/2010 “on licensing criteria and procedures to perform the activity in the field of condominum management and maintenance”</td>
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<td>Al No. 18/2010 “on the contract’s content for non-profit rental housing”;</td>
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<td>Al No. 19/2010 “on housing bonus content”;</td>
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<td>Al No. 21/2010-MESP “on the criteria for determining the order of priority to categories of families that could benefit from special housing programmes”, dated 18.11.2010;</td>
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<td>Al No. 22/2010 “on procedures for the benefit of special housing programmes”;</td>
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<td>Al No. 23/2010-MESP “on procedures for the announcement of special housing programmes”, dated 18.11.2010;</td>
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<td>Al No. 24/2010-MESP “on minimum housing standards to special housing programmes”, dated 18.11.2010;</td>
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<td>Al No. 04/2011-MESP “on regulation on the manner of payment calculation for technical control of construction buildings”;</td>
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<td>Council Directive No. 85/337/EEC “on the assessment of the effects of certain public and private projects on the environment” approved on 27.06.1985 (the so called “EIA Directive”);</td>
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Tab.1.3.1: Relevant primary and secondary Kosovan Environmental and Spatial Planning Legislative Framework and EU Directives and Regulations to be approximated (continue)

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### Kosovan Laws/Regulations

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<th>Law on Environmental Risks</th>
<th>Law on Dam Safety</th>
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<tr>
<td>The intervention plan in the event of environmental accidents</td>
<td>AI No.03/2004-MESP “for Licensing of Persons and Enterprises on Drafting an Environmental Impact Assessment Report”, dated 27.04.2004</td>
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<td>National Response Plan. In particular see 7.12 Annex on Incidents with Oils and Hazardous Substances, p. 119</td>
<td>AI No. 07/11 “on licensing compilers of Environmental Impact Assessment”</td>
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<tr>
<td>Law No. 04/L-027 “for protection against natural and other disasters”</td>
<td>AI No. 9/11 “on information, public participation and interested parties in the environmental impact assessment procedures”</td>
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<tr>
<td>Law No. 04/L-147 “on Waters of Kosovo”</td>
<td>AI No. 11/11 “to determine the amount of the fee for services relating to the environmental impact assessment”</td>
</tr>
</tbody>
</table>

### EU acquis/assessment


| AI No.03/2004-MESP “for Licensing of Persons and Enterprises on Drafting an Environmental Impact Assessment Report”, dated 27.04.2004 | Law No. 04/L-147 “on Waters of Kosovo” |

- Council Directive No. 85/337/EEC “on the assessment of the effects of certain public and private projects on the environment” approved on 27.06.2985 (the so called “EIA Directive”);
| Law No. 03/L-015 approved by the AoK on 12.02.2009 | Law No. 04/L-227 has been drafted by MESP and is awaiting the approval of the AoK; |
| Law No. 2004/24 “on Water” approved by the AoK on 08.07.2004 and promulgated by the SRSG on 14.10.2004. A new Law No. 04/L-227 has been approved by the AoK and is awaiting the approval of the AoK. | Law No. 23/05-MESP “on the determination of the evidence manner and the legitimacy of water inspector” dated 11.10.2005; |
| AI No. 23/05-MESP “on the determination of the evidence manner and the legitimacy of water inspector” dated 11.10.2005; | AI No. 24/05-MESP “on the content, form, conditions and method of issuing and retaining the water permit”, dated 11.10.2005; |
| AI No. 2006/06-MESP “on the structure of water charges”, dated 02.2006; | AI No. 06/07-MESP “on the content of water infrastructure”, dated 08.06.2007; |
| AI No. 06/07-MESP “on the content of water infrastructure”, dated 08.06.2007; | AI No. 02/1/2006 “for water payment structure” |
| Law No. 03/L-025 “on Environmental Protection” approved by the Assembly of Kosovo (AoK) on 26.02.2009 and promulgated by the President Decree on 19.03.2009 | Law No. 03/L-025 “on Environmental Protection” approved by the Assembly of Kosovo (AoK) on 26.02.2009 and promulgated by the President Decree on 19.03.2009 |
| The intervention plan in the event of environmental accidents | The intervention plan in the event of environmental accidents |
| Law No. 04/L-027 “for protection against natural and other disasters” | Law No. 04/L-027 “for protection against natural and other disasters” |
| Law No. 02/1-14 “on construction products”, adopted by the AoK on 23.03.2005 | Law No. 02/1-14 “on construction products”, adopted by the AoK on 23.03.2005 |

Tab.1.3.1: Relevant primary and secondary Kosovan Environmental and Spatial Planning Legislative Framework and EU Directives and Regulations to be approximated (continue)
### Tab.1.3.1: Relevant primary and secondary Kosovan Environmental and Spatial Planning Legislative Framework and EU Directives and Regulations to be approximated (end)

<table>
<thead>
<tr>
<th>Law on chemicals</th>
<th>Other Environment related Laws</th>
</tr>
</thead>
</table>
Kosovo Constitution contains explicit environmental provisions: Article 7, §1, stated that the protection of the environment is one of the principles on which is based the Kosovo, and article 52 enshrined the rights of access to environmental information, Public Participation in Processes of Environmental Decision-Making and access to Justice, these principles are a substantial part of the EU environmental legislation ‘[...in order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being].’

The Law on Environmental Protection No. 03/L-025 represents the pillar of environmental protection, approved by the AoK on 26.02.2009 and promulgated by Presidential Decree on 19.03.2009 repealing the Law on Environmental Protection (Regulation. 2003/9) and Administrative Instruction (No.2/2004) for establishment of Inspectorate of Environmental Protection. It represents an important legal framework that aims to promote healthy environment in Kosovo through gradual introduction of environmental standards affirmed by the European Union and its legislation. To achieve the said objective, the Law has designated a number of legal instruments to ensure duly implementation of the Law and enable effective promotion for a healthy environment in Kosovo. The Environmental Protection Law introduces definitions and fundamental principles for environmental protection identifying roles and responsibilities of competent institutions. It regulates, inter alia, the policy principles of environmental protection, Kosovo’s strategy for protection and sustainable development of the environment, environmental protection programmes, authorisation by the government to establish discharge and emission limit levels, measures for the rehabilitation of the environment, EIA consent, permitting and authorisation, environmental monitoring and information. It also details the role and responsibilities of the KEPA and of the Kosovo State Environmental Inspectorate (KSEI).

Process of the harmonization of national laws in the area of the Environment with the relevant EU Directives has been intensified and new laws in the area of horizontal legislation (Environmental impact assessment and strategic environmental impact assessment, reporting), air quality, industrial pollution control were adopted in the past 3 years. Further harmonization in these areas will be realized by adoption of secondary regulations and particular attention will be dedicated to areas where the harmonization degree is still at low level (e.g.: waste management, water management). According to the Kosovo 2011 progress report as regards environment:

- There has been limited progress in the area of Horizontal Legislation, in particular as regards Environmental Impact assessment and on Strategic Environmental Assessment the transposition has been completed but there is still a lack of implementation and the involvement of the civil society in the process of decision making has been considered not sufficient.
- As regards Waste Management the law on waste had not yet been adopted. Waste recycling and separation are still not tackled. The rate of waste bill collection slightly increased in 2010, but it remains low. Local Environmental Action Plans drafted by Municipalities include also a waste management component.
- With regard to Water Quality, there had been very little progress. The law on water has not yet been adopted. Kosovo currently has two waste water treatment plants; one more is in the process of being completed. Vulnerable zones and protected areas have not yet been designated and there is still no water quality monitoring program. The drinking water supply system remains poorly developed and a significant part of the population is still not connected. Investments in this sector have been insufficient.
- Nature Protection: Several administrative instructions related to last year’s law on nature protection were adopted. The strategy and action plan on biodiversity were adopted in July 2011. Institutional and administrative capacity in this field remains very weak.
- Industrial Pollution Control and Risk Management. Administrative instructions on the form, content and filling method of an application for integrated permit and on procedures for the development and approval of Best Available Techniques (BAT) reference documents, as well as for the prevention of major accidents were adopted.
- Civil Protection: No remarkable development has been made.

12 Article 7, §1: the constitutional order of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, social justice, pluralism, separation of state powers, and a market economy
13 Convention on access to information, public participation in decision-making and access to Justice in environmental matters signed at Aarhus, Denmark, on 25 June 1998, Article 1 – Objective.
1.4 The Kosovan Institutions Responsible to Manage and Implement Environmental Policies

Environmental legislation cannot be enforced unless it is compatible with existing administrative, technical and economic capabilities for implementation and enforcement. The analysis of the institutional framework is necessary to have a complete overview of the status of implementation and enforcement of the environmental laws and consequently of the EIA/SEA primary and secondary legislation in force in Kosovo. At this purpose, since 2011 some remarkable progresses have been made in the legislation that has been already described in the § 1.3 above. In particular the Law No. 04/L-027 for protection against natural and other disasters was adopted, the new waste law No. 04/L-060 was adopted by the AoK on May 24th 2012 and promulgated by Presidential Decree No.DL-027-2012, dated 08.06.2012, the new Water Law No.04/L-147 was adopted by the AoK on 19 March 2013 and promulgated by Presidential Decree No.DL-011-2013 dated 05.04.2013 and as regards EIA in 2011 and 2012 five Administrative Instructions (AI) were approved improving the level of implementation especially as regards the public participation.

Despite the significant improvement the administrative capacity in environmental sector should be strengthened also through major coordination among the competent institutions.

Articles 5 and 59 - 64 of the Law No. 03/L-025 “on Environmental Protection” approved by the Assembly of Kosovo (AoK) on 26.02.2009 and promulgated by the President Decree on 19.03.2009 lists the responsible bodies for administration of environmental protection identifying their main responsibilities and tasks. In September 2011, the administrative instruction related to the organisation and structure of the Kosovo Environmental Protection Agency (KEPA) was signed, incorporating the Hydro meteorological Institute under KEPA. The Strategic Development Plan for the Ministry of Environment has not yet been adopted. Under the law, the competent authority for EIA/SEA, waste, water management, protection and planning (including the spatial planning) is the MESP, which is organised in sectoral departments, each of them responsible to implement the corresponding sectoral laws and policies. The Water Law states that the competent authorities on water administration are: the Government, the Kosovo Water Council, the MESP, the River Basin District Authorities, and the Municipalities. Nevertheless, neither the Kosovo Water Council nor the River Basin Authorities have been set up yet and new regulations and mechanisms for a stronger involvement of the municipalities in the management boards of these authorities are still missing. Further steps are notably needed for the designation of protected areas and vulnerable zones, and the introduction of implemented arrangements and monitoring programmes. The reasons for these delays differ but relate to their financing, organisational structure, human resources, etc.

The main environmental tasks and responsibilities of Kosovan institutions are following detailed.

1.4.1 Environmental tasks and responsibilities of the Government (GoK)

In compliance with the Law No. 03/L-025 “on Environmental Protection” the Government of Kosovo based on proposal from MESP, after consultation with other interested Ministries, shall adopt sub-legal acts with the purpose of:

✓ Achieving objectives and full implementation of the Environmental Protection Law.
✓ Applying the basic principles for environmental protection (i.e. the principle of sustainable development, the principle of integration of environmental protection, the principle of gradual harmonization with EU standards, principle of precaution and prevention, principle of taking preventive measures against environmental degradation, “polluter pays” principle, “user pays” principle, principle of responsible subsidiary, principle of encourage measures, principle of protection of the right on court, principle of public access to information, principle of high level of protection, principle of consistency with EU law, principle of prior measures, principle of regulation at source of environmental damage, principle of expense coverage).
✓ Adapting the legal requests and procedures related to protection of environment and sustainable development with EU environmental “acquis”.
✓ Establishing limits, prohibitions and other controls of direct or indirect emissions released by polluters and waste of installation and projects in environment.
✓ Determining methods, equipments, constructions and structures which should decrease emissions from the asphalt basis, stone crusher plant, digging of stones or other activities of digging stones, petrol points and other similar activities.
1.4.3 Environmental tasks and responsibilities of the Ministry of Environment and Spatial Planning (MESP)

In compliance with the Law No. 03/L-025 “on Environmental Protection” the MESP has the following main responsibilities:

- To promote sustainable development in Kosovo and in the region.
- To approve sub-legal acts, administrative directions, forms, procedures which are in his responsibility, according to law.
- To apply measures and environmental standards to stimulate sustainable utilisation of natural sources.
- To coordinate the preparation and implementation of policies and environmental instruments with other Ministries, Municipalities, private entities, professional and scientific organizations, non-governmental organizations and with citizens.
- To propose to the Government of the adoption of price list for issuance of environmental permits.
- To propose the members of the Advisory Board for Protection of Environment in the Government, which are approved by the Assembly of Kosovo
- To determine the criteria and procedure for issuing gratitude.
- To ensure the fair usage of funds granted from international and local organizations in compliance with the Government policies in order to protect the environment.
- To prepare the application for co-finance of EU for projects of investments in environment and their implementation.
- To issue environmental consents and permits related to constructed facilities, installations and machinery that have been subject to EIA.
- To report to the Government and Assembly for the realisation of the Strategy for Environmental Protection once a year.
- To regularly, timely and objectively inform the public on the environmental status, namely phenomena monitored in keeping with the monitoring of environmental quality and emission and warning measures or development of the pollution which may pose threat to human life and health;

1.4.4 Environmental tasks and responsibilities of the Municipalities

In compliance with the Law No. 03/L-025 “on Environmental Protection”, with the Law No.03/L-043 “on Integrated Prevention Pollution Control” and with the secondary legislation the Kosovan municipalities have the following main responsibilities:

- To fully apply the basic principles for environmental protection (i.e. the principle of sustainable development, the principle of integration of environmental protection, the principle of gradual harmonization with EU standards, principle of precaution and prevention, principle of taking preventive measures against environmental degradation, “polluter pays” principle, “user pays” principle, principle of responsible subsidiary, principle of encourage measures, principle of protection of the right on court, principle of public access to information,
principle of high level of protection, principle of consistency with EU law, principle of prior measures, principle of regulation at source of environmental damage, principle of expense coverage).

- To cooperate with MESP in the preparation of plan, in the protection of environment and in the sustainable development within their territory. In particular:
  - Protect the local environment and prepare the environmental protection/nature conservation programmes (Reg. 2007/30, 2003/9);
  - Issue appropriate warnings, recommendations and protection measures for their respective areas (Reg. 2003/9);
  - Establish environmental standards, in accordance with the Environmental Protection Law and the subsidiary normative acts (Reg. 2003/9);
  - Manage sources for important water supplies at local level such as natural water springs, public wells and ditches (Reg. 2004/24)
  - Regulate, implement and organise the municipality waste management in its territory, determining the tariffs for services of municipality waste collection and disposal for waste management companies, supervising and inspecting the correct waste management through a municipal environmental inspector (Reg. 02/L-30);
  - Manage the air quality within its boundaries in accordance with the Kosovo Strategy for Air Protection;
  - Protect from noise and establish/enforce measures aimed at controlling noise (Reg. 2003/9);
  - Take care of protecting biological diversity and damage or harming of biotopes (Reg. 02/L-18);
  - Report on environment (Reg. 2003/9);
  - Arrange and regulate methods for segregation of re-cycled waste in accordance with local plan (Reg. 02/L-30);
  - Identify the nature conservation zones and. provide conditions for the protection and preservation of nature conservation (Reg. 02/L-18);
  - Support the functioning of environmental non-profit organisations, including associations of members of communities, if such organisations provide services within the general responsibility of the municipality (Reg. 02/L-30).

- To enforce laws and inspect enforcement of the laws related to the protection of environment and sustainable development within their territory.

- To prepare and provide information related to the protection of environment and sustainable development for citizens and to establish and manage the Environmental Protection Information System (EPIS) (Reg. 2003/9).

- To approve, through the Municipal Assembly, the action plan and programmes for the protection of environment and sustainable development within municipality territory, in accordance with the Kosovo Environmental Action Plan (KEAP) and their specific interests.

- To issue environmental licenses (during the process of issuing the construction licence) at Municipal level for all activities and project that could cause environmental devastation but that are not requiring an EIA, an IPPC, an Environmental Permit or an Environmental Authorisation from MESP.

The municipalities are also responsible to prepare the following municipal plans and reports that should also include a specific SEA section:

1. Municipal Development Plan (MDP), Municipal Urban Plan (MUP), Urban Regulatory Plan (URP), Natural Resources Management Plans (NRMP), Municipal Rural Plan (MRP) / Plan for Land Use (Reg. 2007/30, 2003/9, 2003/30);
2. Local Environmental Action Plan (LEAP), (Reg. 2003/9) not obligatory but will be a key project objective to make it compulsory;
3. Local Air Protection Plan (LAPP), which can be an integrated part of LEAP (Reg. 2004/30);
4. Local Waste Management Plan (LWMP), for a minimum period of 5 years to be reviewed whenever necessary (Reg. 02/L-30). This should also be part of the LEAP;
5. Waste management six monthly report and its submission to MESP, within the first quarter of the following year (Reg. 02/L-30).

Concerning the environmental inspectorate at municipal level, it should be noted that:

- The municipality authorise the environmental municipal inspector to inspect those environmental aspects of local character (Reg. 2003/9);
- The Environmental Municipal Inspector (EMI), in carrying out responsibilities of inspection, shall be responsible for those environmental aspects of local character that do not cross Municipal borders and that can be controlled and prevented by the Municipalities themselves (Reg. 2003/9);
- The EMI shall supervise and control waste management (Reg. 02/L-30).
1.4.4 Environmental tasks and responsibilities of the Kosovo Environmental Protection Agency (KEPA)

In compliance with the Law No. 03/L-025 “on Environmental Protection” the KEPA has the following main responsibilities:

- To provide proper information for administration, Government and Kosovo Assembly for the implementation of environmental protection policies.
- To develop and coordinate unique system of information on environmental protection regarding to system for conduction of environmental state in Kosovo as well as collecting the records for environment.
- To emplace and keep referent centres with data base regarding to environmental monitoring (socioeconomic records, pressures on environment, state and quality of environment).
- To develop procedures for elaboration of data gathered for environment and their evaluation (modelling, presentation and visualization).
- To accomplish professional tasks – consulting during the designation of content, methodology and manner of conducting of environmental state.
- To progress and compare the quality of data for environment.
- To compile reports on the general state of environment in Kosovo, aims, as well as report on the main sectors (air, soil, water, biodiversity, climate change).
- To compile report for certain fields as region with increased radioactivity, environmental quality, health and similar;
- To give advices for determination, keeping and following-up projects and programs for environmental protection;
- To support administrative bodies on developing of new forms of policy for environmental protection and monitoring the implementation of environmental protection plans and programmes.
- To cooperate with European Environmental Agency (EEA), that is on composition of European Environment Information and Observation network (EIONET).
- To cooperate with institutions and other international organizations of European Union for environmental protection.
- To ensure approach on all information for environment in Kosovo according to the standards of EEA.
- To utilise and interstate exchange of the environmental data through rules defined by a special law.

1.4.5 Environmental tasks and responsibilities of the Environmental Protection Advisory Board (EPAB)

In compliance with the Law No. 03/L-025 “on Environmental Protection” the EPAB shall give opinions and suggestions to the Assembly and the Government and inform the public on the following matters:

- The state of environment and trends in the field of Environmental Protection.
- The strategy and policy on Environmental Protection and its coordination with international trends.
- The harmonization of economic development and Environmental Protection.
- The laws regulating Environmental Protection.
- The activities of the responsible ministries and the municipalities in the field of Environmental Protection.
- The public initiatives and other functions prescribed by law.

1.4.6 Environmental tasks and responsibilities of the sectoral Ministries

In compliance with the Law No. 03/L-230 “on Strategic Environmental Assessment” the sectoral Ministries have the following main responsibilities:

- To provide proper information for administration, Government and Kosovo Assembly for the implementation of sectoral policies and strategies.
- To accompany their specific sectoral strategies/plans/programmes with a SEA if required by Law.
1.5 The Climate Change Framework Strategy for Kosovo 2014-2024

Kosovo’s citizens are the poorest in Europe with an average annual per capita income (PPP) of $7,400. Unemployment, around 45%, is a significant problem that encourages outward migration and a significant informal, unreported economy, followed by improper use of natural resources. The poverty makes the country especially vulnerable to any climatic changes. In Kosovo, framework laws in the area of Climate Change are either in place or in the process of adoption. The institutions needed to implement EU standards are also in place but their capacity to implement and enforce legislation at central and local levels must be strengthened.

In 2010, the Government of Kosovo introduced Kosovo Environmental Strategy (KES) (2011-2015). It outlines the key strategic targets to be achieved during this period. These are ultimately related to the promotion of energy efficiency and increase in the utilization of renewable energy sources (RES). These goals are also stated in the Kosovo Energy Strategy (2009-2018).

According to the Kosovo Energy Efficiency Action Plan (KEEP) (2010 – 2018), the implementation of energy efficiency measures in households and public buildings is a high priority, as 35% of the energy produced in Kosovo is used for heating. Moreover, according to the KEEP, the households absorb the larger share of electricity (approx. 63%).

The budget devoted to the sector is insufficient, while at the same time environmental and climate change mitigation and adaptation concerns are not mainstreamed into other policies. The lack of human, administrative, and financial capacities to implement EU environmental and climate standards has been also reiterated in the European Commission’s Staff Working Document “Commission Communication on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo”, Brussels, 23 October, 2012 { SWD(2012) 339 final/2}.

While the first GHG inventory was prepared in 2012, with support from UNDP, there is still no register of sources and emissions of GHGs and a baseline year, from which GHG emissions will be measured, has not been identified as yet. The results of GHG inventory showed that Kosovo compared to EU has low emissions per capita, but high emissions per unit GDP (per capita t CO2 equivalent: Kosovo 5.7/EU 9.9; per Euro GDP kg CO2 equivalent: Kosovo 0.84/EU 0.4). However, Kosovo has not yet started to submit National Communications to the Climate Change Secretariat in the UNFCCC.

On 2014 the first Climate Change Framework Strategy (CCFS) for Kosovo was finalised with the support of the Austrian Development Cooperation, UNDP Bratislava Regional Centre and the United Nations Development Programme (UNDP) in Kosovo. The development of this first CCFS was initiated in December 2012 by the Ministry of Environment and Spatial Planning (MES) with support from UNDP. It consists of two components: Low Emission Development Strategy (LEDS) and National Adaptation Strategy (NAS).

15 Austrian Development Cooperation: “Support for Low Emission Development in SEE (SLED)” project, May 2013
The Climate Change Framework Strategy approved on 2014 is an initial step in an adaptive management feedback policy process. It is also an opportunity to look for mitigation and adaptation measures that will boost sustainable development. It is crucial for responding and anticipating the impacts of climate change in Kosovo. These current and expected impacts include:

- Total emissions of all greenhouse gasses in 2008 in Kosovo reached 9.5 Mt CO2 eq. They increased by almost 11% to 10.5 Mt CO2 eq. in 2009. This relatively high increase was driven almost solely by increased fossil fuel combustion.
- In comparison with other countries in Europe Kosovo has relatively low emissions per capita (5.7 t CO2 equivalent per capita per annum in 2008, while greenhouse gas emissions per unit of GDP (0.84 kg CO2 equivalent per EUR in 2008) are higher. Per capita emissions are just over half of the EU average (9.93 t) and emissions per unit of GDP are almost double of those in the EU average (0.4 kg/EUR).
- These statistics illustrate the economic and social challenges for Kosovo in the trap with low but growing emissions, and even lower GDP per capita. This situation justifies the application of the principle of common but differentiated responsibility defined in Article 3.1 of the United Nations Convention on Climate Change (UNFCCC).
- Exposure to hazards such as droughts, floods, and forest fires will become greater with climate change. Climate variability has already increased in Kosovo;
- Rising intensity and frequency of precipitation extremes such as heavy rain events, as well as more severe drought, particularly since the 1980s. Flash floods are getting more common in mountain areas, while river floods occur more often in plains and lowlands;
- Higher temperatures will make heat waves and forest fires more likely. Since 2000 there have been an increasing number of forest fires in Kosovo;
- Kosovo has been struck by drought several times in the last two decades (1993, 2000, 2007, and 2008);
- Increased temperatures, more uncertain rainfall, and reduced runoff combined with socio-economic developments and increased use of water resources will heighten exposure to drought;
- Since 2004 80% of Kosovo municipalities have suffered from water shortages due to hydrological drought and the misuse of water resources;
- Ecosystem degradation and reduction of ecosystem services;
- Increase and new forms of pollution and water-related diseases.

Furthermore, it is important to take into account that climatic hazards have a much greater impact than should normally be the case in a country such as Kosovo, owing to a high degree of vulnerability. This is the result of a variety of factors, including:

- Building and uncontrolled urbanization from 1999 until now
- High socio-economic vulnerability due to a high incidence of poverty (among 45% of the population) and a fragile economy, combined with limited provision in the health, social welfare and employment sectors;
- Illegal construction in hazard zones and failure to adhere to building codes;
- Lack of maintenance and destruction during wartime;
- Inadequate design of drainage and sewage systems;
- Inadequate land use and municipal planning, which increase population exposure to hazards;
- Unsustainable water management and agronomic practices, deforestation, and destruction of slopes by mining activities.

A climate-resilient Kosovo, which is effectively mitigating the causes of climate change, and is effectively anticipating on, and responding to, the impacts of climate change, taking into account internationally endorsed principles for sustainable development.

Considering the large uncertainty regarding the current level and future projections of GHG emissions in Kosovo it is difficult to set a meaningful mitigation objective in terms of quantitative emission reduction targets. For the same reason, and for the reason of uncertainty of future social and economic development of the country, it is also difficult to set LEDS objectives for long term (e. g. 2050 as in the EU Roadmap). Because of this the mitigation objectives are set in qualitative terms as follows:

- **LEDS Objective 1**: Kosovo will develop the capacity to fulfil its future obligations under the UNFCCC and as a member of EU.
**LEDS Objective 2:** Kosovo will slow the increase of GHG emissions through
- Increased energy efficiency in all sectors
- Development of renewable energy sources
- Sustainable use of natural resources

The NAS has the following objectives:

- **NAS Objective 1:** To introduce new and improve current mechanisms of disaster risk reduction, especially important for sectors of economic significance that are particularly vulnerable to climate change impacts;
- **NAS Objective 2:** To enhance adaptive capacity\(^{16}\) of natural systems, in particular vulnerable ecosystems, and society, in particular vulnerable communities, such as poor farmers, marginal groups and women, to address the climatic impacts and related risks on their lives and livelihoods;
- **NAS Objective 3:** To build the capacity of national and local partners, actors and stakeholders to integrate climate change issues and adaptation into the local and national development processes, and empower them for addressing climate change issues.

The Low Emission Development Strategy (LEDS) is very likely to lead to lower GHG emissions than in a business as usual scenario. It will help to:

1. propose priority mitigation solutions, which provide economic opportunities;
2. identify the barriers to low carbon emissions economy development;
3. reinforce and build on existing projects/investments, attracting additional international support;
4. decide on a quantified emission reduction contributions/commitments in the future;

In total the LEDS presents 9 **Nationally Appropriate Mitigation Actions (NAMAs)** ones that maximize benefits while minimizing negative consequences. Using simple extrapolation of the GHG emissions and correlating them to the predicted energy demand in the Energy Efficiency Action Plan and compare them with the impact of these measures, we get an emission reduction of 7 to 14 % compared to the Business as usual scenario in 2018. This gives a first approximation of how an emission target could look like, which will be further refined when the emission inventory and projections are fully developed.

The NAS entails the following **eight strategy components:**

1. Flood protection
2. Drought, low flow and water scarcity
3. Forest and biodiversity management
4. Public health
5. Information management and exchange
6. Capacity building, training and awareness raising
7. Finances, cost recovery and risk management
8. Cooperation structures

In total the NAS presents 38 **optimal interventions**, ones that maximize benefits while minimizing negative consequences. This includes measures which are cost effective in reducing risks and can be implemented safely without compromising (other) sustainable development trajectories, as well as adaptation options that provide benefits regardless of future climate conditions.

Climate change adaptation refers to adjustments in ecological, social, or economic systems in response to actual or expected climatic stimuli and their effects or impacts. It refers to changes in processes, practices, and structures to

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\(^{16}\) Adaptive capacity: the ability of a system to adjust to climate change, to moderate potential damage or take advantage of opportunities or to cope with the consequences (IPCC, 2001).
moderate potential damages or to benefit from opportunities associated with climate change. Adaptation means anticipating the adverse effects of climate change and taking appropriate action to prevent or minimise the damage they can cause. Early action will save on damage costs later. Adaptation strategies are needed at all levels of administration, from the local to the international level.

Examples of adaptation measures include using scarce water resources more efficiently, adapting building codes to future climate conditions and extreme weather events, building flood defences and raising the levels of dykes, developing drought-tolerant crops, choosing tree species and forestry practices less vulnerable to storms and fires, and setting aside land corridors to help species migrate. Section 6.2 of the CCFS presents an overall view of Strategy components and adaptation measures (i.e. interventions) being included in the NAS Kosovo.

While climate change represents a huge challenge, it also represents an opportunity for innovation in the management of water resources and sustainable development of a modern economy, especially by means of new growth (e.g. wind and solar energy, development of green infrastructure, sustainable production of biofuels, thermal combustion, wastewater recycling, and technologies for carbon-neutral housing, carbon-neutral transportation and industries, etcetera).

Overall, the NAS for Kosovo envisages to effectively anticipate and to respond to the impacts of climate change taking into account internationally endorsed principles for sustainable development. Adaptation to climate change is crucial for reducing the risk and damage from current and future impacts of climate change in a cost-effective manner and to exploit potential benefits stemming from climate change. The NAS will aim to introduce new and improve current mechanisms of disaster risk reduction, especially important for sectors of economic significance that are particularly vulnerable to climate change impacts, and to enhance adaptive capacity of natural systems, in particular vulnerable ecosystems, and society, in particular vulnerable communities, such as poor farmers, marginal groups and women, to address the climatic impacts and related risks on their lives and livelihoods. Hence, the NAS intends to build the capacity of the local partners, actors and stakeholders to integrate climate change issues and adaptation into the local and regional development processes, and empower them for addressing climate change issues.

Finally, the NAS intends to disseminate and upscale lessons learned, good adaptation practices, experiences and advocacy to influence policy and decision making processes at local, national and regional levels.

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\(^{17}\) UNFCCC Definition: [http://unfccc.int](http://unfccc.int)
1.6 The relevant TA implemented with the support of other donors

Different technical assistance projects financed by international donors that were affecting the EIA/SEA/Nature Protection/Climate Change issues were implemented in the last years in Kosovo. The main activities implemented and results achieved by these projects have been taken into consideration by the ongoing ADC-UNDP assistance in order to avoid overlapping and to take into consideration the corresponding opinions and recommendations.

In particular, two main categories of TA project have been considered:

1. The projects regarding the institutional strengthening and the capacity building, mainly addressed to the Kosovan institutions that are involved in the management of environmental and climate change policies (MESP, KEPA, Ministry of Energy in the Ministry of Finance)
2. The EIA to be part of specific infrastructures that need an Environmental Consent (Waste facilities, Water Treatment Plants, Thermo Power Plants, Mines, etc.)

Considerable amount of work has, or is being carried out by other projects from national organisations and international assistance to meet the requirements of the EU environmental acquis. The most relevant TA projects financed by international donors were useful training programmes were included have been summarised in the following Tab. 1.6.1:

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Implementing Period</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>EU PHARE: “Institutional support for environmental management for the Ministry of Environment and Spatial Planning, Kosovo”</td>
<td>Oct. 2003 - March 2005</td>
<td>The overall objective of the project was to lay a strong foundation for Environment Ministry in particular, and for the government of Kosovo in general, to implement the EU environmental acquis. The project provided institutional support to outline and establish the strategies, policies, concepts, procedures and capacities required for managing, implementing, and enforcing environmental policy in Kosovo. This included strengthening environmental management and training officials and key staff, as well as supplying equipment and logistical support for targeted sectors such as environmental monitoring and data management.</td>
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<tr>
<td>BMZ-GIZ: “Modernization of Municipal Services”</td>
<td>2006</td>
<td>This project provided practical support to the Kosovan Municipalities in their efforts to modernize their services more efficiently in order to address the needs and expectations of the citizens. The objective of this project in the period 2011-2013 was to achieve an harmonized legal framework that is in conformity with the European standards, to implement the newly transferred competencies in waste management, to improve the waste collection service for the people in Kosovo empower citizens and to include them in the process of planning and decision-making.</td>
</tr>
<tr>
<td>EU CARDS: “Institutional strengthening and capacity building of all departments of MESP”</td>
<td>ended in Sept. 2007</td>
<td>This project provided practical assistance to the Water Resources Management Department mainly and focused on assisting drafting subsidiary laws, river basin management issues, flood management, and drinking water protection. One of the main outputs is provision of practical tools (GIS and hydraulic models) which will be compatible with the existing Information Management Systems (IMS) already installed in the Environment Ministry and KEPA.</td>
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<tr>
<td>EU CARDS: “Institutional support to the Ministry of Environment and Spatial Planning, Kosovo”</td>
<td>ended Sept. 2007</td>
<td>The objective of this project was to broaden and deepen the environmental management capacity of the Environment Ministry mainly on the issues of permitting and pollution control at municipal level, nature conservation and environmental protection in the Ministry, and spatial planning for the Ministry. Under this project the capacity of local authorities will also be assessed, in terms of implementing environmental legislation. The assessment will identify those that can serve as pilots for the reinforcement of local control systems to be extended to all 30 in due course.</td>
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<tr>
<td>EU CARDS: “Further support to the Association of Kosovo Municipalities”</td>
<td>May 2006 - July 2008</td>
<td>The scope of this project was to further strengthen the institutional capacity of the Association of Kosovo Municipalities as an effective forum to enhance inter-municipal cooperation and dialogue with central government in areas of municipal competence and the local government reform process.</td>
</tr>
<tr>
<td>EU CARDS: “Institutional Support to municipalities for the implementation of environmental Laws and Regulations”</td>
<td>Jan 2008 - June 2009</td>
<td>The purpose of this project was to strengthen the institutional capacity of Kosovo’s municipalities and the Environment Ministry and to improve enforcement of environmental laws and regulations and to ensure better communication and cooperation between the central and local government (five regional offices/inspectorates, municipalities, local councils, mayors’ offices).</td>
</tr>
<tr>
<td>EU CARDS: “Support to Local Government-Kosovo”</td>
<td>Jan 2008 - Jan 2010</td>
<td>The project aimed to support municipalities of Kosovo to advance the reform and capacity building in the context of the ongoing decentralization process, including the improvement of managerial competencies, service delivery and dialogue with citizens at the local level, in line with European Standards. Among others, the project had the purpose to strengthen the inspection functions of the municipalities, assist the law implementation and to develop the integrated planning capabilities.</td>
</tr>
</tbody>
</table>

Tab.1.6.1 – Relevant environmental and spatial planning funded projects already implemented in Kosovo (continue)
<table>
<thead>
<tr>
<th>Project Title</th>
<th>Implementing Period</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>KCB-MESP: “Design Development for Storage of Hazardous Waste Materials (HWM)”</td>
<td>2007-2009</td>
<td>The purpose of this project was to develop a financially and environmentally sustainable system for environment and waste management through the design of a Storage of Hazardous Waste (SHW) in Kosovo, including the related Environmental Impact Assessment.</td>
</tr>
<tr>
<td>EU IPA 2007-TWINNING: “Strengthening the human resources and the institutional capacity of the Kosovo public administration – European Cooperation for Stronger Municipalities”</td>
<td>July 2011-July 2013</td>
<td>The purpose of this project was to support the development of a professional administrative capacity in Kosovo for the implementation of the European Partnership Action Plan towards a more effective and efficient service delivery and dialogue with citizens. The project is designed to make lasting improvements in the availability, efficiency and cost-effectiveness of services provided to citizens by Kosovo’s commitment to European partnership. In specific, the project provided support to Municipalities in Waste Management Planning in cooperation with the public operators.</td>
</tr>
<tr>
<td>EU IPA 2009-TAIEX: “Technical assistance on IPPC, Environmental Planning and Capacity Building”</td>
<td>Mar 2010-Jan 2011</td>
<td>The project aimed at assist the MESP in the identification of the administrative forms and in the finalisation of the secondary legislation and guidelines regarding IPPC.</td>
</tr>
<tr>
<td>EU IPA-TAIEX: “Support to the Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning (CAFRDESP)”</td>
<td>Oct 2010-July 2011</td>
<td>The purpose of this project was the assistance to the Parliamentary Committee on Environment and MESP in the drafting and approval of all relevant environmental legislation, with particular attention to the new laws on EIA, SEA, Water, Construction and Nature Protection.</td>
</tr>
<tr>
<td>EU-FRAMEWORK: “Monitoring the transposition and implementation of EU Environmental Acquis”</td>
<td>2009-2010</td>
<td>The main purpose of this project was the assessment of primary and secondary legislation already approved and drafted in Kosovo to monitor the transposition and implementation of EU Environmental Acquis, to check the gaps already existing between Kosovan laws and EU Directives and to prepare a list of recommendations to facilitate such transposition.</td>
</tr>
<tr>
<td>EU IPA 2010-TWINNING: “Support to the Environment Sector in Kosovo”</td>
<td>Nov 2010-Sep 2012</td>
<td>The purposes of this project were: a) strengthening the administrative capacity on legal, institutional and technical matters of environmental monitoring, especially air and water; b) support KEPA in meeting 30% of the reporting requirements to the European Environment Agency for priority dataflow indicators; c) drafting public awareness strategy and materials; and d) establish a modern data management system including database development.</td>
</tr>
<tr>
<td>SIDA: “Support to preparation of Kosovo Environmental Strategy (KES) and the National Environmental Action Plan (NEAP) 2011-2015”</td>
<td>April 2011-May 2012</td>
<td>The purpose of this project was the update of the Kosovo Environmental Strategy and National Environmental Action Plan identifying the priority projects to be financed during the period of validity of the plan (2011-2015). The project outputs were: 1) a baseline report summarising the state of the environment in relation to current development plans and objectives; 2) a revision of the existing sector strategies to determine their relevance for the environment (agriculture, forestry, mining, industry, etc.); 3) a revision and update of the Kosovo Environmental Strategy (KES) for the period 2011-2015; 4) the National Environmental Action Plan (NEAP) for the period 2011-2015. Therefore, this project was important because it also included the identification of the priorities to be implemented in all environmental sectors, waste management sector included. This strategy has been taken into consideration in the drafting of the “Waste Management Strategy” and related “Action Plan”.</td>
</tr>
<tr>
<td>EU IPA: “Further Institutional Strengthening Support to Water and Waste Regulatory Office (WWRO)”</td>
<td>2011-May 2012</td>
<td>The purpose of this project was the development of the regulatory, management and planning capacities in the WWRO and the seven RWIs in order to create conditions for future improvements and sustainable development of the water and waste sectors.</td>
</tr>
<tr>
<td>EU IPA 2010-TWINNING: “Institutional Support to the Ministry of Environment and Spatial Planning of Kosovo”</td>
<td>Dec 2011-Dec 2013</td>
<td>The purpose of this project was the strengthening the capacity of the MESP and stakeholders to complete and enforce the implementation of secondary legislation on water and river basin management, management of water infrastructure, including dams, waste management, spatial and urban planning management, nature protection and biodiversity. The focus was on (a) preparation of procedures and guidelines on drafting secondary legislation and regulations in accordance with EU Directives; b) draft implementation, licensing, permit, and control procedures in the fields of water quality, water resource and waste management, spatial urban planning and construction, biodiversity and environment protection; c) definition of nature-protected zones; d) preparation of construction standards and codes (EU best practices)</td>
</tr>
<tr>
<td>EU IPA: “Promoting Energy Efficiency and renewable energy resources”</td>
<td>2012-2014</td>
<td>The purpose of this project was the assistance and the building of the institutional capacity at central and local government on the following key areas: enforcing the legal framework in the field of energy efficiency and renewable energy; establishing local energy planning process and preparing local energy action plans that promote energy efficiency and the use of renewable energy; and training on energy management and auditing services.</td>
</tr>
<tr>
<td>WB: “National Building Energy Efficiency Study for Kosovo”</td>
<td>2012-2013</td>
<td>The purpose of this project was the design and development of a detailed plan for the National Building Energy Efficiency Programme, covering public, commercial and residential buildings.</td>
</tr>
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</table>

Tab.1.6.1 – Relevant environmental and spatial planning funded projects already implemented in Kosovo (continue)
### Tab.1.6.1 – Relevant environmental and spatial planning funded projects already implemented in Kosovo (end)

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Implementing Period</th>
<th>Brief Description</th>
</tr>
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<tbody>
<tr>
<td>EU-IPA: “Support to Waste Management in Kosovo”</td>
<td>2011-2013</td>
<td>The purposes of this project were: 1) to develop an effective information system throughout the entire waste sector in order to enable sustainable management of waste; 2) to assist the beneficiary institutions in the analysis, planning and implementation of effective measures that will introduce new concepts and practices in order to improve the management of waste; 3) to improve the state of environment by supporting reduction, categorisation, effective collection and recycling activities for solid waste.</td>
</tr>
<tr>
<td>WB: “Kosovo Power Project – Environmental and Social Impact Assessment”</td>
<td>2011-2013</td>
<td>The objectives of this ESIA for the proposed KPP and its associated infrastructure were: 1) to meet the requirements of the international financial institutions (IFIs) in support of their decision on whether to finance and provide guarantees for the proposed KPP; and 2) to comply with national and EU legislation on preparation of environmental and social assessments required for future permitting and other authorization purposes.</td>
</tr>
<tr>
<td>EU IPA: “Support to the Ministry of Environment and Spatial Planning (MESP) in water management and monitoring of water resources”</td>
<td>2013-2014</td>
<td>The purposes of this project were: 1) to support the GoK, in particular the MESP and its Water Department, in development of a unified Kosovo Water Strategy, a Kosovo-wide Water Action and Investment Plan to guide planning, identification, prioritization, and implementation of investments in the water resources sector for the benefit of the population while preserving the water resources and ecosystems linked to them; 2) to broaden and deepen the approximation of Kosovo’s practices and standards in the water resources sector with those of the EU WFD, contributing to Kosovo’s progress in the accession process; 3) to consolidate the technical, institutional, and administrative capacity of the Water Department of the MESP and its line agencies to meet the monitoring and reporting standards of the WFD by improving the network for surface and groundwater monitoring and sampling; 4) to effectively integrate the Water Action and Investment Plan into the evolving expenditure frameworks and management structure presiding over the sector.</td>
</tr>
<tr>
<td>WB: “Strengthening the review, monitoring and management function of the Ministry of Environment and Spatial Planning (MESP) specifically in the field of energy”</td>
<td>2014</td>
<td>The project consisted in the training of the staff of the MESP, KEPA and its inspectorates and included the provision of technical assistance in the review process of Environmental Impact Assessments, the permit approval process and permit compliance monitoring, including monitoring requirements at the power plant and mine. It also included a study tour to a well established monitoring and enforcement regional agency in Italy in charge of monitoring compliance and inspection of coal-fired power plants.</td>
</tr>
</tbody>
</table>

Many other specific projects including an EIA were prepared with the following main support of the IFIs:

- KFW supported the operation, consolidation and incorporation of water utilities in the main Kosovan towns;
- The Development of south-eastern water resources, financed by the Swiss Development Agency (ends 2007), which was mainly involved with river basin management (surface and groundwater) in the south-eastern part of Kosovo, and establishing a water information system and database.
- The WB supported many projects related to the water and waste facilities as well as to the energy sector, including the energy efficiency projects.
- The UNDP implemented the Dutch-supported ‘hotspots project’ cleaning tailings from old mines in Mitrovica and Novo Brdo and is also running a project to create a nature reserve in Dragash municipality. They have also developed a draft climate change agenda for Kosovo;
- The EU previous assistance includes also MESP support of publicly owned water and wastewater utilities and the waste regulatory office and projects supporting infrastructure improvements in both the waste and water-wastewater sectors.

The EIAs included in these projects were extremely interesting and useful for the MESP officials to analyse different experiences and to be on-the-job trained about the procedures used by the main donors. Some other EIA projects are under elaboration in 2014 and the UNDP expert could assist the EPD of MESP in the analysis and evaluation of these projects, in compliance with the Task 2 of this ADC-UNDP funded Project.


2 EIA/SEA/IPPC and Nature Protection Legislation

2.1 The Kosovan legislation in accordance to EU requirements

The main Kosovan and EU primary and secondary legislations that are regulating the Environmental Protection, EIA, SEA, IPPC, Nature Protection-Biodiversity and Climate Change have been already summarised in the Table 1.3.1. Before starting with this analysis, we must emphasise that EIA approval and IPPC release must be strictly related between them. The overall goal of environmental permitting is for regulatory authorities to define (in a transparent, accountable manner) legally binding requirements for individual sources of significant environmental impact in order to protect human health and the environment. Typically, permits establish limits for pollutant emissions into air and water and for generation and management of waste, together with any other environmental conditions that are specific to an individual installation. If properly designed, permit conditions also provide incentives for the regulated community to protect the environment in an effective and cost-efficient way, and ensure that private and public interests are equally respected. The identification of the environmental impacts within the same limits required by IPPC must be considered in the conduction of an EIA.

The role of the permitting system must be considered in the context of the overall environmental regulatory system. The overall system has to be seen as a cycle that starts with policy planning and the setting of environmental standards and objectives, together with establishment of legislation and regulations in order to give them legal effect. It is the legal framework that gives force to the interacting activities of permitting, compliance control and promotion, and enforcement. Assessment of the success of the system in achieving its objectives may then be fed back to the appropriate part of the system by way of a commitment to continuous improvement of the overall system. Integrated permitting means that impacts on air, water (including wastewater) and land must be considered together and one related to each other. It also means that regulators must set permit conditions so as to achieve a high level of protection for the environment as a whole. These conditions are commonly based on use of the concept of “Best Available Techniques” (BAT), which balances the benefits to the environment as a whole against the costs to the operator. By way of this concept, integrated permitting attempts to prevent waste generation and emissions and, where that is not feasible, to reduce them to acceptable levels. It is easy to understand that the same principles, limits and technologies must be applied when an EIA is finalised and approved by MESP. This is why, in the following legislative analysis, the IPPC legislation has been considered together with the EIA and SEA legislation. In addition, as the impacts are affecting the Nature Protection, also the specific legislation regarding this sector has been considered.

For what concern specifically the EU requirements of legal acts, these are briefly summarised in the following sections of this Chapter. This analysis has been mainly taken from the “Environmental Legislation Report” finalised within the EU-IPA funded Twinning Project “Institutional Support to the Ministry of Environment and Spatial Planning (MESP) of Kosovo.”
2.1.1 Environmental Impact Assessment (EIA)

The European Parliament and Council have published a new consolidated version of the Environmental Impact Assessment Directive 2011/92/EU of 13 December 2011 “on the assessment of the effects of certain public and private projects on the environment (codification)”\(^b\). It was published in the OJ on 28 January 2012 and comes into force 20 days thereafter. The Directive consolidates changes made to Directive 85/337/EEC by Directive 97/11/EC; Directive 2003/35/EC and Directive 2009/31/EC. Non substantial amendments to be transposed into national legislation have been made, only the numbers of the articles were slightly revised.

Environmental assessments (EIA and SEA) are two procedures ensuring that the environmental implications of decisions are taken into account before the decisions are made. Environmental assessment (Environmental Impact Assessment – EIA Directive) can be undertaken for individual projects, on the basis of Directive 85/337/EEC as amended, (now Directive 2011/92/EU - codified version) or for public plans or programmes on the basis of Directive 2001/42/EC (’Strategic Environmental Assessment’ – SEA Directive).

The common principle of both Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Consultation with the public is a key feature of environmental assessment procedures.

The Directives on Environmental Assessment aim to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects, plans and programmes with a view to reduce their environmental impact. They ensure public participation in decision-making and thereby strengthen the quality of decisions. Hence the Directives on Environmental Assessment are crucial tools for the sustainable development. EIA Directive regulates the impact assessment, through a procedure, for projects that may have significant impact on the environment. The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effects of a project on the following factors:

(a) human beings, fauna and flora;
(b) soil, water, air, climate and the landscape;
(c) material assets and the cultural heritage;
(d) the interaction between the factors referred to in points (a), (b) and (c);

In brief, the EIA Directive foresees that the developer may request the competent authority to say what should be covered by the EIA information to be provided by the developer (scoping stage); the developer must provide information on the environmental impact (EIA report – Annex IV); the environmental authorities and the public (and affected Member States) must be informed and consulted; the competent authority decides, taken into consideration the results of consultations. The public is informed of the decision afterwards and can challenge the decision before the courts.

On 2009, the Law No.03/L-024 “on Environmental Impact Assessment” was approved by the Assembly of Kosovo (AoK). This Law was reviewed only one year later in compliance with the reports provided by the TAEX assistance to the National Assembly of Kosovo\(^c\). Therefore, a new Law No.03/L-214 “on EIA” was approved by the AoK on 23\(^a\) September 2010. This Law No. 03/L-214 “on EIA” and the related Administrative Instructions have been thoroughly analysed and compared with the main EU obligations deriving from the transposition of EU Directives on a base of an elaborated table of concordance and of specific recommendations provided to improve the level of transposition of EIA Directive. The following Table 2.1.1 summarizes the results of the assessment of the EIA legislation in Kosovo. It has been elaborate to report briefly the status of transposition of the main EU Directives in Kosovo.

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19 Medium Term Assistance to the National Assembly of Kosovo (TAEX KOS IND/EXP 46950) – Giuseppe RAZZA - Final Report
This Law “on EIA” (Art.1) regulates the procedures for the identification, assessment and reporting of the environmental impacts of certain proposed projects, as well as the accompanying administrative procedures, during the decision-making process by the MESP for issuing the Environmental Consent, and ensures that all the relevant environmental information is provided and taken into account. According to this Law (art.3), EIA shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effects of a project on:

1. Human beings, flora and fauna.
2. Soil, water, air, climate and the landscape.
3. Material assets and cultural heritage.
4. The interaction between the above mentioned points 1, 2 and 3.

The competent authority for applying the EIA procedures is the MESP and therefore the Applicant must submit the request for EIA approval to the same ministry. In compliance with art.7 of this Law, an Applicant should not be licensed for construction or, may not conduct a planned project, without having completed the EIA procedure, and obtained the Environmental Consent from Ministry.

Art.10 defines the following EIA phases: (1) screening; (2) scoping; (3) review of EIA Report.

Based on the Law No.03/L-214 “on Environmental Impact Assessment”, Chapter III, the enterprises or public authorities who plan to construct one industrial object, of processing, major work or project, which has potential to cause environmental damage, before construction of these objects should make an Evaluation of Environmental Impact Assessment (EIA). The applicant shall present to the MESP (art.11) the application for starting the EIA procedure together with follow-up documentation. The application should contain name, address and legal status of the applicant as well as the name of the project. The applicant should attach to the application:

- the list of the documents determined by MESP according to type and nature of projects or implementing activities;
- the fulfilled questionnaire determined by MESP regarding the environmental impacts of proposed project, a location description, a project description, a description of potential project impacts in the environment.

Annexes I and II list the projects that need an EIA, while Annex III identifies the following criteria for EIA screening:

1. Characteristics of the projects
2. Location of projects
3. Characteristics of potential impacts

Based on the information presented together with the application and with regard to the above mentioned projects listed in Annex I, Annex II, and criteria set out in Annex III, the MESP within 10 days from the day of receipt application, in written form should inform the applicant on taken decision, if EIA Report is required or not. According to art.13, the applicant may request that the MESP states in writing its opinion as to the information on environmental impacts to be presented in the EIA Report (Scoping Notification). Such request includes:

### Tab.2.1.1: Transposition status of EIA Directives in Kosovo

<table>
<thead>
<tr>
<th>No.</th>
<th>EU Directives</th>
<th>Transposition status in KS</th>
</tr>
</thead>
</table>
1. A description of possible alternatives.
2. A description of likely significant impacts on the environment.
3. The Reasons for identifying these impacts.
4. A description of the protective measures foreseen to avoid, decrease and if possible offset the harmful impacts on environment.

The applicant presents this information in a brief Scoping Report, to the MESP who shall consider it and prepare a scoping notification, which shall be issued to the applicant, within 30 days of receipt of the corresponding request. Issue of a scoping notification does not prevent the MESP from requiring additional information at a later date. This Scoping Report shall be included in the EIA Report and attached as an annex to the Non-Technical Summary. EIA Report is the core document of the EIA process and the applicant shall submit six written copies and two electronic copies to MESP for its approval. The contents of the report are specified in Art.15.

The government of Kosovo in conformity with section 20 paragraphs 4, 5 and 6 of the Law on EIA has issued the Administrative Instruction No.09/2004 "on Environmental Impact Assessment", which determines the procedures for identification, evaluation, reporting and management of environmental impacts of one proposed project, from the projects listed in Annexes I and II attached to this AI. The Annex I of this AI No.09/2004 determines the activities that are subject to the full process of EIA: produce and processing of metals; industry of minerals; extracting industry, energy production, chemical industry; infrastructure of transport, transmission lines, etc.

With the Administrative Instructions No.07/11 "on licensing compilers of Environmental Impact Assessment", No.09/11 "on information, public participation and interested parties in the environmental impact assessment procedures" and No.11/11 "on the determination of the amount of the fee for services relating to the environmental impact assessment" the transposition of the EIA Directive has been substantially completed and the related procedures have been identified.

The main identified legislative gaps between the Kosovan Law No.03/L-214 and the related EU Directives are:

- Time for public debate in case of transboundary project should be defined (Art. 29)
- The second comma of Art.10 of the Council Directive No.85/337/EE C of 27th June 1985 “on the Assessment of the effects of certain Public and Private Projects on the Environment” should be transposed in the Art.6 of the Kosovan Law No.03/L-214 “on EIA”; Even in the Administrative Instruction No.9/2011 “on public participation”, the article 11 and 12, the duration of the consultation has not been specified;
- According to the Article 15, point 2, the MESP should issue a specific EIA Guidelines for the definition of the Contents of the EIA Report;
- Annex 1 doesn’t transpose the following industries considered obligatory for the request of an EIA by the EIA Directive:
  - For what concern the chemical industry the EIA must be extended to the production of all basic organic and inorganic chemicals as defined by EIA Directive and not only to the sub-categories specified by Kosovan Law No.03/L-214 “on EIA”: The list contained in Annex 1, No. 4 could not be exhaustive;
  - EIA Directive prescribes the preparation of the EIA for the integrated works of initial smelting of cast-iron and steel without any lower limit of produced quantities, while the Kosovan Law No.03/L-214 “on EIA” (see point 4.2 of Annex 1) sets these limits of applicability of the obligation to produce the EIA;
  - The limit of the Kosovan Law No.03/L-214 “on EIA” related to the works for the transfer of water resources between river basins is lower than the limit requested by EIA Directive.
- In Annex 2 there are small and irrelevant differences between the list proposed by the EIA Directive and the Kosovan Law No.03/L-214 “on EIA”, mainly related to the specific Kosovo industrial / production reality.

For what concern the implementation status, the following main issues are underlined:

- **Identification of the Competent Authority/ies:** the MESP is the competent authority designated for the implementation of Horizontal Directives. The competent authority for applying the EIA procedures is the MESP. The MESP, as the competent authority designated for the implementation of the directive, performs the
screening of the projects, gives opinions about the types of information which applicants need to provide, and issues environmental permits.

**Harmonization of EIA and SEA procedures with the national existing permitting system (e.g.: IPPC):** the newly adopted laws on EIA and on SEA are setting the conditions for the EIA/SEA procedures, in particular the screening and consultation processes. However, the needed concrete measures are still to be put in place, and the by-laws to ensure practical implementation have not been developed yet. Better coordination and harmonization with other legislation and Institutions involved is recommended (e.g.: IPPC legislation).

**Putting in place a clear and effective permitting system:** coordination and harmonization with IPPC legislation and procedures is strongly recommended.

**Involvement of the public:** the main conclusions and recommendations, contained in the EIA Report and the Decision-Proposal shall be subject to the public debate (see Art.20 and AI No.09/11). Within 10 days from the date of receipt the EIA Report, the MESP shall inform concerned parties and the public for the form, time and venue of public debate, in order that they can give their remarks and opinions for the EIA Report. The public debate shall be held within 20 to 30 days after announcement of concerned parties and the public: Number of days for public consultation should be increased. The number of days for public consultation in case of “Transboundary impacts” is not defined (Article 29)

According to Chapter IV – Art.28 the MESP is obliged to inform the concerned parties and the public through at least one local daily newspaper published in the territory that will be affected by the planned project, as through electronic media. Concerned parties and the public shall participate in all phases of the EIA procedure, including decision-taking process. The MESP, with special sub legal act determines way of information, participation of concerned parties and public in the EIA procedure. Public participation procedures in the EIA process are now specified by an Administrative Instruction on Information and Public Participation.

The involvement of the public in the EIA procedure is regulated and the new Administrative Instruction on Public Participation guarantees a good level of implementation.

**Development of secondary legislation, guidelines and rulebook:**
- Article 15 “Content of the EIA Report”, point 2 the MESP should issue specific EIA Guidelines for the definition of the Contents of the EIA Report;
- According to Article 39 Sub-legal acts for implementation of this Law shall be issued within six (6) months, from the date of coming into force of this Law. The AI No.07/11 “on licensing compilers of Environmental Impact Assessment Reports”, AI No.09/11 “on information, participation of public and interested parties in the environmental impact assessment procedures” and AI No.11/11 “to determine the amount of the fee for services relating to the environmental impact assessment”, were issued in 2011.

Concerning the enforcement status, Article 34 (“Supervision by Inspection”) of the Law No. 03/L-214 “on EIA” states that the MESP through Kosovo Environmental State Inspectorate (KESI) is responsible for all inspections of projects and for implementation of the provisions of the EIA Law. When the EIA Law is violated and in order to implement its provisions, the environmental protection inspector is obliged to submit reports to the competent authority detailing the violations of the EIA Law provisions. The inspector is responsible for the enforcement of the violations. According to the provisions violated, different levels of administrative penalties are foreseen (Article 36 “Authorization of the Environmental Protection Inspector” and “Chapter VI - Penalty Provisions”).

The inspector will draw up a report of his findings, which will contain an assessment of the situation and the proposed measures for rectifying it. On the basis of that assessment the inspector will issue the decision with what shall be charged the legal person responsible in accordance with this law, in order to take remedial measures. An appeal against the decision of the inspector may be submitted to the Ministry, within 15 days. The appeal is submitted to the Second Instance in the Ministry, where it shall be reviewed within 30 days from the date of the receipt of the appeal. A party who remains unsatisfied by the decision of the Second Instance has the right to raise an administrative dispute in the Competent Court, within 30 days from the date of the receipt of the decision. An appeal filed against the decision of the inspector does not postpone the execution of that decision, unless otherwise provided for in the decision.

Article 12 (“Selection Decision”) states that if an applicant does not agree with the decision taken by the MESP, he has the right to appeal within the term of 8 days, from the day he receives the MESP decision. The appeal shall be performed by the MESP. Article 23, “Right to appeal” states that the applicant shall be entitled to file an appeal with the competent Court against the complaint decision, in accordance with the Law, within 30 days of the date of publication of the Decision for Environmental Consent. The MESP is obliged to make available the documentation concerning the EIA procedure to the applicant, if so requested in writing. The information so requested shall be made available within 8 days from the day of receipt of the request.
Article 24 “Access to Justice” states that members of the public concerned who have a sufficient interest, any non-governmental organisation promoting environmental protection and meeting any legal requirements according to enforced law, shall have access to a review procedure before a competent Court to challenge the substantive or procedural legality of decisions, acts or omission of act subject to the public participation in accordance with provisions of the EIA Law. Complains shall be made in the MESP and to the Competent Court for challenging administrative decision. Applications to challenge any decision, act or omission in the EIA procedure may be made after the Environmental Consent has been granted and within 30 days from the date of its receiving.

Article 31 (“Access to Documentation”) establishing that the MESP is obliged to make available the documentation concerning the EIA procedure to any person if so requested in writing, within 8 days from the day of receipt of the request. Any person may request copies of the documentation or parts of it by an application in writing to the MESP. Within 15 days from the date of receipt of the request, the MESP shall either provide the information requested or respond to the applicant in writing. In the appeal process, as in the basic procedure of access to information, the grounds for refusal are interpreted in a restrictive manner bearing in mind for the particular case the public interest in disclosure. Also ensure that where access to information is refused, including, after reference to an independent and impartial body established by law, reasons for the refusal are given in writing.

In conclusion, the Council Directive No.85/337/EEC of 27.06.1985 “on the Assessment of the effects of certain Public and Private Projects on the Environment” (also called “EIA Directive”), as amended by Directive No.97/11/EC, by Directive No.2003/35/EC and by Directive No. 2009/31/EC is fully transposed in the new Kosovan Law No.03/L-214 of 23.09.2010 “on Environmental Impact Assessment”. Therefore, only the following few recommendations have been identified to the Kosovan law in force:

- It is recommended to increase the time for an effective organisation of the public debate, particularly with reference to Art.7, comma 1 of the same EIA Directive.
- It is also recommended to transpose the second comma of Art.10 of EIA Directive (transmission of information to another Member State and the receipt of information by another Member State shall be subject to the limitations in force in the Member State in which the project is proposed).
- The installations for waste chemical treatments should be included in the list of Annex 1 to the Kosovan Law No.03/L-214, as plants that are obliged to receive an EIA authorisation from MESP.
- The following limits included in the Kosovan law must be progressively changed in the next years to comply with EIA Directive: (1) to decrease the limit of installations for the gasification and liquefaction from 1,000 tons/day or more of coal or bituminous shale to 500 tons/day; (2) to extend the obligatory EIA for chemical industry to the production of all basic organic and inorganic chemicals as defined by EIA Directive and not only to the sub-categories specified by Kosovan Law No.03/L-214 “on EIA”; (3) to extend the obligatory EIA to all the integrated works for the initial smelting of cast-iron and steel and not only to that ones with the production higher than the limits identified by the Kosovan Law No.03/L-214 “on EIA” (see point 4.2 of Annex 1); (4) to increase the limit of the Kosovan Law No.03/L-214 “on EIA” related to the works for the transfer of water resources between river basins (see point 35.1 of Annex 1) to the limit identified by “EIA Directive” (see point 12. (a) of Annex 1).
2.1.2 Strategic Environmental Assessment (SEA)

The EC Directive 2001/42/EC on SEA has been fully transposed in Kosovo’s legislative framework by the Law No.03/L-230 “on Strategic Environmental Assessment”, November 2010. The purpose of the Law is to ensure that environmental consequences of certain plans and programs are identified and assessed during their preparation and before their adoption. The SEA procedure can be summarized as follows:

1. An environmental report is prepared in which the likely significant effects on the environment and the reasonable alternatives of the proposed plan or programme are identified.
2. The public and the environmental authorities are informed and consulted on the draft plan or programme and the environmental report prepared.
3. As regards plans and programmes which are likely to have significant effects on the environment in another Member State, the Member State in whose territory the plan or programme is being prepared must consult the other Member State(s).

The SEA Directive has been transposed successfully in Kosovo’s legislative framework. No relevant gaps have been identified in this phase and no particular recommendations need to be provided for a better transposition.

The Table of Concordance (ToC) annexed to the “Environmental Legislation Report” of the IPA-Twinning Project “Institutional Support to the Ministry of Environment and Spatial Planning (MESP) of Kosovo” provides detailed information about the assessment made, which is synthesized in the following Table 2.1.2 elaborated to report briefly the status of transposition of the main EU Directives in Kosovo.

<table>
<thead>
<tr>
<th>No.</th>
<th>EU Directives</th>
<th>Transposition status in KS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Directive No. 2001/42/EC of the European Parliament and of the Council of 27.06.2001 “on the assessment of the effects of certain plans and programmes on the environment” (also called “SEA Directive”)</td>
<td>TRANSPOSED: The SEA Directives has been transposed in the Kosovan legislative framework with the Law No. 03/L-230 “on Strategic Environmental Assessment” approved by the AoK on 30.08.2010 and promulgated by the Presidential Decree on 18.10.2010. It replaced the Law No.03/L-015 approved by the AoK on 12.02.2009</td>
</tr>
<tr>
<td>2</td>
<td>Directive No. 2003/35/EC of the European Parliament and of the Council of 26.05.2003 “providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment” and amending with regard to public participation and access to justice Council Directives No. 82/337/EEC and 96/61/EC</td>
<td>TRANSPOSED: The SEA Directives has been transposed in the Kosovan legislative framework with the Law No. 03/L-230 “on Strategic Environmental Assessment” approved by the AoK on 30.08.2010 and promulgated by the Presidential Decree on 18.10.2010. It replaced the Law No.03/L-015 approved by the AoK on 12.02.2009</td>
</tr>
</tbody>
</table>

Tab.2.1.2: Transposition status of SEA Directives in Kosovo

For what concern the implementation status, the following main issues are underlined

✓ **Identification of the Competent Authority/ies**: Central SEA authority is the MESP, which is responsible for implementation and performance of the SEA system. The responsible authority in charge to prepare the SEA reports comprises both central and local level bodies. However, responsibility for approval of the screening decision, and review of the SEA report, lies at the central level in all cases. The “responsible authority” for SEA, namely, the administrative body in charge of planning, is responsible for preparing the SEA report in accordance with paragraphs 2 and 3 of Article 7, Law on SEA. The MESP evaluates the contents of the SEA report. Whenever the “responsible authority” is the MESP itself, the Minister shall, after developing the first draft of the plan or programme, establish a qualified Commission in charge to supervise the procedure (Art. 4, point 5 of the Law “on SEA”). No specific criteria have been identified for the review, basically MESP checks that the report contains the elements required by the law, and if comments and remarks provided by the consultation bodies and the public been incorporated. Plans, programmes and modifications for which SEA is required in accordance with Article 3 of the Law “on SEA”, shall not be adopted or subjected to the legislative procedure for approval unless the responsible authority carries out a SEA in accordance with the Law “on SEA”.

✓ **Preparation of environmental report**: Art. 7 “Preparation of SEA report”, § 3.1., establishes that the current knowledge and methods of assessment shall be taken into consideration in the Environmental Report in order to provide a description of the baseline situation. Availability of the correct scale of data and good quality information are fundamental tools to guarantee a detailed level of assessment: time-consuming nature of data collection and the lack of homogenous criteria for the scope and content of the baseline analysis, and the
absence of a standard set of environment and sustainability criteria against which to assess Plans and Programmes are not granting a full implementation of SEA. The meaning of “reasonable alternatives” foreseen by Article 5 of the Directive and transposed by Art.7, point 2.2, should be also defined in specific national guidelines in order to provide support for the identification and selection of reasonable alternatives in individual procedures. The ‘do-nothing’ alternative should be included in the environmental report on a mandatory basis. Whenever a responsible authority, except for the MESP Minister, verifies that a plan or programme could have significant transboundary impacts, it should notify the MESP Minister of its opinion and of the reasons for it and provide the MESP Minister with a copy of the related plan or programme, and of the SEA report.

- **Consultations of the Public and of the Environmental Authorities**: Article 6 of the SEA Law establishes timeline, procedures and information that should be made available for the consultation bodies and public: within 30 days of making a determination the responsible authority shall send to each consultation body the determination and eventual statement. MESP, within thirty days of the determination, informs the public through its website and through the public announcements.

- **Transboundary consultation**: In case of request of consultation from another country before the adoption of a plan and/or a programme the MESP Minister shall define the terms and duration of the consultation to be sure that the stakeholders are duly informed and would have the chance to react and to express opinions in a reasonable time. The MESP Minister is in charge to inform the interested country according to the provisions of Article 15 of the SEA Law. According to Article 14 the responsible authority shall take in account the SEA report, the results of consultation including any transboundary consultation, during the preparation of the plan or programme and before its approval. Once a plan or programme, for which a strategic environmental assessment has been carried out, is adopted, the responsible authority shall inform the consultation authorities, the public, the persons who were consulted for this purpose, and the MESP Minister of the approval of the plan or programme, its date of approval, as well as its address that may include a website where a copy of it and SEA report can be found,
  - The MESP Minister informs the country with which consultations in relation to the plan or programme have taken place of the matters referred to in Article 15, par. 1.
  - The reasons for choosing the plan or programme from a review of the reasonable alternatives; and
  - The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

No transboundary consultation cases have been reported.

- **Monitoring significant environmental effects**: Article 16 of the SEA Law establishes that the responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage so as to undertake immediate remedial action. Specific guidance to define monitoring methods or draw up national guidance on how to establish monitoring indicators should be defined. The lack of appropriate national guidance may affect the effective implementation of the monitoring provision.

Concerning the enforcement status, at present just few SEAs have been undertaken annually. At national level SEAs have been done for new energy capacities Kosova C and national road Route 7. Two pilot SEAs have been initiated at local level planning for Municipal Development Plan of Junik and Municipal Development Plan of Hani i Elezit. According to Article 17 the application of SEA Law shall be monitored within a framework of responsibilities defined by the Ministry, and the duties to supervise the application of this law shall be performed by the KESI in accordance with Law. A Report on the application of this Law shall be prepared by the MESP three years after its entry into force, and subsequently every five years.

It is quite difficult to identify monitoring indicators and the development of the monitoring programme. There is no standard set of environmental/sustainability criteria against which plans should be assessed moreover there is no enforcement tool in the hands of the environmental authorities.

Taking into consideration the above mentioned situation, the following recommendations should be taken into consideration:

- For what concern the implementation issues, the newly adopted laws on EIA and on SEA are setting the conditions for the EIA/SEA procedures, in particular the screening and consultation processes. However, the needed concrete measures are still to be put in place, and the by-laws to ensure practical implementation must be developed. It is recommended that MESP adopts, through a specific Administrative Order, clear guidelines for the preparation of EIA, in compliance with Art.15, point 2 of the Law No.03/L-214. At the same time, it is recommended to identify better mechanisms to involve a wider public and civil society in the Public Consultation
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Process as actually mainly public officials involved in the approval and permitting processes are participating in the related meetings announced and organised by MESP.

- Availability of the correct scale of data and good quality information are fundamental tools to guarantee a detailed level of assessment: time-consuming nature of data collection and the lack of homogenous criteria for the scope and content of the baseline analysis, and the absence of a standard set of environment and sustainability criteria against which to assess Plans and Programmes are not granting a full implementation of SEA.

- Also the meaning of "reasonable alternatives" foreseen by Article 5 of the Directive and transposed with art. 7, point 2.2 should be defined with specific national guidelines in order to provide support for the identification and selection of reasonable alternatives in individual procedures.

- The 'do-nothing' alternative should be included in the environmental report on a mandatory basis.

- Specific guidance to define monitoring methods or draw up national guidance on how to establish monitoring indicators should be defined. The lack of appropriate national guidance may affect the effective implementation of the monitoring provision.

- The issuing of national guidance on the application of the SEA legislation must be considered a necessity to guarantee the full and effective implementation of SEA Directive.
2.1.3  IPPC

The IPPC implementation in Kosovo started in 2009 with the approval of a Law that transposed the European Directive introducing specific principles and procedure for Integrated Environmental Permitting of industrial installations. Secondary legislation has been partially approved, as some administrative instructions addressed by the Law are still not in the agenda of the government. Regarding Industrial Emissions, then, Kosovo has not yet started the transposition procedure of Directive 2010/75/CE; by now, LCP directive is/ls not transposed and Incineration Directive as well. Application and enforcement of the law is currently at a starting point, by preparing the Ministry organization to conduct the permit issuing process and by the recent approval (2011) of the administrative instruction that defines format and documents to be presented to apply for an integrated permit.

Environmental emergencies are defined as the uncontrolled, unplanned or accidental release of a substance into the environment that may affect human life or health or the environment on which human health depends. Such emergencies include those resulting from human activities as well as ones created as a side effect of a natural hazard. Preparing for environmental emergencies requires information on underlying vulnerabilities, knowledge of risks, proper risk communication, and community stakeholder engagement.

Information on the hazards involved in the industrial operations in the vicinity needs to be provided to the concerned members of the community, and measures should be taken to reduce these risks, emergency response plans should be established and regularly reviewed and updated. Local industry involvement in community awareness and emergency response planning is vital for community engagement in emergency preparedness. Integration of industry emergency plans with local emergency response plans into one overall community plan to handle all types of emergencies is the basis of a multi-hazard multi-stakeholder approach to emergency preparedness.

In this respect it is of the utmost importance to promote the involvement of all members of the community in the development, testing and implementation of the overall emergency response plan promoting awareness of the underlying risks, and plan ownership. To manage an environmental emergencies it would be necessary to work on Prevention through the development of appropriate environmental and urban planning policies and legislation, Preparedness to provide a quick, organised response to disasters and include early warning systems, planned evacuation routes and sites etc. risk assessment) and an efficient and effective response in case the disaster occurs.

The main requirements of the IPPC legal acts are summarised in the following:

- Identify and designate the competent authority to be responsible for sending information to the Commission on the implementation of the Directive.
- Identify and designate the competent authorities for releasing environmental permits regarding industrial emissions and related directives.
- Ensure that existing installations obtain a new permit that fixes conditions relating to an integrated prevention and control of pollution and new installations obtain a permit before they are allowed to operate.
- Ensure that existing installations comply with specified provisions of the Directive within specified time limits.
- Ensure that applications for permits contain specified information. In granting permits, take into consideration any relevant information obtained through the EIA procedure.
- Ensure that permits contain such conditions as are necessary to ensure that the installation can be operated in compliance with the Directive with: (1) ELVs and technical measures based on BAT including other than normal operating conditions; (2) details of arrangements for the protection of air, water and land monitoring requirements; (3) provisions on the minimisation of trans-boundary pollution and additional measures to achieve EQS.
- Ensure that conditions of the permit and the procedures for granting the permit are fully coordinated if more than one competent authority is involved in issuing a permit.
- Ensure that operators comply with the conditions of the permit, that they assist the competent authorities to carry out inspections to take samples and to gather any information necessary for the performance of their duties, and that they supply the competent authorities with all the necessary information, including the results of monitoring.
- Ensure that operators inform the competent authorities of any changes planned in operation of the installations.
- Ensure that operators carry out the self monitoring activities defined in the permit and report periodically to the competent authorities about results of monitoring.
- Reconsider and update the conditions of permits in certain circumstances and ensure that permits are amended or renewed where there is a substantial change in operation.
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- Ensure that no substantial change is made to the operation of an installation without a permit having been issued to the operator.
- Monitor developments in BAT.
- Make information available to the public, including information on permit applications and the results of monitoring releases.
- Consult with other MS if the operation of an installation is likely to have a significant negative effect on the environment of the other Member State.
- Report to the Commission on: measures taken to comply with the Directive, and transposition with texts of the main provisions of national laws, regulations and administrative provisions to comply with the Directive, data on ELVs and, the BAT from which these values are derived, data of the principal emissions and sources responsible.
- IPPC Directive should be transposed and implemented taking into considerations a number of related relevant EU Directives (e.g.: Seveso, EIA, The Dangerous Substances Directive and its related following directives).
- Determine that operators shall provide all the data referred to EPRTR within specified time limits.
- Provide all the data to the Commission by electronic transfer in specific format and within specific time-limits.
- Facilitate electronic access to the European PRTR in publicly accessible locations.
- Report to the EC on requirements, quality assurance and assessment of data, access to information and penalties;
- Define and apply proper penalties applicable to infringements of these Directives.

The Government of Kosovo (GoK) has adopted almost all the legislation needed to achieve a complete transposition of IPPC Directive. In fact the Law “on Integrated Prevention Pollution Control” (No.3/L-043) and the Law “on Environmental Protection” (No.3/L-025) gives both the general principles and the operative details required by the European Directive (2008/1/CE). In the Table 2.1.3 the status of transposition of the IPPC Directives is shown.

<table>
<thead>
<tr>
<th>No.</th>
<th>EU Directives</th>
<th>Transposition status in Kosovo</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPPC Laws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18.01.2006 concerning “the establishment of a European Pollutant Release and Transfer Register” and amending Council Directives No. 91/689/EEC and 96/61/EC;</td>
<td>NOT TRANPOSED: even though it would be appropriate to take into account that European Regulations come into force immediately in the legislation of a Member State, while Directives need to be transposed</td>
</tr>
<tr>
<td>7</td>
<td>Regulation No. EC/1221/2009 of the European parliament and of the Council of 25.11.2009 “on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)”, repealing Regulation No. EC/761/2001, and Commission Decisions No. 2001/681/EC and 2006/193/EC</td>
<td>NOT TRANPOSED: even though it would be appropriate to take into account that European Regulations come into force immediately in the legislation of a Member State, while Directives need to be transposed</td>
</tr>
</tbody>
</table>
Assessment of the Institutional Administrative Units

<table>
<thead>
<tr>
<th>No.</th>
<th>EU Directives</th>
<th>Transposition status in Kosovo</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Regulation No. EC/66/2010 of the European Parliament and of the Council of 25.11.2009 “on the EU Eco-label”</td>
<td>NOT TRANPOSED: even though it would be appropriate to take into account that European Regulations come into force immediately in the legislation of a Member State, while Directives need to be transposed</td>
</tr>
</tbody>
</table>

Tab.2.1.3: Status of the transposition of the IPPC Directives in Kosovo

Particularly, the law defines correctly the concepts of Pollution, Integrated Control, Prevention and the secondary principles of Best Available Techniques and Integrated permit. The definition of Competent Authority is generic in the first part of the law, but the following articles refer in details about duties and responsibilities of the MESP in the permits issuing process. Contents and data required in the application for a permit are well described and refer quite literally to Directive; an administrative instruction approved in 2011 defines a format for the application form. Basic principles to be taken into account when issuing a permit are well described into the Law and coherent with those provided by European Directives; a brief scheme of the permit is given too. Monitoring aspects are referred but not so detailed, while all the recalls to BATs and BAT documents are correctly and diffusely reported.

As regards BATs, an Administrative Instruction approved in 2005 describes principles and procedure to be used to apply European BATs and BAT Reference documents in Kosovo. An analysis regarding the approval of all the secondary legislation recalled in the law has been completed and a list of all the Administrative Instructions required by law and those already approved is shown in the following Table 2.1.4:

<table>
<thead>
<tr>
<th>No.</th>
<th>Sub-legal Act / Article</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>the format or formats to be used for an application for a permit in an administrative decision;</td>
<td>Approved</td>
</tr>
<tr>
<td>2</td>
<td>the format or formats for the permits and decisions by the Ministry;</td>
<td>Not approved</td>
</tr>
<tr>
<td>3</td>
<td>model permits containing conditions for specific types of operations or installations;</td>
<td>Approved</td>
</tr>
<tr>
<td>4</td>
<td>deadlines and time limits for the permitting procedure</td>
<td>Not approved</td>
</tr>
<tr>
<td>5</td>
<td>the procedure for consultation and coordination between competent authorities in deciding the conditions in the permit;</td>
<td>Not approved</td>
</tr>
<tr>
<td>6</td>
<td>the procedures for development and approval of BAT Reference documents;</td>
<td>Approved</td>
</tr>
<tr>
<td>7</td>
<td>the form and content of the Register of permits under paragraph 6Article 17 of the IPPC law</td>
<td>Not approved</td>
</tr>
<tr>
<td>8</td>
<td>any other decisions necessary to ensure full implementation of this law</td>
<td>Not approved</td>
</tr>
</tbody>
</table>

Tab.2.1.4: status of the transposition of the IPPC Directives in Kosovo

Furthermore, there is no evidence of a schedule to complete the approval of these instructions. Finally, it’s necessary to focus the attention on European legislative evolution: IPPC Directive has been included and modified by the Industrial Emission Directive No.2010/75/CE; legal gaps, improvement to the IPPC law and any other change has to be done in view of the obligation to transpose this new Directive into Kosovan legislation.

For what concern the implementation status, findings derived from a complete analysis of organization and procedures of the MESP describe an incomplete status of implementation of IPPC directive obligations. Responsibility about IPPC implementation is given to the Environmental Protection Division within the Environmental Protection Department (EPD) of MESP. To fulfill all the duties linked to permit issuing activity, a workgroup has been created assigning 4 officers coming from Industrial Pollution Section and Air Pollution Prevention Sector. This group has to receive and analyze the applications sent by IPPC operators issuing an integrated permit; then they have to operate all the necessary activities to complete the analysis and write the permit that has to be approved by the MESP.

At current state, the group has received few applications; a list of all industrial installations subjected to IPPC has been produced in 2007 by the Environmental Protection Department, including about 30 installations. An update of this list is currently in progress but results are not official. Deadline for installations to send applications was fixed by law in 1st
January 2010, so many installations missed this term; final date to comply with the law, anyway, is 31st December 2017 but it's necessary to notice that all the installations that did not send the application are currently working not compliant with law. Besides, the applications received are not fully compliant with the format given by law (in one case is completely different) and officers have not defined tools or methods to analyze them and assess their completeness.

As regards contents of Integrated Permits, officers have not defined a scheme to be used to write those documents; besides, there is a lack of good communication between different Sections and Departments in the whole MESP and this causes a loss of information regarding sectoral permits and prescriptions applied with these documents. The analysis of the application is not performed in collaboration with officers working in other sectors. Even the application forms used for different sectors are not completely coherent among them.

For what concern the Emission Limit Values, sectoral laws and secondary legislation (law on air protection, administrative instruction for stationary sources; law on water protection) are approved but not completed and not taken into account during the integrated permit writing process. ELVs are based on European and former Kosovan (Yugoslavian) legislation; but there aren't references to BAT application. Implementation delay seems to be principally due to lack of human resources in the Ministry but especially to lack of procedures and trainings of the officers involved; the strategy put in action by the Environmental Protection Department appears too weak and not oriented to increase the commitment of officers and operators.

Despite the activities to provide procedures for permits and to train the IPPC officers have been implemented with the support of the IPA Twinning Project “Institutional Support to the Ministry of Environment and Spatial Planning (MESP) of Kosovo”, MESP still needs to strengthen its enforcement actions on IPPC legislation especially to increase operators perception and knowledge about obligations provided by this law. Few workshops have been organised with operators to instruct them on the procedures to be followed to receive an environmental permit. Another critical aspect is the separation between inspecting system (acted by Environmental Inspectorate within the MESP) and permit releasing system; KESI inspectors are divided in thematic sectors: environment, water, nature and spatial planning. Aim of environmental inspections is to check the compliance with permits, consents or environmental laws applicable to the installation; in case of non compliance and remarks inspectors apply measures aimed to recover and protect environment from potential damages, if those measures are not applied in a fixed period they are transformed in administrative sanctions. As regards planning of inspections, installations are divided into 4 categories (red, orange, yellow and green) based on the level of environmental risk calculated with specific checklists that take into account technologies applied, activities, previous inspections. Each category has a fixed frequency of inspection, from 1 per year to 4-5 per year; results of inspection affect possible changes of category.

IPPC directive is still not a specific matter of inspection, in spite of this KESI is inspecting IPPC installations and following their process toward environmental improvement and BAT application; in particular they are working with KEK thermoelectric power plant, ferrous-nickel plant and a cement plant that will ask for the environmental permit. It’s not possible to find measures regarding lack of IPPC application provided by these installations and it’s not clear which enforcement actions are being applied by KESI. Despite the IPPC directive has been transposed almost entirely, the Twinning Project made the following recommendations to MESP:

- To define specific provisions to apply IPPC regulation also to new installations;
- To define specific provisions to regulate the link between EIA and IPPC procedures, especially for new installations or change in operations that requires both EIA and Integrated Permits;
- To regulate the public participation with provisions more detailed and effective, starting from what is stated in the Law and especially Public Register and advertisement of applications, in order to increase the involvement of concerned public in decision making;
- To define regulations to provide access to justice to public concerned, to allow them to challenge decisions and acts concerning Integrated Permits;
- To schedule the definition and approval of a regulation to implement the E-PRTR (Reg. No.166/2006).

The following additional recommendations have been identified for the IPPC Law implementation and enforcement:

- To enlarge the workgroup that is working on IPPC permits by including some officers working in sectoral departments, such as water and waste;
- To increase the communication and interaction between different sectors of Ministry involved in the permitting process; different interventions can be made, principally defining a correct procedure that identify who is
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involved and whose responsibility are in charge to each figure, hopefully this can be made by approving an administrative instruction required in the IPPC law, regarding “the procedure for consultation and coordination between competent authorities in deciding the conditions in the permit”;

✓ To approve and administrative instruction, as required in the IPPC law, to define “deadlines and time limits for the permitting procedure” within the fixed limit of 2017;

✓ To strengthen the collaboration with KESI in order to put in action a correct and coordinate enforcement action on installations that are believed to be potentially subjected to IPPC;

✓ To identify some activity to involve private operators and their association in the IPPC implementation process, especially to increase their commitment and to achieve a sufficient level of environmental compliance;

✓ To put in action some measures to promote the adoption of voluntary compliance tools (Environmental Management Systems, EMAS scheme) such as longer validity of the permit, lower frequency of inspections, administrative simplification for changes in operations and renew of the permit;

✓ To perform a feasibility study, including cost-advantages assessment, for the implementation of an IT system to store environmental data coming from integrated permit applications, collected during the inspections or result of analysis. This would implement practically also the register required in Annex 3 of the IPPC law.

✓ To include, in the IT system mentioned above, a register that allows to fulfil the obligations of E-PRTR registrations;

2.1.4 Nature Protection

The Chapter II “fundamental rights and freedom”, art.52 “responsibility for the environment” of the Constitution of Kosovo state that nature and biodiversity, environment and national inheritance are everyone’s responsibility. Protection and conservation of biodiversity is regulated in particular by Law for Nature Protection Nr. 03/L-233 OGRK Nr. 85/09.11.2010 and related Administrative Instructions.

According to the project “Monitoring Transposition and Implementation of EU Environmental Acquis” of June 2010, only few elements of the EU Directives and Regulations must be integrated in the Nature Protection and EIA Kosovan legislation and the particular efforts must be concentrated on their implementation through the approval of secondary legislation (regulations and administrative instructions), guidelines and the updating of the sectoral policies. Therefore, with the approval of the 2 new Kosovan laws on EIA and on Nature Protection at the end of 2010, the transposition of the related 9 EU sectoral directives can be considered as fully achieved.

It must be mentioned that concerning the transposition of the Wild Bird Directive, the preliminary identification of Natura 2000 sites on the territory was carried out under the Project Sustainable Forest Management Kosovo, No.300089, and a list of species was developed by comparing bird species found in Kosovo with the bird species listed in Annex I of the above mentioned EU Directive. An evaluation as to whether special conservation measures are required to protect the habitats vulnerable or rare species has been scheduled to be made in 2012 by the MESP, KEPA and the University of Pristina. Full implementation of this Directive is expected to be achieved by the end of 2014 through: (i) the identification and designation of special protection areas through a specific act; (ii) the establishment of measures to ensure that bird population are maintained at appropriate levels, both inside and outside Special Protection Areas (SPAs): (iii) the adoption of special conservation measures to protect the habitats of Annex I species and regularly occurring migratory species; (iv) the establishment of a general system of protection for all wild bird species; (v) the establishment of a system of authorisation for any derogation; (vi) the establishment of measures to ensure that hunting of Annex II species does not jeopardize conservation efforts; (vii) the prohibition of certain types of capture/killing; (viii) the establishment of an effective inspection and enforcement system; (ix) the establishment of the information systems to enable reports to be sent to the Commission.

Meanwhile the Habitats Directive has been fully transposed with the approval of the new Kosovan law on Nature Protection and its implementation is also expected to be achieved by the end of 2014 through: (i) the production of an inventory of sites; (ii) the designation of Special Areas of Conservation (SACs) and the establishment of priorities for the management of these sites; (iii) the establishment of measures required for the conservation of such sites, including co-financing; (iv) the establishment of a system of strict protection for Annex IV species; (v) the establishment of a system to monitor conservation status of habitats and species; (vi) the assessment of the status of Annex V species and the adoption of appropriate conservation measures; (vii) the prohibition of the use of specified means of capture/killing of certain animal species; (viii) the establishment of a system to monitor incidental capture/killing of Annex VI(a) species; (ix) the establishment of a mechanism to consult the public before agreeing to projects that may affect SAC or to re-introducing native species; (x) the establishment of a mechanism to promote
education and general information to the public. It should be emphasised that the recent law on Nature Protection approved at the end of 2010 transposes all relevant EU Directives related to Nature Protection in only one law. In the table of concordance elaborated to assess the compliance with the EU acquis only few amendments regarding small changes on the definitions and in the environmental lists attached in the related annexes are suggested.

Europe is home to a wide range of habitat types, which together host a great diversity of flora and fauna. The vast majority of European habitats have been shaped and managed by people for millennia, resulting in a unique mosaic of natural and semi-natural habitats. The biodiversity of the EU, which is also the prerequisite for providing key services for human living, continues to be under serious threat. Poor planning, wasteful land use, devastating land-use change and intensive farming practices have over the years resulted in the destruction of many natural habitats such as wetlands, which many wild species depend upon for their survival.

In Europe, 335 species of vertebrates are at risk of extinction, and 42% of native mammals, 15% of birds, 45% of butterflies, 30% of amphibians, 45% of reptiles and 52% of freshwater fish are threatened. Habitats and ecosystems are also at risk; for example, around 60% of wetlands have been lost in Northern and Western Europe. Only a fraction of the natural forest that once covered much of Europe remains intact; forest fires continue to cause severe problems in Southern Europe and are a major risk for biodiversity loss. The EU has been involved in efforts to protect the continent’s heritage for the past 30 years. Several steps have been taken, including participation in multilateral international conventions and forums. The target ‘to significantly reduce global biodiversity loss by 2010’ taken at the 2002 World Summit on Sustainable Development in Johannesburg was set as a priority and strengthened in the EU under the Sustainable Development Strategy, launched by EU leaders in Gothenburg in 2001, as well as within the Sixth Environment Action Programme (6th EAP), the Lisbon Strategy for growth and jobs and in a wide range of environmental and sector policies.


The seven Thematic Strategies (http://ec.europa.eu/environment/newprg/strategies_en.htm) cover the following fields: soil and the marine environment (in the priority area of biodiversity), air, pesticides and urban environment (in the priority area of environment, health and quality of life) and natural resources and waste recycling (in the priority area of natural resources and waste).

In 2011 a new Biodiversity Strategy to improve the state of Europe biodiversity over the next decade was adopted. The new EU strategy (http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm) is built around six targets that focus on the main drivers of biodiversity loss and lays down a blueprint for action until 2020. The strategy was issued six months after the adoption of a Global Strategic Plan to combat biodiversity loss at the Conference of Parties to the Convention on Biological Diversity in Japan, and re-affirms the EU's strong commitment to help avert a global biodiversity crisis. The new EU strategy is also well-timed with the discussions within the EU institutions over the new Multiannual Financial Framework which will determine priorities for EU spending for post-2014. Targets 1 and 3 of the new strategy aim to ensure the 26,000 sites within the Natura 2000 Network are effectively managed for the benefit of both nature and people and well integrated into other key EU policy areas such as agriculture, forestry and fisheries. This strategy lays down the policy foundations and actions that will be put in place at EU level over the next ten years to meet the headline target set by the EU Heads of State and Government in March 2010. The new strategy follows on from the 2006 EU Biodiversity Action Plan, learning lessons from its implementation and raising the level of ambition for 2020. Thus, in addition to halting the loss of biodiversity, it also highlights, for the first time, the immense value of ecosystem services and the need to restore such services for the benefit of the environment and society alike. The EU strategy is built around six mutually supportive and inter-dependent targets which address the main drivers of biodiversity loss and aim to reduce the principal pressures on nature and ecosystem services in the EU. It focuses in particular on anchoring biodiversity objectives into other key sectoral policies, stepping up efforts to fully implement existing EU nature legislation and closing important policy gaps. The six targets covered by the EU strategy focus on:

- the full implementation of the EU nature legislation to protect biodiversity;
- better protection for ecosystems, and more use of green infrastructure;
- more sustainable agriculture and forestry;
- better management of EU fish stocks and more sustainable fisheries;
- tighter controls on invasive alien species; and
- a greater EU contribution to averting global biodiversity loss;
Each target is further translated into a total set of 20 prioritised actions and other accompanying measures designed to ensure these ambitions are fully realised.

![Relations between EU Nature Protection policies](Fig.2.1.1)

Currently, only 17% of the bio geographic assessments of habitat types and species protected under the Habitats Directive showed a favourable conservation status, the majority being in an unfavourable-inadequate or unfavourable-bad state. The new EU strategy sets as its target to significantly improve the number of assessments showing a favourable or improved conservation status for habitats and species under both nature directives (see detailed target in the box below), within the next ten years. Recognising that it takes time for certain rare and endangered species and habitat types to respond to conservation measures and that attaining favourable conservation status is often only possible over the medium to long term, the target focuses also on achieving a significant measurable improvement in the parameters that underpin the assessment of their conservation status. For species protected under the Habitats Directive the parameters include population, habitats for the species, range and future prospects. For habitat types parameters include the area covered, their structure and functioning as well as typical species, range and future prospects. Having a time-bound quantified target should help to accelerate the implementation of the two directives. In this context, the new strategy places particular emphasis on ensuring the effective management of Natura 2000 sites, including the development and timely implementation of management plans or equivalent instruments which set out the conservation and restoration measures required for each site. Other specific actions which have been identified to achieve this target include:

- the completion of the Natura 2000 Network, especially in the marine environment;
- the provision of adequate financing for the conservation measures required for Natura 2000 sites;
- the integration of species and habitat protection and management requirements into key land and water policies, both within and outside Natura 2000;
- the promotion and sharing of experience, good practice and crossborder collaboration on the management of Natura 2000; and
- the cooperation with key sectors and stakeholder groups to help improve enforcement of the two directives;

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20 Natura 2000, European Commission Nature Biodiversity Newsletter “The start of a new era for EU biodiversity policy”
The EU Biodiversity Strategy is also foreseen to launch a major communication campaign on Natura 2000 in 2013 and to improve and streamline monitoring and reporting under Article 17 of the Habitats Directive, as well as to increase access to information on Natura 2000 data and EU biodiversity in general. Further relevant components of EU nature protection legislation are:

- Council Directive No.83/129/EEC concerning the importation into MS of skins of certain seal pups and products derived there from;
- Council Directive No.1999/22/EC relating to the keeping of wild animals in zoos;
- Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein;
- Council Regulation (EEC) No.3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards;
- Regulation (EC) No.2494/2000 on measures to promote the conservation and sustainable management of tropical forests and other forests in developing countries
- EU Council Directive No.105/1999/CE on the production and marketing by suppliers (e.g.: seed collectors, nurserymen, wholesalers, etc.) of forest reproductive material (seed, cone, cuttings and planting stock) used for forestry purposes in EU.

Other EU legislation relevant to Nature Protection includes:


Various multilateral environmental agreements or conventions related to Nature Protection include:

- Convention on Wetlands of International Importance Especially as Waterfowl Habitats (Ramsar, 1971);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973);
- Convention on Conservation of Migratory Species of Wild Animals (Bonn, 1979);
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979);
- Convention on Biological Diversity (Rio de Janeiro, 1992);

Conventions, Directives and Regulations for the conservation of nature are: The Convention on Biodiversity, the EC Directive on Natural Habitats, the EC Directive for Wild Birds, The Water Framework Directive, the European Landscape Convention, the Convention of the Alps, Carpathian Convention, Bon Convention, Ramsar Convention, UNESCO MAB Programme (The Man and biosphere), CITES Regulation etc. Birds and habitats directives have the potency to become more effective tools to maintain biodiversity in Europe, creating a framework for maintaining or achieving a good conservation status for Natura 2000 network of protected areas. Kosovo is signatory of:

- Memorandum of Understanding for cooperation in field of environment protection and sustainable development with Republic of Albania, signed in Prishtinë on 04.07.2008;
- Treaty for establishing of Energy Community signed on 25.10.2005;
- European Partnership Action Plan for cooperation with European Council, also an Action plan is approved for European Partnership 2009 – 2011;
- Cooperation Memorandum between MESP and Civil Society
- Environmental Organisations in Kosovo signed on 05.06.2008;
- Resolution on the Sustainable Development of the Dinaric Arc Region signed on 09.03.201121.

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21 Strategy and Action Plan for Biodiversity 2011 – 2020 - MESP Department of Environment Protection
In the following Table 2.1.5 a summary of the status of transposition of EU Directives in Kosovo is reported.

<table>
<thead>
<tr>
<th>No.</th>
<th>EU Directives</th>
<th>Transposition status in KS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Council Regulation No. (EEC) 3254/91 of 04.11.1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international human trapping standards</td>
<td><strong>NOT TRANSPOSED:</strong> even though it would be appropriate to take into account that European Regulations come into force immediately in the legislation of a Member State, while Directives need to be transposed.</td>
</tr>
<tr>
<td>4</td>
<td>Council Directive No. 1999/22/EC of 29.03.1999 “relating to the keeping of wild animals in zoos”;</td>
<td><strong>NOT TRANSPOSED</strong></td>
</tr>
<tr>
<td>4</td>
<td>Commission Regulation No. EC/865/2006 “laying down detailed rules concerning the implementation of Council Regulation EC/338/97”;</td>
<td><strong>TRANSPOSED:</strong> Law No. 03/L-233 “on Nature Protection” approved by the AoK on 30.09.2010 and promulgated by the Presidential Decree No. DL-054-2010 of 18.10.2010. It replaced the Law No. 02/L-18 “on Nature Conservation” approved by the AoK on 23.03.2005</td>
</tr>
</tbody>
</table>

Tab.2.1.5: transposition status of SEA Directives in Kosovo

After official reporting the European directives on these topics are fully transposed and assessed (nevertheless some terms have to be clarified and the protected areas and related register should be identified in a secondary act), especially on conservation on natural habitats, wild fauna and flora, conservation on wild birds. Relating to nature protection, the promulgated laws on nature protection, forests, hunting, the managing of a Central Register of Nature Protected Areas, the determination of Natural Protected Areas and Management Plans of Nature Protected Areas, are a hard-wearing basis for the Kosovan legislation and its implementation in the field. The main Kosovan Law N.03/L-233 “on Nature Protection” has been published on OG Nr.85/09.11.2010. This law and the related Administrative Instructions regulate:

- the protection, conservation and sustainable use of natural resources;
- the establishment of protected areas network, planning system, management;
- the monitoring, information and funding with the aim of protecting the nature;
- the protection of endangered types of flora and fauna, especially those of particular importance, rare and endangered, and their habitats against threats;
- the right of the public for information on the nature state and participation in decision making process for nature protection;
- the exercise of the right of citizens for healthy environment;
- the various measures to be taken to protect habitats and species both within and beyond them, including preventing certain harmful activities;
- the maintenance or restoration, at favourable conservation status, of the natural habitats and species of interest for Kosovo according to EU standards;
- the establishment of a system whereby of general protection to all birds in the wild state;

Generally the legislation that is in force is in compliance with the EU requirements, the Law on Nature Protection has transposed the relevant directives for nature and environmental Acquis, especially the Habitats Directive 92/43 EEC, Birds Directive 79/409 EEC, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
The problem is more related to the implementation of this legislation. Initial steps have been undertaken to identify potential areas for ecological net NATURA 2000 in Kosovo. For what concern the implementation status, the following relevant issues should be emphasised:

- **Identification of the Competent Authority/ies**: the implementation of the Law of Nature Protection is under the responsibility of the MESP, in particular of the EPD. The Nature Protection Division of MESP implements regularly the laws regarding nature protection and follow regularly each year a guideline of «Administrative Instructions» planned to be issued during this period. Based on the Articles of the Nature Protection Law, for example 8 items are provided for 2012:
  - register of nature protected values;
  - regulation of the intern order of the “Sharri “ National Park;
  - transboundary movement and trade in protected wild species;
  - sign of nature protection migration routes of wild animals;
  - content, form and method of issuing the official card and badge for the Inspector of nature protection;
  - direct supervision in protected areas;
  - declaring the Henc/Radeva wetland as an important bird area;

In order to develop these administrative instructions in appliance of the laws, the Nature Protection Division prepares a draft and submits it to the corresponding ministerial working group comprised of 5 members (a member from the Nature Protection Division, one from National Park, a legal expert, a member from KEPA and a member from the Nature Protection Institute). After finalizing the text, it is submitted to the Permanent Secretary for being finally approved and signed by the minister. The Law on Nature Protection states that the Municipalities should establish the management authority for all categories of protection, except for National Parks. It is recommended to provide the Municipalities with specific criteria at National level for the identification of these areas.

- **Assessment of Biodiversity**: the assessment of Kosovo Biodiversity is a fundamental step to define national priorities and to ensure the full implementation and enforcement of the legislation, according to the Strategy and Action Plan for Biodiversity 2011 – 2020, the main identified gaps and criticalities are:
  - The National Biodiversity indicators are missing;
  - A full inventory of flora and vegetation is missing;
  - At present only the major protected areas have a management authority (central and local level, and in some cases some private entities) and none of them has a management plan;
  - The classification of areas is not in compliance with the new Law for Nature Protection, it is necessary to complete the Central register for protected areas with the criteria foreseen by the law;
  - Up to now the implementation of the protection “ex - situ” (outside nature habitat) of biodiversity principle is an exception, just some private initiatives are existing;
  - Not being a Member State, Kosovo is not obliged to identify the areas to be included in the ecological network “NATURA 2000”. But considering that the process to be fully in compliance with the EU requirements takes a lot of time, the identification of these potential areas has become a priority for Kosovo. The preliminary list has been drafted in the framework of the “Project of Sustainable Forest Management” (PSFM);
  - Kosovo has not signed yet the Convention on European landscapes (Florence 2000) despite the creation of a data base for state of landscapes has been already started.

- **Education, communication, information and public participation**: the main identified gaps and criticalities are:
  - The protection and preservation of the biodiversity requires a high participation and involvement of the civil society;
  - Trainings in school should be organized and information to the citizen about the importance of preservation and protection of biodiversity should be strengthened with ad hoc communication and information materials;
  - Some initiatives were organized in the implementation of specific projects. These activities should be part of the institutional activities of the competent authority/ties;
  - As regards the information some important initiatives should be mentioned: publication of information material, brochures, different panels, and participations in programmes of national and local radio, TV stations. Press and electronic media have no regular informative programs/sections on environment and biodiversity. Mainly the information is done in cases of ecological accidents, but not in form of regular and prevention information. Information is provided by the MESP, through written media, brochures, newspaper, etc.;
  - The coordination among competent Institutions at national and local level sometimes is missing. This lack of communication could affect the quality of information provided to the public;
The cooperation with Universities and university colleges of Kosovo and NGO’s in research projects should be stimulated (e.g.: Inventory, Red List, etc.).

Concerning the enforcement status, the main criticalities identified in the enforcement of the law are:

- The list of protected species, inventories, databases, an updated overview of the species of wild, sedentary or migrating fauna and endemic flora living on their territory are missing.
- One of the concrete goal of the next year should the "improvement of the knowledge" relating to the data bases on Nature Protection.
- For the Protected Areas, the determination of National Parks, Natural and Managed Reserves, the establishment of a Central Register and of Management Plans will be an interesting challenge.
- Nevertheless, the implementation of the Natura 2000 Network in appliance of the European Directive will contribute to the conservation of biodiversity and should be implemented similarly. The system of fines and penalties is regulated by the Criminal Code of Kosovo Chapter XXIV: “Criminal Activities Against Environment, Animals, Plants And Cultural Objects”– Article 276, 277, 278, 279, 280, 281, 282,283, 284, 285, 286, 287 and 288. The system should be more adequate as the main problems are related to the implementation and enforcement of the legislation: the provisions of the law should be clear to stakeholders and especially to inspectors who have to enforce the law. It is fundamental to strengthen the collaboration among the Institutions involved (e.g.: enforcement agencies, such as customs and the police) to harmonize the legislation connected with Nature protection and Biodiversity (e.g.: EIA, SEA, Environmental Liability, etc.) in order to ensure its implementation and to sensitize the community about the obligations foreseen by the legislation.

Taking into consideration the above mentioned considerations, the main recommendations regarding the Nature Protection and Biodiversity are:

- To implement and to apply the legislation in order to create a real network of Protected Areas with adapted Management Plans in order to contribute to the preservation of ecosystems (forest, wetlands...), biodiversity, wild fauna and flora and landscapes. This network will contribute to create ecological corridors successful for a good conservation and evolution of biodiversity;
- To deal with the “biodiversity knowledge” in collaboration with academic staff (university, scientist, nature museum) in order to manage regularly the state of knowledge of species (wild fauna and wild flora, establishment of red lists);
- To implement the Natura 2000 Network in order to contribute to the Nature Protection policies, to reinforce the richness of the biodiversity and to participate to the institution of Ecological Networks;
- To provide an amendment to the law concerning Invasive Alien Species;
- To increase the number of civil servants and state inspectors for Nature Protection and to establish a professional training system for officers in charge of Protection of Nature (train the trainer approach);
- Relevant Conventions and protocols should be signed by Kosovo;
- Intra-Institutional Cooperation should be strengthen;
- Harmonization among related legislation (e.g.: EIA, SEA, etc.) which is missing;
- Striving for co-operation between all management authorities and enforcement agencies, such as customs and the police;
- To decrease the loss rate of biodiversity, the extent of surface of the protected areas should be increased;
- Information about the identified protected areas as area IBA (Important Bird Area) and NATURA 2000 should be provided;
- Spatial and management plans for protected areas by respecting conditions for nature protection should be adopted;
- National biodiversity indicators should be adopted;
- Public Awareness campaigns about the importance of Kosovo biodiversity with target groups should be organized;
- Creation of a permanent communication and information program should be prepared and implemented.
### 2.2 Conclusions

In the following tables the main outcomes of the assessment for Transposition, Implementation and enforcement and related recommendations are reported, in order to give a synthetic overview of the main gaps identified and of the suggestions provided to improve the three stages to fulfil with the requirements of the EU environmental acquis.

<table>
<thead>
<tr>
<th>EU Directive</th>
<th>Legal frame for environmental prevention and control</th>
<th>The Directive has been transposed (Yes/No)</th>
<th>Relevance of Amendment required</th>
<th>Conflicting national provisions</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EIA</strong></td>
<td>Yes, Law No. 03/L-025, Art.9 “Protection of natural resources”</td>
<td>Yes, with Law No.03-L214 of 23rd September 2010</td>
<td>The level of transposition is high some amendments are required in both Annexes</td>
<td>✓ N/A</td>
<td>✓ Integrate the EIA law with remarks formulated. The full list is included in the ToC elaborated to assess the compliance of the national legislation with EU acquis</td>
</tr>
<tr>
<td><strong>SEA</strong></td>
<td>Yes, Law No. 03/L-025, Article 9 “Protection of natural resources”</td>
<td>Yes, with Law No.03/L-230 on SEA, November 2010</td>
<td>The level of transposition is high. Proposed amendments Not relevant</td>
<td>✓ N/A</td>
<td>✓ The Directive has been fully transposed. Some parts have been literally transposed in the KS legal framework. Specific attention should be paid in the implementation.</td>
</tr>
<tr>
<td><strong>IPPC</strong></td>
<td>Law on Environmental Protection No. 03/L-025, Article 30 “IPPC”</td>
<td>Yes, by Law No.03-L043 of 26.3.2009</td>
<td>The level of transposition is high but some amendments are required</td>
<td>✓ N/A</td>
<td>✓ N/A</td>
</tr>
<tr>
<td><strong>Nature Protection</strong></td>
<td>Law No.03/L-233 of 30.10.2010 “on Nature Protection”</td>
<td>✓ YES</td>
<td>Some terms have to be clarified and protected areas and related register should be identified</td>
<td>✓ N/A</td>
<td>✓ To implement and apply the legislation in order to create a real network of Protected Areas with adapted Management Plans in order to contribute to the preservation of ecosystems (forest, wetlands...), biodiversity, wild fauna and flora and landscapes, This network will contribute to create ecological corridors successful for a good conservation and evolution of biodiversity. ✓ To provide an amendment to the law concerning Invasive Alien Species ✓ Relevant Conventions and protocols should be signed by Kosovo</td>
</tr>
<tr>
<td>EU Directive</td>
<td>Implementation of Competent Authority/Ties &amp; Definition of system of appeals</td>
<td>Status of Staff and technical resources</td>
<td>Implementation decrees</td>
<td>Intra-Institutional relations and Public participation</td>
<td>Recommendations</td>
</tr>
<tr>
<td>-------------</td>
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<td>-----------------</td>
</tr>
<tr>
<td>EIA</td>
<td>Yes, MESP and local authorities Yes, the system of appeal is regulated by Article 12</td>
<td>The Ministry is generally understaffed; Need of training on new regulations</td>
<td>Article 15 “Content of the EIA Report”, point 2;</td>
<td>Weak, the procedure is ruled but implementation is low; The timeline for consultation to be extended; A better coordination is recommended among the competent Institutions involved</td>
<td>Extension of timeline for the public consultation; Complete the transposition of EU acquis through the development of the secondary legislation (Activity 1.4.) Training needs Assessment; Better coordination among competent institution</td>
</tr>
<tr>
<td>SEA</td>
<td>Yes, MESP and local authorities</td>
<td>The Ministry is generally understaffed; Need of training on new regulations</td>
<td>NA</td>
<td>A better coordination is recommended among the competent Institutions involved</td>
<td>Some definitions of EU Directives which have been correctly transposed should be defined in the National legislative framework (e.g.: reasonable alternatives) for the full implementation</td>
</tr>
<tr>
<td>IPPC</td>
<td>Yes, MESP and local authorities</td>
<td>The Ministry is generally understaffed; Need of training on BAT and procedures</td>
<td></td>
<td>Weak, a procedure is missing and IPPC group misses some elements coming from other sectors. Public participation is limited and not effective. A better coordination is recommended among the competent Institutions involved</td>
<td>A procedure that regulates timing and roles in permitting process should be approved as AI. IPPC workgroup should include also officers from MESP water/waste units Better implementation of public participation procedure; Better coordination among competent institution (MLGA)</td>
</tr>
<tr>
<td>Nature Protection</td>
<td>Nature Protection Division of MESP Municipalities</td>
<td>MESP is generally understaffed The Law on Nature Protection states that the Municipalities should establish the management authority for all categories of protection, except for National Parks, specific criteria at National level for the identification of these areas are missing</td>
<td>Protected areas and related register should be identified in a secondary act. Especially on conservation on natural habitats, wild fauna and flora, conservation on wild birds. At present Based on the Articles of the Nature Protection Law, for example 8 items are provided for 2012. National Biodiversity indicators are missing; Management of Protected Areas: At present only the major protected areas have a management authority (central and local level, and in some cases some private entities) and none of them has a management plan. Classification of areas is not in compliance with the new Law for nature protection, it is necessary to complete the Central register for protected areas with the legal criteria. Protection “ex - situ” (outside nature habitat) of biodiversity: Up to now the implementation of this principle is an exception, just some private initiatives are existing Identification of potential areas for NATURA 2000 in Kosovo is missing, only a preliminary list have been drafted in the framework of the “Project of Sustainable Forest Management” (PSFM).</td>
<td>There are active collaborations among MESP, KEPA and the University of Pristina, which should be strengthened Public awareness campaigns are generally organized only in the framework of ad hoc project</td>
<td>Deal with the “biodiversity knowledge” in collaboration with academic staff (university, scientist, nature museum) in order to manage regularly the state of knowledge of species (wild fauna and wild flora, establishment of red lists). Implement the Natura 2000 Network to contribute to the Nature Protection policies, reinforce the richness of biodiversity and participate to the institution of Ecological Networks Intra-Institutional Cooperation should be strengthened; Harmonization among related legislation (e.g.: EIA, SEA, etc.) is missing Striving for co-operation between all management authorities and enforcement agencies, such as customs and the police Decrease of loss rate of biodiversity Extension of surface of protected areas should be increased Information about the identified protected areas as area IBA (Important Bird Area) and NATURA 2000 should be provided; Spatial and management plans for protected areas by respecting conditions for nature protection should be adopted; National biodiversity indicators should be adopted; Public Awareness campaigns about the importance of Kosovo biodiversity with target groups should be organized Creation of a permanent communication and information program to be prepared/implemented</td>
</tr>
</tbody>
</table>
## Enforcement

<table>
<thead>
<tr>
<th>Directive</th>
<th>Available resources for the Environmental inspectorates/TNA for inspectors</th>
<th>Systems of fines-penalties and criminal liability for violations</th>
<th>Monitoring tools, protocols, rules, etc.</th>
<th>Adoption of voluntary compliance tools</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>EIA / SEA</td>
<td>✓ Article 34 of the EIA Law</td>
<td>✓ Administrative sanctions: Chapter VI of EIA Law.</td>
<td>✓ Guidelines and rulebook are missing</td>
<td>✓ According to Articles 42, 43 and 44 of Law on Environmental Protection, the percentage of adoption of voluntary compliance tools is low. Art. 94, No. 1.4 and 1.5 foresees a fine from 1000 to 5000 if legal entities use EMAS, ISO and ecolabel sign without being registered. Art. 95, No. 1.3 punished also the public authority for incorrect EMAS registration</td>
<td>✓ Strengthen the capacity of inspectors</td>
</tr>
<tr>
<td>IPPC</td>
<td>✓ Inspectors are few and not specialized in industrial emissions and processes.</td>
<td>✓ Administrative sanctions defined in art.21 of IPPC law.</td>
<td>✓ Guidelines and rulebook are missing</td>
<td>✓ No facilitations are foreseen for installations that adopt voluntary compliance tools</td>
<td>✓ Strengthen the capacity of inspectors</td>
</tr>
<tr>
<td>Nature Protection</td>
<td>✓ The number of inspectors is not adequate compared to the real needs of the territory.</td>
<td>✓ The system of fines and penalties regulated by the Criminal Code of Kosovo Ch. XXIV shall be more adequate</td>
<td>✓ For establishing the list of protected species the MESP have no inventories, no databases, no updated overview of the species of wild, sedentary or migrating fauna and endemic flora living on their territory</td>
<td>✓ N/A</td>
<td>✓ To increase the number of civil servants and state inspectors for Nature Protection and to establish a professional training system for officers in charge of Protection of Nature (train the trainer approach).</td>
</tr>
</tbody>
</table>

**Collaboration among Institutions involved (e.g.: enforcement agencies, such as customs and the police) should be strengthened.**
Assessment of the Institutional Administrative Units
3 EIA/SEA Procedures and Guidelines

3.1 Environmental Regulatory Chain

The EIA, SEA and permitting legislation in Kosovo is usually approved, adopted, implemented and enforced through the Regulatory Chain shown in the following Figure 3.1.1:

The processes and procedures to be adopted for the approval of EIA and SEA are detailed in the following paragraphs.

3.2 Set of Procedures for the administration of an EIA

The procedures for the approval of an EIA are defined by Chapter III of the Law No.03/L-214 “On Environmental Impact Assessment” and by the Administrative Instruction No.09/2004 “On Environmental Impact Assessment” (this Administrative Instruction issued by UNMIK has been largely replaced by the Law No.03/L-214). According to this Kosovan Law, the EIA procedure includes the following phases: (1) selection; (2) scoping; (3) review of EIA Report. In addition to these phases, other phases not specifically mentioned as EIA phases, like the application, consultation, approval has been considered by the same Law and are briefly summarized by the Fig. 3.2.1 of the following page. In the same Figure are also underlined (in blue and yellow colours) the following activities that are under the responsibility of MESP officials in compliance with the above mentioned Law No.03/L-214:

- **PREPARATION AND DELIVERING OF THE APPLICATION**: the Applicant shall prepare an Application to start the EIA together with follow-up information and documentation to be delivered to the MESP (see Article 11). The required information/documents to be included in such Application are: (1) name, address, legal status of the applicant and the name of the project; (2) documents determined by the MESP, according to the type and nature of the projects or activities; (3) a completed questionnaire, determined by the same MESP, covering a description of the proposed project, a description of the location, and a description of the potential impacts of the proposed project on the environment.

- **CHECK OF THE APPLICATION**: The MESP shall check the information, documentation and questionnaire included in the application (see Article 12) and determine, within 10 days from the date of its delivering, if it is completed as per legal requirements and on the base of the criteria defined in Annex III to the EIA Law, and if it needs an EIA ministerial approval (or if a simple Municipal Environmental Consent is sufficient). If the documentation accompanying the application is incomplete, the MESP shall request from the applicant additional information and documentation and shall designate the date by which it must be delivered (no specific terms have been indicated by the Law). If the applicant does not submit the additional information and documentation by the designated date, the MESP shall reject the application. If the applicant does not agree with the decision taken by the MESP, he has the right to appeal within the term of 8 days, from the day he receives the MESP’s decision. The appeal shall be
performed by the same MESP.

Assessment of the Institutional Administrative Units
### Assessment of the Institutional Administrative Units

<table>
<thead>
<tr>
<th>APPLICATION</th>
<th>SELECTION</th>
<th>CONSULTATION, AND PUBLIC DEBATE</th>
<th>APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;8 days</td>
<td>NO</td>
<td>10 days</td>
<td>NO</td>
</tr>
<tr>
<td>&lt;30 days from application</td>
<td>SCOPING</td>
<td>NGO and public complaints to the competent Court</td>
<td>NO</td>
</tr>
</tbody>
</table>

#### REVIEW

5 days

From 20 to 30 days from MESP decision

< 8 days from MESP decision

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the EIA approved?</td>
<td>YES</td>
</tr>
</tbody>
</table>

< 10 days from Public Debate

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the proposal approved?</td>
<td>NO</td>
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</tbody>
</table>

< 70 days from the receipt of EIA Report

< 30 days from EIA rejection

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the changes approved?</td>
<td>YES</td>
</tr>
</tbody>
</table>
Assessment of the Institutional Administrative Units

< 8 days from MESIP decision

Fig. 3.2.1 - Legal Procedures for the approval of an EIA and the release of an Environmental Permit in Kosovo (© Source G. RAZZA)
• **CHECK OF THE KIND OF REQUIRED ENVIRONMENTAL CONSENT:** the obligations for the MESP authorisation (environmental consent) are defined by the Article 7 of the Law No. 03/L-214 “on Environmental Impact Assessment”. This article prescribes that all project listed in Annex I of the Law “on Environmental Impact Assessment” are obliged to undergo an EIA, while an environmental consent is required for every public or private project listed in Annex I or Annex II of the same Law, which is likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location. The MESP shall also check if the EIA report is not required in compliance with the list specified in Annex I (Article 12). In the case the MESP should confirm that the EIA is not required, it could transmit the corresponding application to the affected Municipality in order to initiate the procedure for issuing an Environmental Municipal Permit.

• **ISSUING A SCOPING NOTIFICATION:** If the Application is accepted, MESP issues a Scoping Notification to the Applicant (Article 13) within 30 days of receipt of a request from the same Applicant for an Environmental Scoping Report [ESP] including the request for: (1) description of possible alternatives; (2) description of significant impacts; (3) reasons for identifying these impacts; (4) description of protection measures. The issue of a scoping notification shall not prevent the MESP from requiring additional information at a later date.

• **PREPARATION AND DELIVERING OF SCOPING REPORT:** The Applicant shall present this information to the MESP in a brief Scoping Report (Article 14), not exceeding 3 pages in length, which shall be included in the EIA report being also considered as its executive summary.

• **PREPARATION AND DELIVERING OF THE EIA:** In addition to the Scoping Report the Applicant shall present to MESP the EIA with the contents specified in Article 15. The EIA Report shall be compiled by duly licensed legal and natural persons (Article 16) authorized in accordance with the Administrative Instruction No.07/11 “on licensing compilers of Environmental Impact Assessment”. The Applicant shall submit 4 written copies of an EIA Report and 1 electronic copy to the MESP (Article 17) together with a proof that he has paid the required fee, determined by the Administrative Instruction No.11/11 “on the determination of the amount of the fee for services relating to the environmental impact assessment”.

• **REVIEW OF THE EIA BY EXPERTS:** Within 5 days from receipt of the EIA Report, MESP shall send 3 hard copies of the EIA Report and 1 electronic copy to the responsible consultative bodies for reviewing the EIA Report (Article 18) in accordance with: (1) adequacy of project description including alternatives; (2) adequacy of identification and evaluation of environmental impacts; (3) adequacy of mitigation measures; (4) adequacy of proposed monitoring schemes; (5) other criteria. For the review of EIA reports on particular projects the Kosovo Environment Protection Agency, will provide all necessary information which is in its possession and which is necessary for that review. In addition to the experts involved in the EIA review, the MESP may, as necessary, contract external experts having proven expertise in EIA (Article 19) that shall present their opinions, in writing, to the MESP by a date that shall be specified by the same Ministry.

• **ISSUING THE DRAFT DECISION FOR EIA:** The MESP, after reviewing the EIA Report, taking in consideration results of consultations by environmental authorities shall prepare and issue its draft Decision, which will be presented, in writing, to the applicant (Article 18).

• **ORGANISATION OF THE PUBLIC DEBATE:** The main conclusions and recommendations included in the EIA Report and in the proposal decision for environmental consent shall be subject to public debate (Article 20) that shall be planned, organised and implemented by the Applicant to collect the corresponding opinions and remarks from the public. The Public Consultation Plan (PCP) prepared by the Applicant shall determine the location, date of the public debate, the mechanisms and times for informing the public, and the locations where the Non-Technical Summary of the EIA Report and the proposal decision will be displayed (Article 20).

• **APPROVAL OF THE PUBLIC CONSULTATION PLAN:** MESP shall approve such Public Consultation Plan and the public debate cannot be held until the Applicant has received approval, in writing, from the same MESP (Art.20).

• **IMPLEMENTATION OF THE PUBLIC DEBATE:** Applicant shall make the EIA report available to the public (Article 17) in compliance with the Administrative Instruction No.09/11 “on information, public participation and interested parties in the environmental impact assessment procedures”, informing the public, through public information media, including an announcement in at least one daily newspaper, of the date, place and time of the public debate and providing the foreseen documents (Article 20) and implement the public debate within 20 to 30 days after the Applicant, the environmental authorities and the public concerned, have been informed.

• **REVIEW THE EIA ON THE BASE OF THE REMARKS FROM PUBLIC DEBATE:** Within 10 days from the date on which the public debate was concluded, the MESP shall review the remarks and opinions which emerged in the public debate (Article 21). On the base of the received remarks and opinions, the MESP may request the Applicant to change or complete designated elements of the EIA Report which was submitted. The applicant shall make the changes required and submit the EIA Report, changed and completed, by the date designated by the MESP. If the Applicant does not meet the MESP request, the same Ministry shall suspend the procedure of review.
• **PREPARATION OF THE PROPOSAL-DECISION FOR THE ENVIRONMENTAL CONSENT.** The results of consultations and the information gathered pursuant to provisions of the EIA Law shall be taken into consideration in reaching the decision on the environmental consent (Article 22). The proposal-decision on Environmental Consent shall be prepared by the responsible body of the MESP within 70 days from the receipt of the EIA Report. Within a term of 10 days from the presentation of the proposal-decision on Environmental Consent, the MESP shall decide whether to grant or refuse an Environmental Consent and convey this decision in writing to the applicant and to the Municipality/municipalities in whose area the project will be situated.

• **INFORMATION OF THE PUBLIC ABOUT THE ENVIRONMENTAL CONSENT.** After taking decision of grant or refuse an environmental consent has been taken, the MESP shall inform the public of the decision by local advertisement (Article 22) and shall make available for public inspection a statement containing: (1) the content of the decision and any eventual foreseen conditions; (2) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public; (3) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects; and (4) legal advises for regular means for appeals of the validity of the decision and the procedures.

• **EVENTUAL APPEAL OF THE APPLICANT AGAINST MESP DECISION.** The applicant shall be entitled to file an appeal with the competent Court against the complaint decision, in accordance with the Law, within 30 days of the date of publication of the Decision for Environmental Consent. The MESP is obliged to make available the documentation concerning the EIA procedure to the applicant, if so requested in writing. The information so requested shall be made available within 8 days from the day of receipt of the request.

• **EVENTUAL ACCESS TO JUSTICE OF PUBLIC AGAINST MESP DECISION.** Members of the public concerned who have a sufficient interest shall have access to a review procedure before a competent Court to challenge the substantive or procedural legality of decisions, acts or omission of act subject to the public participation in accordance with provisions of the EIA Law. At this purpose, any non-governmental organisation promoting environmental protection and meeting any legal requirements according to enforced law shall be considered to have a sufficient interest. Applications to challenge any decision, act or omission in the EIA procedure may be made after the Environmental Consent has been granted and within 30 days of the date of that grant. Such complains shall be made in the MESP and to the Competent Court for challenging administrative decisions. Any such procedure should be equal, fair, in time and not so expensive as to block its exercise.

The criteria to examine the projects that need an environmental consent are defined by the Annex III to the same Law No. 03/L-214 “on Environmental Impact Assessment”:

1. **Characteristics of the projects**: the characteristics of the project must be considered having regard to:
   - The size of the project;
   - Environment impact when combined with other existing or expected future projects;
   - The use of natural resources;
   - The production of waste;
   - Pollution and nuisances;
   - Risk of accidents, regarding in particular to substances or technologies used.

2. **Location of projects**: the environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regards in particular to:
   - The existing land use;
   - The relative abundance, quality and regenerative capacity of natural resources in the area;
   - The absorption capacity of the natural environment, paying particular attention to the following areas:
     - Wetlands;
     - Mountain and forest areas;
     - Nature reserves and parks;
     - Special protection areas;
     - Areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
     - Densely populated areas;
     - Landscapes of historical, cultural or archaeological significance.

3. **Characteristics of the potential impact**: the potential significant effects of projects must be considered in relation to criteria set out in 1 and 2 above, and having regard in particular to:
   - The extent of the impact (geographical area and size of the affected population);
   - The transboundary nature of the impact;
   - The magnitude and complexity of the impact;
   - The probability of the impact;
   - The duration, frequency and reversibility of the impact.
3.3 Set of Procedures for the administration of a SEA

In compliance with the art.3 of the Law No.03/L-230 “On Strategic Environmental Assessment” a SEA report is obligatory for plans and programs from spatial planning and urban planning field, on land use, agriculture, forestry, fisheries, hunting, energy, industry, mines, transport, waste management, water management, telecommunication, tourism, which set the framework for future development projects, which undergoes environmental impact assessment according to the Law No.03/L-214 “on Environmental Impact Assessment”, as well as, plans and programs which, taking into the consideration location in which they realize, can have an effect on nature protected zones, on nature habitats and in wild flora and fauna. Therefore, differently from an EIA, a SEA is always prepared by a public authority.

The procedures for the approval of a Strategic Environmental Assessment are defined by Chapter III of the Law No.03/L-230 “On Strategic Environmental Assessment”. These procedures can be briefly summarized by the Fig.3.1.3 of the following page. In this Figure the activities that are under the responsibility of MESP officials are also underlined (in blue and yellow colours). It must be emphasized that the SEA is usually prepared by a Public Authority designed to finalise the corresponding sectoral plan/programme/strategy. Therefore, differently from EIA where the applicants can be also private entities and industries, the public and environmental interest should be guaranteed by the same authority in charge of the finalisation of SEA, also meaning that the role of the MESP is limited to the following tasks:

- Assessment and request to the responsible public authority, at any time, to deliver a copy of: (1) any determination demonstrating that the plans or programmes are likely to have significant environmental effects and therefore they require a SEA; (2) the plan, programme or modification to which the determination relates; (3) any statement explaining the reasons for the determination that the plan, programme or modification is unlikely to have significant environmental effects (and therefore does not require a SEA); (4) the required SEA report, if available, in accordance with the criteria defined in Annex III of the SEA Law.

- Eventual consultation support to the responsible authority in the: (1) identification, description and evaluation of the environmental effects of the implementation of the plan and reasonable alternatives; (2) provision of the information referred to in Annex II to SEA Law; (3) provision of information on the effects of plans or programmes on the environment obtained at other levels of decision-making or through other legislation.

- Eventual forwarding of a copy of the plan or programme accompanied by SEA report to the foreign country that could be likely to be significantly affected by its implementation, and entering into consultation with the affected foreign country about: (1) detailed arrangements, including a reasonable time for the duration of the consultations, to ensure that: the environmental authorities, the public, and environmental non-governmental organizations in the country likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time; (2) the likely transboundary environmental effects of implementing the plan or programme; (3) the measures envisaged to eliminate such effects; and (4) where MESP is not the responsible authority, direct the responsible authority that it shall not adopt the plan or programme, or submit it to the legislative procedure for adoption, until the consultations with the country have been concluded;

- In the case MESP should receive from another country a copy of a draft plan or programme that is being prepared in that country and whose implementation is likely to have significant effects on the environment of any part of Kosovo, the same MESP shall indicate to that country whether Kosovo wishes to enter into consultations concerning the likely transboundary environmental of the effects of implementing the plan or programme and the measures envisaged to reduce or eliminate those effects.

- In the case MESP is the responsible authority for issuing the SEA report, it shall send all required documents referred to the Commission established in accordance with SEA law.

- On receipt of the SEA report the MESP may seek advice or additional information from the responsible authority or from other authorized organizations/professional persons if this is necessary to enable it to take its decision.

- Issuing a draft decision (environmental consent) based on the conducted assessment within sixty (60) days from the date of receipt of the SEA report.

- Within fifteen (15) days of receipt of the proposal-decision from the responsible body of MESP or the Commission, the Minister shall decide to grant or refuse Consent for the SEA report and convey this decision to the responsible authority the Government and the Assembly of Kosovo, in written form.

- When the proposal-decision is to refuse consent, the MESP Minister may decline to follow or may amend the responsible authority’s draft decision, only for imperative reasons of overriding public interest, including reasons of an economic, social or environmental nature. In this case, his decision must be notified in written form to the Government and to the Assembly.
MESP shall monitor, through their inspectors, KEPA and responsible bodies, the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.
Assessment of the Institutional Administrative Units

Fig. 3.1.3: Legal Procedures for the approval of a SEA in Kosovo (© Source G.RAZZA)
3.4 EIA/SEA Guidelines adopted by relevant IFIs

All the Guidelines described in the following sections of this chapter have been also taken into consideration in the finalization of the EIA Reports prepared within the the Task “Climate Change Impacts when implementing the Strategic Environmental Assessment (SEA) Directives and Spatial Planning policies” of the Component 2 of the Project “Support for Low Emission Development in SEE (SLED)”, which is part of the Programme “Support to respond to forthcoming EU accession related environment requirements” funded by the Austrian Development Cooperation (ADC) and implemented with the support of the United Nation Development Programme (UNDP).

In addition to these main guidelines, further documents were taken into consideration as indicated in the annexed Bibliography to the report “Handbook on how to carry out a SEA”.

3.4.1 The World Bank Guidelines

The safeguard policies of the Bank are operationally oriented to the 'do good' approach to the Bank investment lending operations and are fundamental in meeting the three pillars of the World Bank Environment Strategy:

- Improving the quality of life
- Improving the quality of growth
- Protecting the quality of the regional and global commons.

Environmental Assessment (EA), one of ten Safeguard Policies, is used in the Bank to examine the potential environmental risks and benefits associated with Bank investment lending operations. It is an essential tool for integrating environmental and social concerns into development policies, programs and projects by providing the minimum requirements that all Bank-supported operations must meet. Environmental Assessment, a formal Bank policy since 1989, was the first process to mandate the screening of Bank-funded projects for their environmental impacts. This includes potential physical, biological, socio-economic and cultural resources impacts.

The Bank’s Environmental Assessment policy and procedures are described in Operational Policy 4.01 (OP 4.01) and Bank Procedures 4.01 (BP 4.01). Prototype Carbon Fund and Global Environmental Facility financed projects supported by the Bank are also subject to the provisions of this policy.

With more than 20 years of experience with the application of EA policy, the preparation of Environmental Assessments (EAs) is well integrated into the Bank’s procedures and business processes. The Bank’s policy stresses that the Environmental Assessment should be thought as a process rather than a product.

The Environment Assessment policy and related EA guidelines continues to be updated. The most recent updates took place in April 2013.

The Operational Policy OP 4.01 and Bank Procedures BP 4.01 can be found in the WB website™. These Guidelines represent a useful tool for the MESP officials in charge of the EIA analysis. World Bank Regional Safeguard Advisor teams are the first point of contact for sectoral colleagues, Bank management, most government officials, NGOs, and other local partners needing guidance in applying OP/BP 4.01.

In the Bank’s Operations Risk Management Department (OPCS Network), the safeguards team has EA specialists who can be mobilized to clarify issues in the EA process, with the Bank’s Environment and International Law Unit in charge of interpreting the policies.
3.4.2 The IFC Guidelines

Particularly interesting are the Environmental, Health and Safety (EHS) Guidelines published by the International Finance Corporation (IFC). These Guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP). When one or more members of the World Bank Group are involved in a project, these EHS Guidelines are applied as required by their respective policies and standards. Therefore, the knowledge of these guidelines is important not only as an useful tool to finalise better EIA reports, but also as an instrument to be used in the finalization of the industrial projects and/or related EIA that should be financed by the World Bank in Kosovo. These General EHS Guidelines are designed to be used together with the relevant Industry Sector EHS Guidelines which provide guidance to users on EHS issues in specific industry sectors. For complex projects, use of multiple industry-sector guidelines may be necessary. A complete list of industry-sector guidelines can be found at the IFC website\(^\text{23}\). The EHS Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable costs. Application of the EHS Guidelines to existing facilities may involve the establishment of site-specific targets, with an appropriate timetable for achieving them. The applicability of the EHS Guidelines should be tailored to the hazards and risks established for each project on the basis of the results of an environmental assessment in which site-specific variables, such as host country context, assimilative capacity of the environment, and other project factors, are taken into account. The applicability of specific technical recommendations should be defined as the exercise of professional skill, diligence, prudence and foresight that would be reasonably expected from skilled and experienced professionals engaged in the same type of undertaking under the same or similar circumstances globally. The circumstances that skilled and experienced professionals may find when evaluating the range of pollution prevention and control techniques available to a project, may include but are not limited to varying levels of environmental degradation and environmental assimilative capacity as well as varying levels of financial and technical feasibility.

For IFC, such assessment is carried out consistent with Performance Standard 1, and for the World Bank, with Operational Policy 4.01 based on the professional opinion of qualified and experienced persons. When host country regulations differ from the levels and measures presented in the EHS Guidelines, projects are expected to achieve whichever is more stringent. If less stringent levels or measures than those provided in these EHS Guidelines are appropriate, in view of specific project circumstances, a full and detailed justification for any proposed alternatives is needed as part of the site-specific environmental assessment. This justification should demonstrate that the choice for any alternate performance levels is protective of human health and the environment.

3.4.3 The EBRD Guidelines

When asked to finance investment projects credit officers of EBRD should, as part of the regulatory compliance check, verify that the customer has met any local or national requirements for environmental and social impact assessment, public information, consultation and disclosure that may apply to the activity proposed for financing. Therefore, the Environmental Impact Assessment (EIA) or Environmental and Social Impact Assessments (ESIAs) or State Environmental Reviews are generally required for investments involving a new, “Greenfield” development or a significant expansion or modification of an existing facility before the proposed development may be authorised. National EIA laws may cover a few social aspects (in particular cultural and archaeological heritage) but typically do not require a full consideration of social impacts. This is why the corresponding EIA/ESIA Guidelines\(^\text{24}\) should be adopted when a project is financed by EBRD, but also as a useful tool for the officials involved in the issuing of the related environmental permits.

Also in Kosovo, like in other CEE countries, the national regulations on the EIA or ESIA process require consultation with the public that may be affected by the project and prescribe the procedure for notification, public disclosure of the draft EIA (ESIA), and public review and comment. The preparation and financing of the EIA, including actions to address public consultation requirement is the responsibility of the borrower. The following guidance is provided by EBRD: (1) Projects requiring an EIA under EBRD Environmental and Social Policy; (2) EIA Sample report format; (3) Guidance for local disclosure of Environmental Impact Assessments.

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\(^{23}\) [www.ifc.org/ifcext/enviro.nsf/Content/EnvironmentalGuidelines](http://www.ifc.org/ifcext/enviro.nsf/Content/EnvironmentalGuidelines)

3.4.4 The methodological guidance for strategic thinking in SEA in Portugal

The purposes of this Guide published by the Portuguese Environmental Agency on 2012 are the definition of a strategic thinking model in SEA, methodological approach and CDF assessment framework and the clarification of the scope of application and the intended users of the Guide.

The Guide is divided in the following 4 Parts:

- **Part I – What is SEA**, which: (i) provides a definition and objectives for SEA, coherent with recent collaborative approaches to SEA and gives reasons for why SEA is important; (ii) refers to the evolution of SEA and to the multiple forms and understandings of SEA that consequently developed; (iii) clarifies who needs to be involved, what is an SEA team, who should undertake SEA and when should SEA take place; (iv) addresses the relationship, and the differences, between SEA and EIA.

- **Part II – What are mechanisms for SEA in Portugal**, which: (i) identifies the most fundamental legal and regulatory requirements for SEA in Portugal; (ii) refers to the planning and policy-making features in Portugal relevant for SEA.

- **Part III – Strategic thinking model in SEA and CDF assessment framework**, which: (i) clarifies the strategic thinking model in SEA, the CDF assessment framework and methodological approach in the three stages cyclic process; (ii) identifies a new lexicon for SEA to express strategic-thinking; (iii) clarifies the components and functions of the strategic thinking model in SEA; (iv) identifies the key structural elements of the strategic thinking model in SEA.

- **Part IV – Doing the SEA**, which: (i) proposes a building block approach for doing SEA, following an integrated process approach that is decision-centred and sustainability driven. Practical directions and examples are given; (ii) provides a simple checklist for the development of a successful SEA.

3.4.5 The UK Practical Guide to the SEA Directive issued by UK Deputy Prime Minister Office

The SEA Directive is implemented in England through the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No. 1633). In Wales, it is implemented through the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SI 2004 No. 1656). Guidance on SEA in England and Wales is provided by the Practical Guide to the SEA Directive.

The UK Practical Guide to the Sea Directive issued on 2005 by Deputy Prime Minister Office provides information and guidance on how to comply with the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”, known as the Strategic Environmental Assessment or SEA Directive.

The Guide is intended to apply to all plans and programmes in the UK which fall within the scope of the Directive. Specific guidance has however been developed for certain types of plans and programmes, particularly land use and spatial planning and transport planning (see the related paragraphs 1.10 and 1.11 of the Guide). Users should refer primarily to the relevant specific guidance when preparing those plans and programmes.

The Practical Guide has been developed jointly by the Office of the Deputy Prime Minister, the Scottish Executive, the Welsh Assembly Government and the Department of the Environment in Northern Ireland.

The first of the above SEA Regulations applies to any plan or programme which relates either solely to the whole or any part of England, or to England and any other part of the UK. Each of the regulations for Scotland, Wales and Northern Ireland applies to plans and programmes which relate solely to the whole or any part of Scotland, Wales or Northern Ireland. Nevertheless, this Guideline can be taken as an example of best practices adopted in EU Member States and therefore successfully applied in other countries, like Kosovo.

These Guidelines taken also into consideration other relevant UK Guidelines, like the “Strategic environmental assessment and climate change: guidance for practitioners” prepared on August 2011 by the UK Environment Agency.
3.4.6 SEA and Climate Change: Guidance for Practitioners in UK

The Climate Change Act 2008 made the UK the first country in the world to have a legally binding long-term framework to cut carbon emissions. It also introduced legally-binding carbon budgets, and created a framework for building the UK's ability to adapt to climate change.

The Climate Change Act requires greenhouse gas (GHG) emissions to be reduced by at least 80% by 2050, compared to 1990 levels. There is overwhelming scientific evidence to suggest that GHG emissions are instrumental in causing global warming and climate change. In order to reduce their levels and meet the 80% target, carbon budgets place legally-binding ceilings on the level of emissions allowed in the UK over five year periods. The fourth carbon budget under the Act, agreed by Government in May 2011, commits the UK to an ambitious reduction of 50% from 1990 levels, over the period 2023-2027.

In accordance to these principles, the SEA and Climate Change Guidance Note prepared on 2011 was primarily finalized for plan-makers, responsibility authorities and consultants preparing SEAs or SAs. However, it could be useful for anyone involved in preparing or reviewing SEAs or SAs. It suggests how climate change issues are considered in SEA in England and Wales. It presents information on the causes and impacts of climate change and how they can be described and evaluated in SEA. It also describes how adaptation and mitigation measures can be developed through SEA.

This guidance replaced the original version published in 2004, and the updated version published in 2007. It was originally developed by the Environment Agency in partnership with Natural England Countryside Council for Wales, UK Climate Impacts Programme, Levett-Therivel Sustainability Consultants, CAG Consultants and InterEAM at the University of East Anglia. This version has been updated by the Environment Agency, with input from the above partner organisations. It reflects updated information on SEA and climate change and complements the UK Practical Guide to the SEA Directive (Office of the Deputy Prime Minister (ODPM) et al., 2005).

3.4.7 Guidance Note to integrate Climate Change into SEA in Ireland

This Guidance Note was prepared by the Environmental Protection Agency of Ireland on 2015 to represent a good practice document on how to practically incorporate climate change into PPPS, falling under the remit of the SEA Directive. It was aimed at plan-making authorities and SEA practitioners who, in implementing the requirements of the SEA Directive, need to consider that PPPS may be directly or indirectly affected by climate change, or may affect climate change directly or indirectly. This document should also be useful to anyone involved in preparing or reviewing SEAs. It presents information on the causes and consequences of climate change; how they can be described, evaluated and incorporated into the SEA; and where appropriate information can be found.

In Ireland, both spatial and non-spatial PPPS have been undertaken by plan-making Authorities at different levels in the planning hierarchy, ranging from detailed small-scale local area plans to broad-based national-level strategies. It is envisaged that this guidance will provide useful insights into how climate change should be considered and taken into account in the preparation of the SEA and the draft PPPS.

This Guidance Note has been prepared by the EPA SEA Section in collaboration with the EPA Climate Change Research Programme (CCRP). It was informed by a literature review of existing good international practices, external review, and reconfiguration of existing guidance on climate change adaptation in a format that should be usable by SEA practitioners.
4 EIA/SEA Institutional Framework

4.1 Organisation of the MESP

4.1.1 General Organisation of the Ministry

The mandate of the Ministry of Environment and Spatial Planning (MESP) is defined by the Administrative Instruction No.09/2013 “on Internal Organisation and Restructuring of Jobs in the Ministry of Environment and Spatial Planning”, which replaced the UNMIK regulations No. 2002/5 and No. 2005/15. The duties and responsibilities of MESP are defined in Annex 13 of Government Regulation No. 02/2011 “on Fields of Administrative Responsibility of the Office of Prime Minister and Ministries”, and respective applicable legislation. In accordance with this law, the role of MESP is to develop, co-ordinate, monitor and oversee the environmental protection sector, water resources management housing and construction and spatial planning.

MESP employees 177 persons and has a Minister with a Cabinet, a General Secretary Office, 8 Departments and 25 Divisions (see Fig.4.1.1 of the following page).

The Cabinet of the Minister of MESP is composed by:

1. Minister;
2. Deputy Ministers;
3. Political Advisors; and
4. Support Staff;

The duties and responsibilities of the Minister, Deputy Ministers, Political Advisors and Support Staff are defined by the Government Regulation No. 02/2011 “on Fields of Administrative Responsibility of the Office of Prime Minister and Ministries”, and respective applicable legislation. In the Cabinet of the Minister are employed 9 persons.

The Office of the General Secretary consists of:

1. General Secretary; and
2. Support Staff.

The duties and responsibilities of the General Secretary are defined by the Article 38 of the Law No.03/L-189 “on State Administration”, and respective applicable legislation. There are 3 persons employed within the Office of the Secretary General. The following 3 Divisions are directly depending from the General Secretary Office:

1. Internal Audit Division, which (i) ensures proper implementation and compliance with the laws, regulations, policies, instructions and manuals prescribed by the legislation in force; (ii) ensures timely preparation of draft audit strategic plan based on risk assessment; (iii) organizes, conducts and supervises all internal audit activities of the MESP and submits the results of the audit, in accordance with applicable legislation; (iv) prepares and submits quarterly and annual reports on all audit activities; (v) prepares and implements the quality assurance programme for internal and external evaluation of the internal audit function; (vi) immediately report to the senior management and the Audit Committee, for every activity indicator of fraud or corruption, provides proposals to improve the situation and, if the senior management does not undertake appropriate actions, notifies other competent authorities.
2. Public Communication Division, which (i) provides professional support to the MESP in the field of communication and information; (ii) proposes, designs and ensures implementation of communication plans of the MESP; (iii) organizes media conferences and prepares press releases, statements, reports and other media publications; (iv) maintains the official website of the MESP; (v) coordinates requests for access to public documents and prepare reports on the implementation of the Law on Access to Public Documents.
3. Procurement Division, which (i) prepares, coordinates and implements the annual plan of the Ministry in the field of public procurement, in accordance with legislation in force; (ii) ensures that all procurement requirements have been prepared in accordance with the procurement rules and procedures; (iii) determines tender procurement methodology and price evaluation procedures; (iv) provides advices and assists management in making decisions relating to issues that may arise in case of execution of contracts.
## Assessment of the Institutional Administrative Units

| **MINISTER POLITICAL ADVISORS SUPPORT STAFF** |
| **DEPUTY MINISTERS** |
| **GENERAL SECRETARY SUPPORT STAFF** |
| **KOSOVO CADASTRAL AGENCY (KCA)** |
| **INTERNAL AUDIT DIVISION** |
| **IT AND LOGISTIC SERVICE DIVISION** |
| **PROCUREMENT DIVISION** |
| **EXTERNAL REVIEW DIVISION** |
| **ANALYSIS AND STRATEGIC PLANNING SECTION** |
| **ENVIRONMENTAL PROTECTION DEPARTMENT (EPD)** |
| **AWARENESS AND ENVIRONMENTAL CONSCIOUSNESS DIVISION** |
| **INDUSTRIAL POLLUTION MANAGEMENT DIVISION** |
| **ECONOMIC INSTRUMENTS, INTERNATIONAL COOPERATION SECTION** |
| **SECTION FOR EDUCATION AND PA AND COOPERATION WITH MUNICIPALITIES AND CIVIL SOCIETY - CMEU** |
| **INDUSTRIAL POLLUTION PROTECTION SECTION** |
| **AIR POLLUTION PROTECTION SECTION** |
| **EMERGENCY SECTION** |
| **NATURE PROTECTION DIVISION** |
| **BIODIVERSITY PROTECTION SECTION** |
| **NATURAL VALUES PROTECT. SECTION** |
| **SOIL PROTECTION SECTION** |
| **SUSTAINABLE USE OF NATURAL RESOURCES SECTION** |
| **CHEMICAL AND WASTE DIVISION** |
| **MANAGING AND MONITORING LANDFILLS’ SECTION** |
| **WASTE TREATMENT LICENCE SECTION** |
| **WASTE TREATMENT SECTION** |
| **MANAGING HAZARDOUS MATERIALS-WASTE SECTION** |
| **SPATIAL PLANNING, HOUSING AND CONSTRUCTION DEPT. (SPHCD)** |
| **EXPROPRIATION DEPARTMENT (ED)** |
| **EUROPEAN INTEGRATION AND POLICY COORDINATION DEPARTMENT** |
| **POLICY COORDINATION DIVISION** |
| **PLANNING DIVISION** |
| **RESEARCH DIVISION** |
| **HOUSING DIVISION** |
| **CONSTRUCTION DIVISION** |
| **EUROPEAN INTEGRATION DIVISION** |
| **SPATIAL PLANNING DIVISION** |
| **CONSTRUCTION LEGISLATIVE SECTION** |
| **LICENSING SECTION** |
| **WATER DEPARTMENT (WD)** |
| **WATER RESOURCES MANAGEMENT DIVISION** |
| **WATER BASIN MANAGEMENT DIVISIONS** |
| **STRATEGIC PLANNING DIVISION** |
| **GENERAL POLICY SECTION** |
| **WATER RESOURCES MANAGEMENT SECTION** |
| **WATER BASIN COORDINATION SECTION** |
| **KOSOVO ENVIRONMENTAL PROTECTION AGENCY (KEPA)** |
| **KOSOVO HYDRO-METEOROLOGICAL INSTITUTE (KHMI)** |
| **KOSOVO NATURE PROTECTION INSTITUTE (KNPI)** |
| **SPATIAL PLANNING INSTITUTE (SPI)** |
Assessment of the Institutional Administrative Units

FINANCE AND GENERAL SERVICES DEPARTMENT (FGSD)

HUMAN RESOURCES DIVISION

BUDGET AND FINANCE DIVISION

IT AND LOGISTIC SERVICES DIVISIONS

LEGAL DEPARTMENT (LD)

Fig. 4.1.1 – Organisation Chart of the Ministry of Environment and Spatial Planning (MESP) of Kosovo (© Source G. RAZZA)
The 8 Departments are:

1. **Environmental Protection Department (EPD)**, where 30 employees are responsible to implement the following main functions: (i) propose, develop and ensure the implementation of policy documents/strategies in the field of environmental protection; (ii) propose, develop and ensure the implementation of legislation in the field of environmental protection; (iii) monitor and propose measures for the rehabilitation and keep under control of hotspots; (iv) identify and propose investment and financing needs in the field of environmental protection; (v) provide support for issues related to membership in international organisations for environmental protection; (vi) provide support, as appropriate, for the supervision and control of natural resources and its constituent parts; (vii) deal with environmental permit requirements documentation, providing recommendations on the regularity and accordingly prepare environmental draft-permits. This EPD is organised in the following divisions:

- **Division for Awareness and Environmental Consciousness**, which (i) proposes, develops and ensures the implementation of policy/strategies documents in the field of environmental education and awareness, in collaboration with other institutions; (ii) provides support in organising awareness events in the field of environmental protection; analyses and develops regular periodic reports in the field of environmental protection policies; (iv) cooperates with relevant stakeholders for development activities.

- **Industrial Pollution Management Division**, which (i) proposes, develops and ensures the implementation of policy documents concerning the protection from industrial pollution; (ii) proposes, develops and ensures the implementation of legislation concerning the protection from industrial pollution; (iii) monitors the implementation of the rights and obligations arising from international agreements, and reports accordingly; (iv) compiles regular periodic reports on the activities carried out. This Division is in charge of drafting the environmental consents and permits of industrial installations that could produce environmental impacts. Therefore, within this Division is located the Section dealing with EIA and SEA analysis.

- **Chemicals and Waste Division**, which (i) proposes, develops and ensures the implementation of policy documents/strategies in the field of waste management, chemicals and biocide products; (ii) proposes, develops and ensures the implementation of legislation in the field of management of waste, chemicals and biocide products, in accordance with applicable law and EU legislation; (iii) prepares methodology and guidance on management of waste, chemicals and biocide products in accordance with the legislation in force; (iv) proposes, develops and ensures the implementation of licensing procedures and standards on waste management, as well as those for notification, authorisation and registration of chemicals and biocide products; (v) handles licensing applications on waste management and prepares environmental draft-consents/draft-permits; (vi) deals with applications for notification, authorisation and registration of chemicals and biocide products and prepares relevant draft-consents/draft-permits; (vii) provides support, as required, in environmental monitoring and management of waste, chemicals, biocide products, as well as in the field of security of their risk; (viii) analyses and designs regular periodic reports on the performed activities; (ix) cooperates with relevant stakeholders for development activities.

- **Nature Protection Division**, which (i) proposes, develops and ensures the implementation of policy/strategies documents in the field of nature protection; (ii) monitors the implementation of the rights and obligations arising out of international agreements in the field of nature protection, and reports accordingly; (iii) proposes, develops and ensures the implementation of legislation in the field of nature protection; (iv) provides assessment of ecological network projects.

2. **Spatial Planning, Construction and Housing Department (SPCHD)**, where 28 employees are responsible to implement the following main functions: (i) propose, develop and ensure implementation of documents / strategies policy in the field of Spatial Planning, Construction and Housing; (ii) assess the Municipal Development Plans with the purpose of issuing consent by MESP; (iii) evaluate the legality of acts of the local level in the field of urban and rural planning; (iv) develop Urban consents/requirements on the important facilities; (v) follow the international trends and developments in the field of spatial planning; (vi) identify and propose investment and financing needs in the field of Spatial Planning, Construction and Housing; (vii) supervise Spatial Planning, Construction, Housing and monitoring system; (viii) monitor situation within the scope, propose and undertake measures and actions which is authorized and proposed regulations and other legal acts regulating the construction field in line with European standards; (ix) monitor and analyzes the situation within the scope, develop, plan and proposes strategies, measures and programmes to improve the situation in the housing. This SPCHD is organised in the following divisions:

- **Spatial Planning Division**, which is composed by the following sections: Section of Policies, Section of Planning, Research and the Organising Unit for Spatial Planning. This division (i) proposes, develops and ensures implementation of policy / strategies documents in the field of spatial planning; (ii) assesses the
Municipal Development Plans (MPDs) with the aim of issuance consent by MESP; (iii) evaluates the legality of acts of the local level in the field of urban and rural planning; (iv) drafts Urban consents-requirements on the important facilities for the country; (v) prepares regular periodic reports on spatial planning.

- **Housing Division**, which has 3 Sections: the Housing Policy Section, the Social Housing Section, the Section for the Management of Housing Funds. This division (i) proposes, develops and ensures implementation of policy / strategies documents in the field of construction; (ii) monitors and approves Administrative fees on construction permits on the annual basis of both central and local level; (iii) reviews and issues construction permits, demolition permit and use certificate on facilities of special importance and high risk - category III of the buildings in accordance with the Law on Construction; (iv) monitors ongoing process of licensing professionals in the construction field, coordinating activities and providing professional advice and guidance for new developments in relation to professional chambers to pass Professional and Licensing Examination; (v) monitors the work, arranges contacts and cooperates with international organizations, specialised agencies and other organizations in order to exchange experiences regarding the development of the field of construction; (vi) proposes and takes measures for the design of development programmes in accordance with the strategies that should be built for the development of construction field.

- **Construction Division**, which is articulated in 3 Sections: the Section for the Technical Regulations and Construction Materials, the Legislative Construction Section, and the Licensing Section. This division (i) proposes, develops and ensures implementation of documents / strategies policy in the area of housing; (ii) proposes, develops and ensures the implementation of legislation in the area of housing; (iii) examines regional policies in terms of raising the level of development in the field of housing and identifying favourable ways of financing for the renovation of housing stock; (iv) professionally supports municipalities in meeting the responsibilities arising from the legislation in force in the area of housing; (v) designs and monitors the implementation of minimum standards for housing; (vi) cooperates with relevant local and international stakeholders to develop housing area; (vii) provides support for public and private institutions on investment and development projects of housing in Kosovo.

(3) **Water Department (WD)**, where 18 employees are responsible to implement the following main tasks: (i) water resources planning; (ii) governance of water and water economy systems; (iii) monitoring and adaptation of water economy development with economic development needs; (iv) regulation of water flows and other waters and protection from the harmful effects of waters; (v) protection from erosion and streams, land drainage and irrigation; (vi) governing Water Resources and their use; (vii) protect of waters from pollution; (viii) securing water resources for the purpose of providing drinking water and habitats economy waste water; (ix) harmonization of development and construction of public water economy systems with interest for Kosovo; (x) use and protection of waters from impurity; (xi) exploiting aggregate (sand and gravel) from the areas of interest to the water regime; (xii) made separation of concessions on water and water resources; (xiii) made administrative oversight in the area of water. This WD is organised in the following divisions:

- **Strategic Planning Davison**, which is organised in the following 3 sections (units): the Analysis and Strategic Planning Unit, the Economic Cooperation, Development – projects and investments and Budget Unit and the Information System Unit and Water Register Book. This division is responsible to: (i) perform administrative work and other professional work related to strategy and long-term planning of water; (ii) develop strategic plans and programmes in harmony with development policies of MESP, coordinates and supervises the implementation of water policies in central and local government; (iii) participate in the development of primary and secondary legislation; (iv) perform other professional work regarding international and bilateral cooperation, and other works in the field of water; (v) prepare professional basis and action plans at the national level for the use of water, water protection and protection from harmful activity of water; (vi) establish action plans on sustainable use of water for all consumers; (vii) prepare information regarding the activities of the Water Department; (viii) develop the information system and creates the water monitoring network; (ix) draft and prepares plans and strategies for capacity building within WD.

- **Water Resources Management Division**, which is divided in 4 units, the Unit for the water protection from negative impacts, the Unit for the Protection and Control of Water Quality, the Unit for Licences and the Water Flow Management Unit. This division is responsible to: (i) perform duties and tasks related to the administrative and professional legal affairs regarding the use of water and water power; (ii) secure water resources, drinking water, and technological and technical needs; (iii) plan regarding the use of water; (iv) establish concessional relations for water use; (v) monitor the implementation of strategic documents of water use within overall social and economic development; (vi) monitor public activities which relate to public water supply in terms of rational use of water; (vii) plan the development of water supply systems; (viii) issue water permits, irrigation and land drainage, delimitation, use and administration of water resources; (ix) follow the exploitation of inert in places-regions of interest to water regime; (x) monitor
Assessment of the Institutional Administrative Units

renewable inert reserves in river beds and banks; (xi) cooperate with ministries and municipalities and other institutions in relation to use of water.

- **White Drin River Basin and Plava Division**, which (i) establishes the database for the White Drin River and Plava Basin; (ii) collects the information on monitoring River Basin; (iii) cooperates with relevant institutions; (iv) keeps records on water property for the respective basins; (v) governs the water resources at the basin level, including planning and determination of compensation for the use and pollution of water; (vi) protects the public interest; (vii) checks the temporary hydro economic permits.

- **River Basin Ibi, Morava Binçës and Lepenc Division**, which (i) establishes the database for the Iber, Morava Binçës and Lepenc River Basin; (ii) collects the information on monitoring river basin ibër; (iii) cooperates with relevant institutions; (iv) keeps records on water property for the respective basins; (v) governs of water resources at the basin level, including planning and determination of compensation for the use and pollution of water; (vi) protects the public interest; (vii) checks of temporary hydro economic permits.

(4) **Environmental, Nature, Water, Building and Planning Inspection Department (ENWBPID)**, where 19 employees are responsible to implement the following main duties: (i) coordination of the inspection in accordance with the annual plan of Inspectorate for the field of protecting environment and nature, water, construction and spatial planning under applicable laws and impose appropriate measures according to the situation on the ground; (ii) conduction of inspection based on requests and complaints from citizens in the above mentioned areas; (iii) following and complementing the data base of operators, imposes measures under the applicable legal provisions and records inspections; (iv) coordination of the work of the respective division inspectors; (v) designation and completion of the data base about operators in relevant fields; (vi) participation in national and international activities that address issues of Environmental Protection, Nature, Water, Planning and Construction; (vii) coordination with the Departments of MESP, regarding the receipt of comments and suggestions regarding the implementation of legislation; (viii) coordination of work in respective fields with inspectors at the municipal level; (ix) acceptance of complaints and appeals from various associations and citizens regarding respective areas and it reviews them in conformity with applicable laws. This ENWBPID is composed by the following divisions:

- **Environmental Protection, Nature and Water Inspection Division**, which (i) prepares annual work plan; (ii) supervises the application of legal provisions and other legal sub normative acts related to environmental protection; (iii) supervises the activities which cause general disorder in the environment and identifies the responsible party which causes the disorder; (iv) supervises the quality of air, water, earth, nature, emission and general ecological conditions in accordance with the legal provisions in force; (v) supervises the management and exploitation of natural resources in terms of environmental protection; (vi) supervises the measures taken to protect the environment; (vii) oversees the management and protection of nature conservation areas and natural values; (viii) supervises the management of water resources exploitation; (ix) develops and completes the database regarding users and water users; (x) controls and monitors all other activities related to the use of water in accordance with the provisions of law.

- **Spatial Planning and Construction Inspection Division**, which (i) prepares the annual work plan; (ii) supervises the application of legal provisions and sub normative acts related to the construction and spatial planning; (iii) controls and monitors all construction and planning activities in accordance with the legal provisions in force.

(5) **Expropriation Department (ED)**, where 7 employees are responsible to implement the following main duties: (i) receive and handle applications for expropriation in compliance with the legislation in force and accordingly proposes relevant draft-decisions; (ii) provide compensation for property expropriated according to the final decisions of the Government of Kosovo; (iii) provide advices and instructions about the procedures for expropriation, upon request; (iv) coordinate activities with relevant stakeholders and collaborate on development of activities; (v) develop annual and budget plans on the issue of compensation for expropriation. This ED includes the following Divisions:

- **Property Issue Division**, which (i) receives and handles applications for expropriation in compliance with the legislation in force and accordingly prepares relevant proposal-decisions and documents for further proceedings; (ii) organises public hearings for applications received for expropriation by the decisions of the Government; (iii) provides advice and guidance regarding the expropriation process, as required; (iv) receives lawsuits from owners in cases of disputed property and their evidence with the aim of stopping the payments until the final settlement by the Court; (v) receives and reviews complaints and requests of dispossessed and displaced residents within the Commissions and the Department and drafts decisions on complaints and claims considered.
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- **Financial and Technical Division**, which (i) recognises and addresses the documentation for compensation, and accordingly prepare the necessary documentation for the execution of payments; (ii) considers elaborations of expropriation and provides suggestions on how to meet them; (iii) coordinates activities with relevant stakeholders and collaborates on development of activities; (iv) provides support in organizing public hearings for applications received for expropriation by government decisions.

(6) **European Integration and Policy Coordination Department (EIPCD)**, where 8 employees implement the following main duties: (i) provide support in coordinating activities relating to the European Integration process; (ii) monitor and report on the implementation of the recommendations of the European Commission; (iii) provide support to the harmonization of legislation of the Ministry with the *acquis of EU*; (iv) coordinate the activities of the MESP for financial support from the Instrument for Pre-Accession (IPA) and other European Union funds; (v) contribute to the exchange of information in terms of European integration process, relating to the scope of the MESP. Within this EIPCD the following main Divisions are operating:

- **European Integration Division**, which (i) provides support for the development of strategies and plans within the scope of the MESP; (ii) provides information on the design of the European Partnership Action Plan (EPAP) and ensures its harmonization with the Medium Term Expenditure Framework and other strategic documents; (iii) monitors the implementation of the EPAP and reports to the relevant institutions; (iv) coordinates IPA assistance and bilateral and multilateral foreign assistance for the activities of the MESP and ensures that it relates to the priorities of the ministry; (v) provides support for the organisational structure of the MESP for procedures preparation and project management; (vi) provides support for responsible organisational structure relating to legal issues at the MESP in terms of inclusion of EU policies in national legislation during the harmonisation with the *acquis-EU* as well as ensures that the legislation provided by the EPAP is integrated into the Government's Legislative Programme; (vii) provides support in organising and implementing of regular meetings of the Stabilization and Association process, for issues that relate to the scope of the MESP.

- **Policy Coordination Division**, which (i) provides support in designing strategic documents of the MESP, ensuring compatibility between them and other government documents; (ii) provides support to the organisational structures of the MESP in the preparation of concept papers for legislation; (iii) provides coordination of the process of developing strategic documents of the MESP with budget planning process; (iv) provides data/information for designing annual work and ensuring their harmonization with the Medium Term Expenditure Framework and other strategic documents, and reports on their implementation to the relevant institutions; (v) provides support for monitoring and reporting on implementation of the Strategic Development Plan of the MESP.

(7) **Legal Department (LD)**, where 10 employees implement the following duties: (i) provide legal support in the development of strategic documents and legislation relating to the scope of the MESP; (ii) provide support in the development of primary and secondary legislation relating to the scope of the MESP; (iii) ensure compliance with the legislation designing techniques and standards relating to the scope of the MESP; (iv) ensure the harmonization of legislation of the MESP with the European Union legislation (*EU acquis*) as well as with the applicable laws in Kosovo; (v) provide legal consulting and recommendations relating to the scope of the MESP upon request; (vi) cooperate with the Ministry of Justice relating to the representation of the MESP in judicial contests. Within this LD the following main Divisions are operating:

- **Legislation Designing and Harmonisation Division**, which (i) provides support on designing the legislation and ensures compliance with the applicable law in Kosovo; (ii) provides support to the MESP's organizational structures to identify the issues that need to be regulated; (iii) provides legal advice, recommendations, instructions and opinions required, relating to the scope of the MESP; (iv) ensures harmonization of the legislation of the MESP with the *EU acquis* and with the applicable laws in Kosovo

- **Division for Supervision of Implementation of Legislation, Legal Support and Inter-Institutional Cooperation in the field of Legislation**, which (i) coordinates activities with all organizational structures of the Ministries for implementation of legislation; (ii) provides legal support in the field of legislation; (iii) identifies the problems of implementation of normative acts; (iv) provides legal support in the designing of proposal decisions, proposal - agreements, proposal - memorandums and proposal contracts; (v) coordinates legislative activities of the MESP with the relevant institutions; (vi) maintains the register of MESP’s by laws.

(8) **Finance and General Service Department (FGSD)**, where 45 employees are implementing the following duties: (i) manage and maintain information on human resources of the Ministry, assists the management in internal organization, provides administrative, translation, logistics and information of technology services support; (ii) ensure implementation of procedures for the selection and recruitment of qualified personnel, in accordance
with applicable legislation; (iii) coordinate preparation, implementation, reporting and evaluation of the budget of the MESP; (iv) coordinate implementation of the MESP’s financial obligations in due time; (v) maintain IT equipment and provides IT services; (vi) manage the archive system and internal documents of the MESP; (vii) provide logistical services for the MESP. Within this FGSD the following Divisions are operating:

- **Human Resources Division**, which (i) coordinates human resource planning; (ii) manages the recruitment of staff; (iii) contributes to the increase of performance by motivating and developing staff training plans; (iv) ensures implementation of procedures for recruitment and selection, discipline, handling of complaints, leave requests, performance appraisal, etc.
- **Budget and Finance Division**, which (i) prepares budget proposals; (ii) coordinates budget issues for all administrative structures of the ministry; (iii) monitors and reports on budget execution; (iv) ensures that the financial expenses are made in accordance with the budgetary rules and procedures; (v) manages cash reserves and ensures that the internal financial control is based on the principles of accountability; (vi) provides internal and external cooperation in the preparation of the budget and financial audit statements.
- **IT and Logistics Services Division**, which (i) provides logistical support for the Ministry’s staff meetings; (ii) provides support in the field of information technology; (iii) manages inventory and warehouses of the MESP; (iv) coordinates the ministry's requests and needs for goods and office equipment for work; (v) manages transportation needs and vehicles of the ministry; (vi) maintains and manages the ministry's archive system.

Central Bodies of MESP are the **Kosovo Environmental Protection Agency (KEPA)** and the **Kosovo Cadastre Agency (KCA)**. The KEPA duties and responsibilities are defined by the Article 60 of the Law No. 03/L-025 “on Environmental Protection (see Annex B). According to this law, the Agency shall have the function of general monitoring of the environment in Kosovo, and it shall also organise and maintain an environmental information system through which the public shall be informed, i.e. KEPA is responsible to: (i) provide Government with information/data on implementation of the environmental protection’s policy; (ii) develop and operate an information network capable of monitoring environmental data; (iii) create database reference centres concerning environmental information; (iv) provide professional guidance to environmental projects and programmes; (v) prepare reports on the general and/or specific situation of the environment (i.e. air, earth, water, biological diversity, and climatic changes); (vi) assist the Ministry in developing policies for the protection of the environment; (vii) cooperate with the European Environmental Agency (EEA) and other international institutions; (viii) cooperate with international legal bodies so as to draft EU compliant legislation; (ix) provide information on Kosovo’s environment to the public at large. The organisation of KEPA has been defined by the Regulation No.03/2014-MESP “on responsibilities, internal organisation and systematisation of jobs in the Agency for Environmental Protection of Kosovo”. According to this Regulation, KEPA is managed by a General Director assisted by a Secretary (both working in the Office of the General Director) and is composed by the following bodies:

1. **Kosovo Nature Protection Institute (KNPI)**, where 5 persons (1 Head and 4 employees) are working in the following sectors:
   - **Sector for Protected Areas and Management of Nature Monuments** (2 employees), which (i) monitors permanently the protected nature areas; (ii) researches, complements and maintains the central register of nature protected areas and nature heritage; (iii) collection processes and reports on protected areas and natural heritage; (iv) prepares professional studies and provides professional opinions, for specific cases, as per MESP/KEPA requests; (v) follows the implementation of international as well as coordinates with relevant national and international organisations; (vi) conducts other tasks in compliance with the legislation in force.
   - **Biodiversity Sector** (2 employees), which (i) monitors the state of nature and biodiversity in protected areas and areas of particular importance in Kosovo and proposes measures for its protection; (ii) implements the inventory, research and study of all components of biological and landscape diversity; (iii) collects and processes the data relating to the protection of biodiversity, rare species, endangered, endemic, relic, and medical; (iv) implement the inventory of new nature heritage values; (v) prepares the professional bases, follows the legal procedures for protection of new biodiversity values, monitors and reports the state of biodiversity; (vi) conducts other professional asks in the biodiversity area, in compliance with the law.

2. **Kosovo Hydro-Meteorological Institute (KHMI)**, where 19 persons (1 Head and 18 employees) are working in the following sectors:
   - **Meteorological Sector** (7 employees), which (i) measures and observes all elements and meteorological occurrences, according to WMO methodology; (ii) forecasts and warnings on hydro meteorological occurrences; (iii) registration and reporting of all meteorological and agro-meteorological; (iv) maintains of the network of meteorological stations; (v) prepares all climate agro-meteorological data from the basic
meteorological stations, for the needs of technical control; (vi) conducts other professional tasks in the area of meteorology.

- **Sector of Hydrology and Water Monitoring** (7 employees), which (i) prepares the annual reports for monitoring of hydrometric stations at the end of the calendar year; (ii) monitors the hydrometric and water quality of surface and ground waters of Kosovo, in compliance with the water monitoring programme; (iii) processes, validates and exchanges the water monitoring data; (iv) maintains operationally the equipment, calibrating and resetting the sensors; (v) monitors water measurements in case of accidents and nature disasters; (vi) conducts other professional tasks in hydrology area.

- **Air Monitoring Sector** (2 employees), which (i) monitors the air quality in the territory of Kosovo; (ii) monitors the air quality for specific situations and projects, according to the MESP/KEPA requests; (iii) evaluates and analyses the results collected from the monitoring of air quality and drafts the annual report on air quality monitoring; (iv) prepares the operational procedures according to European regulations for chemical laboratory measurements and calibration laboratories; (v) implements the quality control and the control of the accuracy of the results of the laboratory tests and the automatic measurements and their validation; (vi) reports at MESP/KEPA, as well as exchanges data, in compliance with the respective procedures; (vii) implements other professional tasks in the area of air monitoring.

- **Soil Monitoring Sector** (2 employees), which (i) monitors the inorganic and organic pollutants in the soil of the settlements land, arable lands, industrial and recreational areas; (ii) categorises the land by pollutants and their mapping; (iii) records data in the database for the soil sector; (iv) implements the quality control of the laboratory analyses and the quality control (accuracy) of the results of the laboratory tests and from the automatic measurements; (v) monitors the specific situations, environmental accidents, in accordance with MESP/KEPA request; (vi) implements other professional tasks in the area of soil monitoring.

(3) **Spatial Planning Institute (SPI)**, where 11 persons (1 Head and 10 employees) are working to implement the following main tasks: (1) be a reference Institution for Spatial Planning in Kosovo, and development scientific institution that prepares plans, proposes policies, measures and undertake actions in favour of coordinated urban and spatial developments in Kosovo; (2) designing, completion and monitoring of the Spatial Plan implementation; Spatial Plans for Special Areas, and other relevant documents; (3) research in various fields of spatial development, data collection, analysis and comparison of trends and numerous experiences in the field of spatial and urban planning; (4) coordination of activities, of the different organizational institutions in favour of coordinated urban and spatial development, within and outside the country; (5) implementation of the professional assistance to the municipalities in the design and monitoring of Municipal and Urban Development Plans, as documents and processes; (6) establishing, managing and maintenance of the Spatial Central Data Base of entire territory of Kosovo; (7) other professional tasks in the area of spatial planning. The SPI is composed by the following 2 sectors:

- **Planning Sector** (5 employees), which (i) acquires the analysis and findings in different fields of the research sector and their transformation into potential opportunities for projects and relevant spatial plans; (ii) continues in monitoring of international trends developments in the field of spatial and urban planning and their application in the Institute projects; (iii) establishes cooperation with all governmental and non-governmental sectors; (iv) supports of the professional staff of the urban and spatial planning of local level; (v) implements other professional tasks, in compliance with the legislation in force.

- **Research Sector** (5 employees), which (i) implement the research and analysis in different fields as necessary to reflect as clearly as possible the actual state of a certain territory, topic or issue; (ii) cooperates with governmental and nongovernmental sectors, including groups of experts and other groups as relevant; (iii) monitors continuously the international trend developments in the field of spatial and urban researches and their application in the institute projects.

(4) **Directorate for the Management of “Sharri” National Park**, where 18 workers (1 Head and 17 employees) are working to implement the duties determined by the Law “on National Park Sharri” in the following sector:

- **Sector for Professional, Administrative Services, Supervision and Control** (17 employees), which (i) drafts management plans and projects for the protection, development and rational utilisation of natural resources of the National Park “Sharri”; (ii) assesses the forest damage from biotic and non-biotic factors and the database preparation; (iii) monitors the construction activities and infrastructure projects in the territory of the National Park; (iv) coordinates and supervises the work of Park’s guardians; (v) proceeds in court cases (files) and coordinates with the police, inspectorate and municipal authorities; (vi) takes care for National Park natural resources and stop illegal activities, stop cutting of forests trees, hunting, fishing, building construction, property usurpation; (vii) controls and maintains the signs of external and internal borders of
The integral texts of the laws regulating the internal organisation of the MESP and of KEPA, with the related duties and responsibilities, are shown in Annex B to this report.
4.1.2 EIA and SEA responsible Section

The Section (or Unit) within MESP responsible to implement the legal requirements related to Environmental Impact Assessment (EIA), to the Environmental and Social Impact Assessment (ESIA), to the Strategic Impact Assessment (SEA) and to the Integrated Pollution and Prevention Control (IPPC) is located within the Industrial Pollution Management Division under the Environmental Protection Department (EPD).

Actually, two officials are in charge in this Section: Mr. Shukri SHABANI (Chief of EIA/SEA Section-EPD-MESP) and Ms. Merlinda Bllata DI BRANI (Responsible EIA/SEA Section-EPD-MESP). They are both working under the Head of the Industrial Pollution Management Division (Ms. Nezakete HAKAJ) who is also responding to the Director (Mr. Muhamet MALSIU) of the Environmental Protection Department.

The main activities of this staff are manly implemented in compliance with the tasks and requirements of the following legislation in force in Kosovo:

- Law No. 03/L-214 “on Environmental Impact Assessment” approved by the AoK on 23.09.2010 and promulgated by the Presidential Decree No. DL-048-2010 of 14.10.2010. It replaced the Law No. 03/L-024 approved by the AoK on 26.02.2009;
- Law No. 03/L-230 “on Strategic Environmental Assessment” approved by the AoK on 30.08.2010 and promulgated by the Presidential Decree on 18.10.2010. It replaced the Law No.03/L-015 approved by the AoK on 12.02.2009
- AI No.05/2011 “On the methodology of risk assessment from chemical accident and measures for consequence elimination”
- AI No.07/2011 “on licensing compilers of Environmental Impact Assessment”
- AI No.09/11 “on information, public participation and interested parties in the environmental impact assessment procedures”
- AI No.10/2011 “for preventing quantity accidents involving hazardous substances”
- AI No.11/2011 “to determine the amount of the fee for services relating to the environmental impact assessment”
- AI No.09/2013 “on Internal Organisation and Restructuring of Jobs in the Ministry of Environment and Spatial Planning”

According to these laws, the main competences of these officials are:

- EIA competences and tasks:
  - Determination, within 10 days from the date of delivering, if the application needs an EIA ministerial approval (or if a simple Municipal Environmental License is sufficient).
  - Determination, within 10 days from the date of delivering, if the application is completed as per legal requirements.
  - Preparation of a Scoping Notification to the applicant for an Environmental Scoping Report (ESP) including the request for: (1) description of possible alternatives; (2) description of significant impacts; (3) reasons for identifying these impacts; (4) description of protection measures.
  - Review of EIA in accordance with: (1) adequacy of project description including alternatives; (2) adequacy of identification and evaluation of environmental impacts; (3) adequacy of mitigation measures; (4) adequacy of proposed monitoring schemes; (5) other criteria.
  - Issuing a draft decision of MESP related to EIA/SEA.
  - Checking the organisation and implementation of a public debate and the collection of the corresponding opinions and remarks from the public.
  - Review of the remarks from the public and eventual request to the applicant to take them into consideration.
  - Preparation of the proposal-decision for the Environmental Consent.
  - Granting the decision for the Environmental Consent
  - Preparation of local advertisement and of a statement containing: (1) the content of the decision and eventual related conditions; (2) basic reasons and consideration for the decision and eventual information for public participation; (3) description of mitigation measures to reduce the impacts; (4) legal advises for eventual appeals to the decision.
• **SEA competences and tasks:**

  o Assessment and request to the responsible authority, at any time, to deliver a copy of: (1) any determination demonstrating that the plans or programmes are likely to have significant environmental effects and therefore they require a SEA; (2) the plan, programme or modification to which the determination relates; (3) any statement explaining the reasons for the determination that the plan, programme or modification is unlikely to have significant environmental effects (and therefore does not require a SEA); (4) the required SEA report, if available, in accordance with the criteria defined in Annex III of the SEA Law.

  o Eventual consultation support to the responsible authority in the: (1) identification, description and evaluation of the environmental effects of the implementation of the plan and reasonable alternatives; (2) provision of the information referred to in Annex II to SEA Law; (3) provision of information on the effects of plans or programmes on the environment obtained at other levels of decision-making or through other legislation.

  o Eventual forwarding of a copy of the plan or programme accompanied by SEA report to the foreign country that could be likely to be significantly affected by its implementation, and entering into consultation with the affected foreign country about: (1) detailed arrangements, including a reasonable time for the duration of the consultations, to ensure that: the environmental authorities, the public, and environmental non-governmental organizations in the country likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time; (2) the likely transboundary environmental effects of implementing the plan or programme; (3) the measures envisaged to eliminate such effects; and (4) where MESP is not the responsible authority, direct the responsible authority that it shall not adopt the plan or programme, or submit it to the legislative procedure for adoption, until the consultations with the country have been concluded;

  o In the case MESP should receive from another country a copy of a draft plan or programme that is being prepared in that country and whose implementation is likely to have significant effects on the environment of any part of Kosovo, the same MESP shall indicate to that country whether Kosovo wishes to enter into consultations concerning the likely transboundary environmental of the effects of implementing the plan or programme and the measures envisaged to reduce or eliminate those effects.

  o In the case MESP is the responsible authority for issuing the SEA report, it shall send all required documents referred to the Commission established in accordance with SEA law.

  o On receipt of the SEA report the MESP may seek advice or additional information from the responsible authority or from other authorized organizations/professional persons if this is necessary to enable it to take its decision.

  o Issuing a draft decision (environmental consent) based on the conducted assessment within sixty (60) days from the date of receipt of the SEA report.

  o Within fifteen (15) days of receipt of the proposal-decision from the responsible body of MESP or the Commission, the Minister shall decide to grant or refuse Consent for the SEA report and convey this decision to the responsible authority the Government and the Assembly of Kosovo, in written form.

  o When the proposal-decision is to refuse consent, the MESP Minister may decline to follow or may amend the responsible authority’s draft decision, only for imperative reasons of overriding public interest, including reasons of an economic, social or environmental nature. In this case, his decision must be notified in written form to the Government and to the Assembly.

  o Monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.

All the above mentioned tasks are referring to the EIA/SEA finalised by responsible authorities or bodies that are different from MESP. In the case MESP should be the responsible authority for issuing the EIA (for a specific project owned by the same MESP) or SEA (for a specific strategy/plan/programme to be drafted by the same MESP), then the officials employed within the EIA/SEA Section could implement the following additional tasks, also through an external consulting support:

  o Preparation and revision of EIA/SEA in consultation with responsible bodies and external advisors.

  o Organisation and implementation of a public debate to discuss the draft EIA/SEA and receive the corresponding opinions and recommendations from a wider public.
4.2 Organisation of the Municipalities

Local Government in Kosovo has a recent modern history. The first municipal elections were held in 2000, the second ones in 2002, the third in 2007, the fourth in 2009 and the last ones in November 2013. The Ministry of Local Government Administration (MLGA), in accordance with its mission and objectives has seen the need to hold the Municipalities to better understand the changes that necessarily arise after the new elections that were held in November of this year.

The responsibilities of the municipal Directorates and offices are based on UNMIK Regulation n.2007/30 on Self Government of Municipalities in Kosovo. As well as UNMIK Regulation n.2007/30, there are many other sectoral laws that define municipal responsibilities, including the environmental protection related laws.

Many of the changes mandated by UNMIK Regulation n.2007/30 involved restructuring and reorganisation of municipalities, but the regulation did not complete the task of discussing municipal structure, nor have most municipalities restructured in accordance with its provisions. The Law “on Local Self Government” (LLSG) removed many of the 2007/30 changes to and restrictions on municipal organisation. In addition, with the increase in general grant funding to municipalities from 2009-on, municipalities will have greater scope for expenditures on their organisational structures. Total numbers of employed staff will still be restricted by the annual Appropriations (Budget) Laws and the total payroll of Kosovo is still restricted by the 10% reductions mandated by the letter of agreement signed between the International Monetary Fund (IMF) and the Government of Kosovo (GoK), then the PISG, but municipalities will have scope to expend significantly enhanced amounts on operations. This could cause significant problems and confusion in municipalities as they strive to decide how to improve services, management, and governance without reducing efficiency and effectiveness.

The LLSG does not prescribe any specific organisation of the municipal administration. It does not call for creating any specific directorates. On the other hand, there are a number of central level laws and regulations in place in Kosovo that are applicable to municipalities which require some mandatory directorates. These are:

- Directorate of Finance, Economy and Development;
- Communities Office;
- Directorate of Urban Planning, Cadastre and Environment;
- Directorate of Education and Culture;
- Directorate of Health and Social Welfare;
- Directorate of Inspection; and;
- Directorate of Personnel and Administration (or Joint Administration Service).

It is within the legal roles of the MLGA and the GoK to provide guidance and legal interpretation, but not mandatory instructions, to municipalities on structure, staffing and organisation before any decline occurs in efficiency or effectiveness due to their responses to increased funding, new laws, and both increased numbers of competencies and increased control over them. This can also be supported by the efforts of the current international donor projects that work with municipalities and the MLGA, as well as anticipated future donor support and technical assistance activities.

Following the recommendations of the UNMIK Regulation n.2007/30 as delivered previously by MLGA to municipalities, the general municipal organisation and structure is shown in the following diagram of Fig. 4.2.1. From this Figure it is possible to see that the main responsibilities dealing with environmental issues are given to the officials employed in two Directorates: (1) the Directorate of Urban Planning, Cadastre and Environment dealing, between others, to the issuing of the municipal environmental permits; and (2) the Directorate of Inspectorate dealing, between others, to the monitoring and inspection of the authorised constructions and plants.

Details about the name and positions of the different officials that are responsible to manage and inspect the environmental issues at municipal level are given in Annex A to the Report “Training Programme for Public Officials on SEA” where the results of the analysis and interviews conducted with such officials are also reported.
Assessment of the Institutional Administrative Units

**Representative Bodies**
- Municipal Assembly
- Policy and Finance Committee
- Mediation Committee
- Communities' Committee

**Executive Bodies**
- Board of Directors
  - Mayor
- Mediation Committee
  - CHAIR
- Communities’ Committee
  - CHAIR
- Economic Development Committee
  - CHAIR
- Health and Social Welfare Committee
  - CHAIR
- Education and Culture Committee
- Urban Planning, Cadastre, Environment Committee

**Implementing Bodies**
- Directorate of Administration and Personnel Office
- Logistic and Facility Section
- HR Section
- Office Appeal
- Secretariat of Translation
- IT Support Section
- Archive (Records)
- Public Information Section
- Directorate of Communities Office
- Budget Section
- Finance Section
- Property Tax and Revenue Section
- Working Permit Section
- Economic Develop. Section
- Tourism Section
- Directorate of Health and Social Welfare
- Health Section
- Social Welfare Section
- Education Section
- Kindergarten Section
- Youth and Sport Section
- Culture Section
- Archive, Library, Theatre
- Directorate of Education and Culture
- Kindergarten Section
- Youth and Sport Section
- Culture Section
- Archive, Library, Theatre
- Directorate of Urban Plan, Cadastre, Environment
- Urban, Rural Planning Construction Section
- Environmental Protection Section
- Budget Permit Section
- Cadastre Section
- Directorate of Inspection
- Trade/Business Inspection Section
- Sanitary Inspection Section
- Veterinary Inspection Section
- Traffic/Communication Inspection Section
- Fire Prevention Inspection Section
- Public Services Inspection Section
- Environmental, SP Inspection Section
- Agriculture-Forestry Inspection Section
- Construction Inspection Section
- Property/Financial Inspection Section
Directorate as required

Fig. 4.2.1 – General organisation of Municipal Administrative Structure in Kosovo
4.3 Organisation of the sectoral Ministries

4.3.1 Introduction

In accordance with the art.3 of the Law No.03/L-230 “On Strategic Environmental Assessment” a SEA report is obligatory for plans and programs from spatial planning and city planning field, on land use, agriculture, forestry, fisheries, hunting, energy, industry, mines, traffic, waste management, water management, telecommunication, tourism, which give a frame for future development projects, which undergoes environmental impact assessment according to the Law No.03/L-214 “on Environmental Impact Assessment”, as well as, plans and programs which, taking into the consideration location in which they realize, can have an effect on nature protected zones, on nature habitats and in wild flora and fauna. Therefore, the sectoral Ministries that are responsible to implement the national sectoral plans shall be always be an active part to include a specific section dedicated to SEA in these plans.

At the same time, despite the responsible authority for the issuing of an EIA is the MESP, it is always recommended that the Ministry that is responsible to implement the policies of the industrial sector to which the EIA refers is involved in such approval through a consultation process.

Therefore, it is always recommended that within the main sectoral Ministries a specific department / unit / section dedicated to environmental issues is established. In the following sections of this chapter the organisational structures of sectoral Ministries dealing with environmental issues are briefly described. In particular, the following Ministries that are responsible to issue the most important national plans with environmental impact, i.e. that should include a specific SEA section, have been analysed:

1. Ministry of Agriculture, Forestry and Rural Development
2. Ministry of Trade and Industry
3. Ministry of Economic Development

The analysis of the relevant staff in charge of the SEA within such sectoral Ministries is attached as Annex A to the Report “Training Programme for Public Officials on SEA”.
4.3.2 Organisation of the Ministry of Agriculture, Forestry and Rural Development

This Ministry of Agriculture, Forestry and Rural Development (MAFRD) is organised in the following Departments:

(1) **Department of Rural Development Policy (DRD) – Managing Authority (MA):** (i) manages and supervise all works related to the Rural Development under coordination Ministry of Agriculture, Forestry and rural Development; (ii) coordinates activities of the officers of the rural development in field offices of the ministry; (iii) link, keep in touch and coordinate the activities with together units within ministry; (iv) take part in working groups and teams that are dealing with analyses, design, planning and implementation of policies, strategies, programs and projects related to the rural development; (v) initialize projects and programs that would be support the improvement of live conditions and work as well as development of human resources of rural population; (vi) promote and support establishment and continuation of the activities in farm and out of the farm as well as work in the direction of promotion of possibilities of the rural/employment revenues; (vii) secure necessary support on the organization and mobilization of farmers groups, associations and cooperatives and take part in the coordination of local and international NGO. This Department is divided in the following 5 Divisions: (1) Rural Development and Co-ordination Division; (2) Division for Agri-Environmental Policy; (3) Division for Competitive Skill, Diversification and Leader; (4) Technical Assistance, Communication and Policy Division; (5) Monitoring, Assessment and Reporting for Rural Development Division.

(2) **Department for Agricultural Policy and Market:** it is divided in the following 5 Divisions: (1) Division for Direct Support, Policies and Markets; (2) Plant Production and Irrigation Division; (3) Plant Protection Division; (4) Livestock Division; (5) Division for Use of Lands, GIS, Registers, LPIS.

(3) **Department of Forestry:** (i) propose, draft and make policies and development strategies for forestry sector; (ii) implement the legislation and applicable strategies for forestry sector; (iii) cooperate with governmental and non-governmental organisations as well as with different donors for development of forestry sector; (iv) propose, draft and establish different projects for development of forestry sector; (v) approve and take decisions for documents/reports, plans and development projects from forestry sector drafted by different governmental and non-governmental organisations; (vi) carry out general inventory of forests, inventory of wildlife, inventory of forest pests, etc; (vii) organize, process and maintain different forestry statistics; (viii) review, support different requests for licensing and issue the license for development of different activities related to forestry field; (ix) organize and support development of trainings on forests sustainable management and their treatment; (x) supervise implementation of laws, legal acts, strategies and different projects related to forestry field; (xi) supervise implementation of management plans, annual plans of forests, hunting, eco – tourism as well as management and use of other natural resources; (xii) supervise implementation of forests treatment with different silviculture measures in cutting, withdrawal, maintenance, systems/erosive protection, afforestation of forest and forest lands; (xiii) supervise development of hunting season to animals and wild poultries; (xiv) collect, maintain data for healthy condition of forests, plants, animals and wild poultries; (xv) propose measures for protection of forests, forest lands, animals and poultries, biodiversity, landscape, etc. This Department is managed by the Director who directly reports to the General Secretary of the MAFRD for the duties, obligations and responsibilities. It consists in the following 3 Divisions: (1) Division of Policies of Forestry, Education and Research; (2) Division of Forest Infrastructure and Management; (3) Division of Forestry Economy, Protected Areas and Hunting.

(4) **Department of Advisory and Technical Services (DTAS):** the main activities of this Department are: (i) organization, coordination and implementation of all activities of advisory services at the Republic of Kosovo level; (ii) coordination, organization and support of the municipal informative advisory centres for agriculture and rural development; (iii) support of municipal advisers to the specialized areas in livestock, plant production, legal issues, gender equal, social and rural development issues; (iv) drafting of programs and annual plans and midterm plans for advisory services cooperating with the representatives of all informative advisory centres for agriculture and rural development; (v) preparation of extension materials, good advisory practices, brochures, leaflets, messages and their distribution through municipal informative advisory centres for agriculture and rural development; (vi) support the implementation of programs for agriculture and rural development as well as

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http://www.mbpzhr-ks.net/
direct payments through providing consultations and distributing all information for programs and for the way of implementation; (vii) support of the farmers in the specialized area in livestock, plant production, legal issues, gender equal and rural development; (viii) training of advisors on central and municipal level general and specialized fields (plant production, animal breeding, economy, marketing, etc); (ix) training on special methods and communication tools for providing of advice; (x) organizing of study visits within Kosovo and outside for exchange of best practice and gaining experience; (xi) organizing and holding of seminars, demonstrations, agricultural exhibitions, etc; (xii) proposing policies for advisory services taking into account the national plan on agriculture and rural development and the requests of farmers and community; (xiii) drafting the annual, midterm and long term plan for advisory service for agriculture and rural development. This Department is divided in the following 3 Divisions: (1) Technical Advices Division; (2) Division of Field Services of Extension; (3) Training, Information and Co-ordination Division.

(5) **Department for Economic Analysis and Agricultural Statistics:** it is divided in the following 2 Divisions: (1) Economic Analysis Division; (2) Agricultural Statistic Division.

(6) **Department for Vineyards and Wine:** (i) proposes, drafts and ensures implementation of agricultural policies and development strategies in Vineyards and Wine; (ii) proposes, drafts and ensures implementation of legislation in the field of Vineyards and Wine; (iii) proposes, drafts and ensures implementation of production procedures for grapes, wine and other products from grapes and wine and strong alcoholic beverages and quality standards of grape and wine products and other products in concordance with the relevant legislation; (iv) provides support in the field of education, training and provision of knowledge for grapes cultivators and wine producers for technological, economic, ecologic issues and other important fields for development of vineyards and wine products; (v) builds and maintains the cadastre of vineyards and wine industry, leading the system of production and circulation of grapes, wine, other products from grapes and wine, fruit wines, and strong alcoholic beverages. The Head of the Department for Vineyards and Wine reports to Permanent Secretary. The following 4 Divisions are part of this Department: (1) Division of Vineyards; (2) Division of Wine; (3) Division for Early Warning of Diseases and Pests; (4) Division of Laboratory for Chemical Analysis of Wine.

(7) **Department of European Integration and Policy Co-ordination:** it is composed by only 2 Divisions: (1) European Integration Division; (2) Policy Coordination Division.

(8) **Legal Department:** (i) coordinates and participates in drafting of normative acts in close cooperation with the Cabinet of Minister, Departments and other organizational units from the field of respective ministry; (ii) shall be responsible for finalization of the draft normative act; (iii) in cooperation with departments, units or persons responsible for drafting the draft normative acts ensures compatibility of normative acts proposed by respective Ministry with applicable legislation in the Republic of Kosovo and European Union legislation (EU Acquis), including preparation of the Statement of Compliance (SC) and Compliance Tables (CT); (iv) provides legal opinions, required within the field of respective ministry; (v) cooperates with Legal Office for the preparation, monitoring and reporting of Legislative Program and other activities related to the process of drafting legislation; (vi) identifies problems during implementation of normative acts; (vii) cooperates with Ministry of Justice to represent the respective Ministry in Court; (viii) coordinates law enforcement activities with the relevant units of the Ministry and other ministries and Government; (ix) maintains and updates register of secondary legislation of the relevant ministry; (x) shall submit secondary legislations to Legal Office after approval by the Minister; (xi) ensures accomplishment of legal obligations towards implementation of law and other provisions within the field of respective Ministry; (xii) drafts Proposal Decisions, Proposal of different Materials required by the Secretary and Minister; (xiii) performs any other tasks specified in respective legislation. This Department consists of 2 Divisions: (1) Division for drafting and harmonisation of legislation; (2) Division for supervision of implementation of legislation of legal support and inter institutional co-operation in the field of legislation.

(9) **Department of Finance and General Services:** it is divided in the following 3 Divisions: (1) Human Resources Division; (2) Division of Budget and Finance; (3) Division of IT and Logistic Services.

The general organisation of the MAFRD with the underlined Department / Division in charge for environmental issues, i.e. for the inclusion of SEAs in the relevant Agricultural Plans and Programmes, is shown in the **Fig. 4.3.1** of the following page.
KOSOVO AGRICULTURE INSTITUTE (KAI)

INTERNAL AUDIT DIVISION
PUBLIC RELATION DIVISION

PROCURMENT DIVISION

RURAL DEVELOPMENT AND COORDINATION DIVISION

DIVISION COMPETITIVE SKILL, DIVERSIFICATION AND LEADER

TA, COMMUNICATION AND POLICY DIVISION
MONITORING, ASSESSMENT AND REPORTING FOR RURAL DEVELOPMENT DIVISION
DIRECT SUPPORT, POLICIES AND MARKETS DIVISION

PLANT PRODUCTION AND IRRIGATION DIVISION
PLANT PROTECTION DIVISION
LIVESTOCK DIVISION

DEPARTMENT FOR AGRICULTURAL POLICIES AND MARKET

FORESTRY DEPARTMENT

DEPARTMENT OF ADVISORY AND TECHNICAL SERVICES

DIVISION FOR USE OF LANDS, GIS, REGISTERS, LPIS

VINEYARDS DIVISION
WINE DIVISION

DEPARTMENT FOR VINEYARDS AND WINE

EARLY WARNING OF DISEASES AND PESTS DIVISION

DEPARTMENT FOR ECONOMIC ANALYSIS AND AGRICULTURAL STATISTICS

LABORATORY FOR CHEMICAL ANALYSIS OF WINE DIVISION

EUROPEAN INTEGRATION AND POLICY COORDINATION DEPARTMENT

EUROPEAN INTEGRATION DIVISION
POLICY COORDINATION DIVISION

LEGAL DEPARTMENT (LD)

HUMAN RESOURCES DIVISION
BUDGET AND FINANCE DIVISION

FINANCE AND GENERAL SERVICES DEPARTMENT (FGSD)

IT AND LOGISTIC SERVICES DIVISIONS

Fig. 4.3.1 - Organisation of the Ministry of Agriculture, Forestry and Rural Development (MAFRD) of Kosovo (© Source G. RAZZA)
4.3.3 Organisation of the Ministry of Trade and Industry

The Ministry of Trade and Industry (MTI) is part of the Government of Kosovo, elected by free vote, in the first local elections, in November 2001. Exactly in March 4, 2002, the Ministry of Trade and Industry began its work. MTI at its early establishment has had: Cabinet of Minister, Office of Permanent Secretary, six departments and one agency. MTI, at the beginning of the activity, has established policies and priorities as part of the working programme. Policies of the Ministry have been concentrated in creation of stimulating conditions for promoting private sector development, particularly for developing small and medium enterprises.

In the policies and development strategies dominates tendency for the development of manufacturing sector, so that Kosovo, from a competitive society become a productive society. The following advantages have been in the framework of development policies: market liberalization, building a competitive economy, economic reconstruction with major projects and investments. In accordance with Regulation 2001/19, duties and responsibilities of MTI were:

(1) Creating systemic conditions for trade, industry and commerce; (2) Creating employment policies and implement legislation to support genuine competition.

MTI is divided in the following main Departments and related Divisions:

(1) **Trade Department**: the duties and responsibilities of this Department are: (i) provision of support and promotion of the free movement of goods, trade services and capital in accordance with the legislation in force; (ii) proposal and design of Kosovo's trade policies, ensuring their alignment with the relevant legislation of the EU and the WTO; (iii) coordination of the activities to implement the CEFTA agreement; (iv) analysis and development of the trade policies on the base of the trade exchanges, prices, etc.; (v) analysis of the implementation of trade policies based on the performance of trade exchanges, prices etc; (vi) analysis of the movement of prices on the market and proposes safeguard measures and antidumping; (vii) following of the movement of prices and proposes policies for sustainable supply of the market with strategic items; (viii) coordination of the activities to achieve free trade agreements with other trading partners; (ix) organization of the activities for the membership of Kosovo in the World Trade Organization (WTO); (x) examination and proposal for the creation of free trade zones in the territory of Kosovo. This Department promotes also the foreign trade and the competitiveness of local companies and helps the increase of the local exports. It employs 14 persons within the following 4 Divisions: (1) Trade Information System Division; (2) Trade Policy Division; (3) Trade Agreement Division; (4) Market Protection Division.

(2) **Industry Department**: this Department: (i) proposes and designs documents of sectoral and sub-sectoral policies for industrial development in Kosovo; (ii) provides support in the development of a suitable environment and favorable conditions for promoting sustainable industrial development in Kosovo; (iii) ensures implementation of policies for industrial development in Kosovo; (iv) ensures alignment of national legislation with EU legislation in the field of industry; (v) ensures implementation of notification procedures; (vi) proposes and designs legislation in the industrial legislation field; (vii) ensures implementation of legislation in the industrial sphere; (viii) proposes and designs policies for the development of tourism in Kosovo and ensures their harmonization with EU standards; (ix) offers support in promotion of Kosovo as a tourist destination; (x) proposes granting of authorization for testing laboratories, certification and inspection bodies in order to functionize the compliance system; (xi) proposes concrete measures in enhancing Kosovo's industry. 15 employees are working in this Department, which is divided in the following 4 Divisions: (1) Industrial Policy Division, which: (i) proposes and designs sectoral and sub sectoral industrial policies and ensures their implementation; (ii) provides support in the development of a suitable environment and favorable conditions for promoting sustainable industrial development in Kosovo; (iii) proposes concrete measures in enhancing Kosovo's industry; (iv) proposes, designs and ensures implementation of legislation in the field of industry, in accordance with European legislation; (v) proposes granting of authorization for testing laboratories, certification and inspection bodies in order to functionize the compliance system; (2) Quality Infrastructure Division, which: (i) proposes policies to establish the quality infrastructure; (ii) ensures the harmonization of national legislation on free movement of goods with EU legislation; (iii) aligns European directives in the field of technical legislation in Kosovo's legislative system; (iv)

(3) **State Reserves Department**: this Department: (i) in cooperation with Budget and Finances Divisions plans and manages the budget for state reserves; (ii) proposes, designs and ensures implementation of legislation on state reserves; (iii) proposes, designs and ensures implementation of strategic policy documents on state reserves; (iv) plans and manages state reserves goods and obligatory reserves of crude petroleum. 6 Employees are working in this Department, which is divided in the following Divisions: (1) State Reserve Goods Division; (2) Mandatory Crude Petroleum Reserves Division.

(4) **Department of Controlling, Trading on Strategic Goods**: this Department: (i) proposes, designs and ensures implementation of strategic documents / policies in the field of petroleum market; (ii) proposes, designs and ensures implementation of legislation in the field of petroleum marke and strategic goods; (iii) provides cooperation in implementation of international treaties on non-proliferation weapons with mass destruction. 8 workers are employed in this Department

(5) **Consumer Protection Department**: this Department employs 3 workers to implement the following main duties: (i) proposes, designs and ensures the implementation of strategic policy/documents for consumer protection; (ii) proposes, designs and ensures the implementation of legislation in the field of consumer protection; (iii) supports the activity of Consumer Protection non-governmental organizations; (iv) develops customer complaints handling system and alternative means for disputes settlement; (v) develops consumer awareness campaigns, sensibilization and ongoing consumer notification.

(6) **European Integration and Policy Coordination Department**: with its 5 employees, this Department: (i) provides support in coordinating activities relating to the European Integration process; (ii) monitors and reports on the implementation of the recommendations of the European Commission; (iii) provides support to the harmonization of legislation of the Ministry with the acquis communautaire; (iv) coordinates the activities of the Ministry for financial support from the Instrument for Pre-Accession (IPA) and other European Union funds; (v) contributes to the exchange of information in terms of European integration process, relating to the scope of the Ministry. This Department is divided in the following 3 Divisions: (1) European Integration Division; (2) Policy Coordination Division; (3) IPA Programme Division.

(7) **Legal Department**: with its 6 employees this Department: (i) provides legal support in the development of strategic documents and legislation relating to the scope of the ministry; (ii) provides support in the development of primary and secondary legislation relating to the scope of the ministry; (iii) ensures compliance with the legislation designing techniques and standards relating to the scope of the ministry; (iv) ensures the harmonization of legislation of the Ministry with the European Union legislation (acquis communautaire) as well as with the the applicable laws in Kosovo; (v) provides legal counselling and recommendations relating to the scope of the ministry up request; (vi) cooperates with the Ministry of Justice relating to the representation of the Ministry in judicial contests. This Department is divided in the following 2 Divisions: (1) Legislation Designing and Harmonization Division; (2) Division for Supervision of Implementation of Legislation, Legal Support and Inter-Institutional Co-operation in the field of Legislation.

(8) **Finance and General Services Department**: with 28 employees, this Department: (i) manages and maintains information on human resources of the Ministry, assists the management in internal organization, provides administrative, logistics and information of technology services support; (ii) ensures implementation of procedures for the selection and recruitment of qualified personnel, in accordance with applicable legislation; (iii) coordinates preparation, implementation, reporting and evaluation of the budget of the Ministry; (iv) coordinates implementation of the Ministry's financial obligations in due time; (v) maintains IT equipment and provides IT services; (vi) manages the archive system and internal documents of the Ministry; (vii) provides logistical services for the Ministry. This Department is divided in the following 4 Divisions: (1) Human Resources Division; (2) Budget and Finance Division; (3) IT and Logistic Services Division; (4) Public Communication Division.

(9) **Procurement Department**: The general organisation of the MIT with the underlined Department / Division in charge for environmental issues, i.e. for the inclusion of SEAs in the relevant Industrial, Quality Infrastructures and Tourism Plans and Programmes, is shown in the Fig. 4.3.2 of the following page.
Fig. 4.3.2 - Organisation of the Ministry of Trade and Industry (MTI) of Kosovo (© Source G.RAZZA)
Annex A: Relevant Kosovan Legislation

Legislation affecting the Environmental Protection and Permitting

Law No. 03/L-025 “on Environmental Protection”

Law No. 03/L-025

ON ENVIRONMENTAL PROTECTION

Assembly of Republic of Kosovo,
In support of article 65 (1) of the Constitution of the Republic of Kosovo,
Recognizing the need to bring environmental standards in Kosovo into harmony with those of the European Union hereby issues,
Approves:

LAW ON ENVIRONMENTAL PROTECTION

CHAPTER I
GENERAL PROVISIONS

Article 1

1. This law shall harmonize economical development and social welfare with basic principles for environmental protection according to the concept of sustainable development.
2. The purpose of this law is to promote the establishment of healthy environment for population of Kosovo by bringing gradually the standards for environment of European Union.

Article 2

1. This law shall regulate the integral system of environmental protection, risk reduction for life and human health, according to the concept of sustainable development.
2. This law aims:
   2.1. rational use of natural resources and limitation of pollution discharge on environment, prevention of damage, rehabilitation and improvement of defective environment;
   2.2. improvement of environmental conditions in correlation with life quality and protection of human health;
   2.3. saving and maintenance of natural resources, those renewable and un renewable as well as its sustainable management;
   2.4. coordination of national activities for fulfilling of request concerning to environmental protection;
   2.5. regional and international coordination in the field of environment;
   2.6. stimulation and public participation on activities related to environmental protection;
   2.7. to ensure that development on Kosovo is sustainable in order to protect and save the soil, air, water, living sources in Kosovo in favour of the coming generations;
2.8. to promote regional and international measure for saving, protection and improvement of environmental quality; and
2.9. to do appropriateness of laws, sub-legal acts and procedures of Kosovo institutions with European Union legislation

Article 3

The implementation of the provisions of this Law is obliged for all central and local institutions, physical and juridical entities, local and international that doing their activities in the territory of Kosovo.

Article 4

Definitions

Terms used in this Law shall have this meaning:

- “Integrated system for environmental protection” is environmental protection system when public authorities cooperate and coordinate works between them for drafting and implementation of every measure, standard or activity with the aim of environmental protection;
- “Environment” is the natural environment: air, earth, water, climate, flora and fauna, on the integrity of intercommunication and cultural heritage as a part of environment created by man;
- “Environmental pollution” is direct or indirect introduction of polluting matters or energy into the environment, caused either by human activities or natural processes, which have adverse effects on the quality of environment and human health;
- “Environmental damage” is breaking of physical-chemical characteristics and structural of natural ecosystem, decreasing of biological diversity of natural ecosystems, breaking of ecological balance and life quality, caused mainly by water, air, and soil pollution, from human activities or natural fatalities;
- “Environmental degradation” process of violence of environmental quality caused by natural activities and human or consequence on non undertake measures for moving of guilty degradation of quality or environmental damage of natural values or values created with activities;
- “Risk” is a potential of a certain activity, directly or indirectly, that shall cause damage/pollution for the environment and human health and material goods;
- “Environmental Accident” is a sudden and uncontrolled event or series of events, which occur with uncontrolled release (discharge or throwing) of hazardous matters in the process of production, circulation, utilization, transport, processing, storage, disposal or long-term inadequate storage;
- “Environmental consent” shall mean written authorization issued by competent authority pursuant to this law, or normative acts issued pursuant to this law, for the purpose of taking the construction license;
- “Environmental integrated license” shall mean written authorization issued by competent authority in accordance with this law, requested for license receipt for action.
- “Environmental authorization” is official written legal document issued by Ministry, allowing the holder thereof to develop the activity or execution of the project only once, in accordance with the described conditions specified therein.
- “Environmental permit” is written document issued by Ministry based on this law, requested with the purpose of getting work permit;
- “Municipal environmental permit” is written document issued by Municipality, based on this law, concerning activities that have impact on environment;
- “Environmental Impact Assessment” (“EIA”) is an assessment to determine the likely environmental consequences of construction or other development activity;
- “Strategic Environmental Assessment” (“SEA”) shall be the process of assessment of possible impacts of one policy, plan and program on environment;
- “Environmental disturbance” means the environment pollution where polluted mater exceeds norms designated by the law;
- “Emission” is the discharge of polluting matters of energy and noise by individual and diffusive on environment;
- “Environmental information” is any information in written, visual, oral, electronic or any other material on state of the elements of environment, measures, reports, cost-benefit analyses and the state of human health;
- “Waste” is any object or substance which the owner shall dispose, have intentions for dispose or is obliged to dispose;
1. “Hazardous waste” means toxic, corroding, irritant, blasting, flammable, cancer and radioactive waste, that have characteristics of environmental dissolution of the water, soil, and air, with negative consequences for human health and natural ecosystems too;

2. “Hazardous matters” are chemicals or other matters with harmful or hazardous characteristics;

3. “Pollution” shall mean discharge of matters in solid, liquid and gas state, including vibration, radiation, warming, lighting, noise or other forms of energy in environment having potential meaning for damaging of human health, living organisms, ecosystems or even environment in general;

4. “Polluter” is natural of legal person who with his action or non action causes environmental pollution;

5. “Ministry” is Ministry of Environment and Spatial Planning;

6. “Natural resources” shall mean all natural components used by humans for economical aims. Natural resources might be un-renewable (mineral substances) and renewable (biological goods, water, renewable soil);

7. “Natural values” shall mean parts of natural deserve with certain protection because of their sensitivities or scientific, esthetical, cultural, historical, educational and economical interest;

8. “Sustainable use” shall mean using of natural resources, providing the fulfilment of recent needs, without hurting needs of next generations for these resources;

9. “Sustainable development” shall mean the harmonization of economic development and environment protection for fulfilling of recent needs, without strengthening the possibilities for new generations to use these capacities and to fulfil their needs;

10. “Sanitation” is the process of undertaking measures in order to halt pollution and further degradation of environment up to the safe level for future use of the location including also arranging of the area revitalization and re cultivation thereof;

11. “Recycling” shall mean processing of waste on primary process or for another dedication, including also biological recycling, without using of energy;

12. “Fond for environmental protection” shall mean financial instrument for stimulation of protection and improving of environment in Kosovo;

13. “Public” one or more juridical or physical entities, organization and their groups;

14. “Mobile sources’ of pollution” shall mean every engine equipment that moves and cause pollution on environment;

15. “Status of endangered environment” is environmental state where level of pollution is exceeded, designated by measures, researches and assessment of indicators of state in the report to norms allowed due to certain acts;

16. “Economical instruments” are instruments aiming to have effect on the changing of bringing of economical subjects through the accounting of environmental expenditures for using of natural resource;

17. “Environmental quality” is considered concentration of polluted matters in environment.

18. “Polluters’ cadastre” is group of data for the source of pollution, type, quantity, manner and place of unload, flow or placement of harmful matters in environment, plants and equipment for environment protection as well as processes used for environmental protection, which shall be collected for period of calendar year.

Article 5

Responsible bodies for administration of environmental protection

1. Government

   1.1. Government based on proposal from the Minister, after consultation with other interested Ministers, shall adopt sub-legal acts with the purpose:

   1.1.1. to achieve objectives and full implementation of this law;

   1.1.2. to apply principles according to Article 6;

   1.1.3. to adapt the legal requests and procedures related to protection of environment and sustainable development with European Union environmental acquis;

   1.1.4. to do limits, prohibitions and other controls of direct or indirect emissions released by polluters and waste of installation and projects in environment;

   1.1.5. to determine methods, equipments, constructions and structures which should decrease emissions from the asphalt basis, stone crusher plant, digging of stones or other activities of digging stones, petrol points and other similar activities;

   1.1.6. to do limits, prohibitions for emission from machinery and equipments, for utilization or placement in market and for labelling requests;
1.1.7. to do treatment and substance of contaminated soil-land according to technical standards of treatment as well as treatment methods and supervision;
1.1.8. to determine methods, equipments, constructions and structures which should decrease emissions from agriculture, livestock agricultural economy, fur farms, forestry and fish ponds;
1.1.9. to determine payment manner for environmental permit;
1.1.10. to decrease the substances which damage the of ozone layers;
1.1.11. to decrease the substances and activities, which effect on climate change;
1.1.12. to apply criteria and procedures for utilization of instruments for protection of the environment and sustainable development, according to Article 7;

2. Minister:
2.1. shall promote sustainable development in Kosovo and in the region;
2.2. shall approve sub-legal acts, administrative directions, forms, procedures which are in his responsibility, according to this law;
2.3. shall be involved to apply measures and environmental standards to stimulate sustainable utilization of natural sources;
2.4. shall coordinate preparation and implementation of policies and environmental instruments with other Ministries, Municipalities, private entities, professional and scientific organizations, non-governmental organizations and with citizens;
2.5. shall propose to the Government the adoption of price list for issuance of environmental licenses, according to the Article 31;
2.6. shall propose members of the Advisory Board for Protection of Environment in Government, which shall be approved by the Assembly of Republic of Kosovo;
2.7. shall determine criteria and procedure for issuing gratitude;
2.8. shall ensure fair usage of funds granted from international and local organizations according to the Government policies in order to protect the environment. It also prepares application for co-finance of EU for projects of investments in environment and their implementation.

3. Municipalities
3.1. apply fully the principles of article 6;
3.2. cooperate with Ministry for preparation of plan, for protection of environment and sustainable development within their territory according to this law;
3.3. enforce laws and inspect enforcement of the laws related to the protection of environment and sustainable development within their territory;
3.4. prepare and provide information related to the protection of environment and sustainable development for citizens;
3.5. the plan for protection of environment and sustainable development within municipality territory, shall be approved by the respective Municipality Assembly

**Article 6**

**Basic principles for environmental protection**

1. Principle of sustainable development is the development, which fulfills recent and future needs without strengthening or affect possibilities and capacities that also future generations should fulfilled their needs.
2. Principle of integration on environmental protection, public authorities shall cooperate and coordinate activities among their self’s, for development and adoption of every measures, standards or activities aimed for environmental protection.
3. Principal of gradual harmonization with European Union standards Environmental protection shall be based on the gradual introduction of European Union standards with the aim of obliged creation of a healthy environment for man with the principle of using the most appropriate practices, accepted in the scientific community, for improving the Environment.
4. Principle of precaution and prevention, to the extent reasonable practicable, in light of the relative coast and expected environmental benefits an activity shall be planned and implemented in such a way as to prevent or limit adverse effects on the Environment and the potential risks to human health.
5. Principle of prevention shall be implemented trough Environmental Strategic Assessment, Environmental Impact Assessment and implementation of Integrated Prevention Pollution and Control.
6. Lack of general technological knowledge’s may not be the reason for not taking of preventive measures on risk obstruction and environmental degradation, in sees cases of possible action on environment.
7. Principle “polluter pays”, the polluter shall pay charges for environmental pollution if it causes or may cause, by its activities, environmental loading, namely if he produces, utilizes or markets raw material, semi finished or final product containing dangerous materials for the environment.
8. Principle "user pays", any person who utilizes natural values shall pay real cost for their utilization and re-cultivation of the area after his finishing of use activities.
9. Principle of responsible subsidiary, in the cases when responsible for pollution cannot be noticed than the rehabilitation costs and pollution decrease shall be under the responsibility of state institutions.
10. Principal of encourage measures - Government shall promote practices and activities aimed on prevention and reduction of pollution, through encourage measures and simulative too for legal and physical persons, which shall select the best technology and clean production.
11. Principle of Protection of the Right on Court – any physical and legal entity as well as the public, if they are suffering material damage or are under a serious threat of suffering material damage attributable to a particular activity or source of pollutions that is in violation of the present law or a subsidiary normative act issued pursuant to the present law, shall have the right to file a claim or request the competent court or public authority requiring the appropriate enforcement of the present law or such subsidiary normative act.
12. Principle of Public Access to Information: all natural and legal persons have rights to be informed on environmental state and participation on decision making process.
13. Principle of high level of protection;
14. Principle of consistency with European Union law;
15. Principle of prior measures;
16. Principle meaning that environmental damage should be regulated in the source;
17. Principle of expense coverage.

Article 7
Instruments for environmental protection

1. Environmental protection shall be regulated by
   1.1. legal infrastructure;
   1.2. documents for environmental protection;
   1.3. economical instruments;
   1.4. documents for environmental impact assessment;
   1.5. instruments for monitoring of environment;
   1.6. environmental protection management from natural and legal persons.

CHAPTER II
USE AND PROTECTION OF NATURAL RESOURCES

Article 8
Use of natural resources

1. Natural resources management shall be carried out by preservation of their quality and biodiversity, in accordance with the conditions and measures of environmental protection set out in this and in special laws.
2. Natural resources may be given on use in accordance with the conditions determined in this law and other specific laws.

Article 9
Protection of natural resources

1. Protection of natural resources shall be provided by institutions of Kosovo, pursuant to the laws of this field and through:
1.1. implementing of environmental strategy, plans and programs;
1.2. implementing of standards, provisions and regulations and protection and use of natural resources;
1.3. Strategic Environmental assessment (SEA);
1.4. Environmental Impact Assessment (EIA);
1.5. Integrated Prevention Pollution and Control (IPPC);
1.6. keeping of cadastre for using of natural resources;
1.7. monitoring of usage of natural resources;
1.8. reduction of environmental disturbances;
1.9. rehabilitation and retrieval of environmental state on previous state in accordance with the project

2. Right on concession and procedures for use and utilization of natural resources are designated by certain law.

Article 10
Consent for Usage

1. No institution may issue the permit for using of natural resources without environmental consent related to project contains protect measures and rehabilitation of environment.
2. The consent from paragraph 1 of this Article shall be issued by the Ministry.

Article 11
Users Duties

1. The legal and natural person who uses natural resources is obliged to plan and implement preventive measures for environmental protection during the performance of work or activities and after they have been accomplished, to plan and implement measures by which shall prevent the environmental pollution.
2. Any person who degrades the environment is obliged to perform sanitation in accordance with this law and other specific laws.
3. The legal and natural person who uses natural resources is obliged regularly to inform Ministry regarding the performed activities. Such reports are open for public.

Article 12
Protected natural values

1. Protected natural values shall be used and advanced in the manner that enables their permanent preservation and advancement in accordance with the law on nature protection.
2. The activities which threaten environmental capacity, natural balance, biodiversity, hydro graphic, geomorphologic, geological, cultural and landscape values or which in any way degrade the quality and properties of the natural good shall not be allowed within protected natural values.

Article 13
Utilization of space

1. With urban and spatial plans shall be determined the construction areas on certain locations, depends form acceptable capacity of pollution on environment and construction aim within certain locations, in cadre of this locations.
2. On protected areas, shall be allowed fulfilment of activities in accordance with the determined manner with certain provisions in accordance with environmental loading nature.
Article 14
Public green areas

1. Public green areas in the settlements and places covered by spatial and urban plans shall be made and maintain in a way which shall enable preservation and development of natural and man-made values.
2. If a public green area has been destroyed due to a facility construction, they must be made up under conditions and in a way that has been determined by municipality.

Article 15
Protection of environmental contents

Protection and preservation of environmental contents: soil, water, air, forests, biodiversity and landscape shall be made separately and in close cooperation between them, on intercommunion and their integrity, whereas shall be regulated pursue to certain laws.

Article 16
Hazardous matters

1. Administration of hazardous matters, as well as planning, organizing and undertaking preventive and measures of rehabilitation shall be carried out under conditions and in a way that shall ensure reduction from risk of accident and provision of an adequate response to the accident, according by certain laws.
2. Legal or natural person who administers hazardous matters or applying technologies that are harmful towards the environment is obliged to undertake all the necessary protective and security measures by which the risk towards the environment and human health shall be reduced.
3. Legal or natural person who administers hazardous matters applying technology which is harmful towards the environment is obliged regularly inform Ministry for performed activities. Such reports are open for public.

Article 17
Waste management

Management of waste, shall be made according to the conditions and measures designated by specific laws.

Article 18
Protection against noise and vibration

The user of facilities that produce noise and vibration source may place on the market and may use facilities according to conditions foreseen for application of protected measures for reduction of noise and vibration, respectively using of plants, devices, machines, transport means and facilities that produce noise until the level foreseen with specific law.

Article 19
Protection from radiation

Protection from radiation shall be carried out through the application of measures system by which shall be prevented the risk to environment and human health from the effects of radiation generated in ionizing and non-ionizing sources and avoiding of consequences of emissions that emitted by radiation sources or may be emitted in accordance with specific law.
CHAPTER III
DOCUMENTS FOR ENVIRONMENTAL PROTECTION

Article 20
Environmental Protection Strategy

1. Strategy for environmental protection and sustainable development (hereinafter Strategy), shall be adopted by Kosovo Assembly on proposal from Government.
2. The strategy includes objectives and aims of environmental protection in Kosovo, for a period time of ten (10) years with possibility of review every two (2) years.
3. The Strategy shall contain:
   3.1. describing of environmental state;
   3.2. policies for natural resource utilization;
   3.3. strategic priorities for natural resource utilization, including here the time and surface location, quality and quantity;
   3.4. rational utilization of natural resources, un-renewable and their replacement with renewable;
   3.5. proposal of elementary conditions for ensure of environmental protection and its improvement;
   3.6. long-term and short-term measures for prevention, reduction and control of environmental protection;
   3.7. conditions on implementing of better production, technical-technological and economical measures, and other measures regarding to environmental protection management and sustainable development
4. The Strategy shall be prepared by Ministry in cooperation with other Ministries, Kosovo scientific institutions, with public and concerned parties.
5. Strategy before goes to government, it shall be made accessible to the public through the public media for at least forty-five days in order to permit public expression of thoughts, comments suggestions and opinions that will be taken into a consideration in the time of draft final Strategy prepare.
6. The Ministry shall report to the Government and Assembly for realization of the Strategy for environment protection once a year.

Article 21
Kosovo Environmental Action Plan

1. Kosovo Environmental Action Plan shall be issued by the Government for a period of five (5) years with proposal of the Ministry and shall be approved by the Assembly.
2. Kosovo Environmental Action Plan shall be issued for a period of eighteen (18) months after approval of the Strategy.
3. Kosovo environmental action plan contain: state, measures, impact assessment on health population in case of environmental risk, holders, ways, and dynamic and matters for their realization.

Article 22

1. Kosovo Environmental Action Plan shall be issued for:
   1.1. protection of soil;
   1.2. protection of the water;
   1.3. protection of air and climate changes;
   1.4. protection of forests;
   1.5. protection of ecosystem, biodiversity, landscape and nature protection;
   1.6. waste management;
   1.7. chemicals management;
   1.8. protection from ionizing and non ionizing radiation;
   1.9. protection from ecological accidents;
   1.10. protection from noise;
   1.11. energy efficiency;
   1.12. development of information system;
   1.13. development and application of economical instruments, etc.

**Article 23**

**Sanitarian plans**

1. The plan of rehabilitation shall be issued, in case when the level of pollution in particular location exceeds the effects of taken measures, respectively when the capacity of environment is risked, or in case of long term risk of environment quality or its damage.
2. Rehabilitation plans, on the proposal of Ministry shall be issued by the Government when:
   2.1. it is necessary to undertake quick intervene measures for extraordinary events;
   2.2. environmental pollution risks the area that has particularly importance for Kosovo, or causes harmful consequences;
   2.3. the responsible subject is out of Kosovo judicature;
   2.4. the responsible subject is unknown.
3. In case when the allowed norms of emission, environmental quality and other degrading activities are exceeded as far as pollution of environment is concerned, the polluter is obliged to perform rehabilitation plan with his own expenses.

**Article 24**

**Local Environmental Action Plan and Programs**

1. Municipalities shall approve action plans and programs for environment, in accordance with Kosovo Environmental Action plan and their specific interests.
2. The public, NGO, professional organizations and business community shall participate in the compilation of local environmental plans and programs.
3. Municipalities are mandated to report to the Ministry on implementing of their municipality plans for environment.
4. Two or more municipalities may compile joint action programs/plans, for environmental protection, on reducing of negative effects in environment.

**Article 25**

**Environmental state report**

1. Government of Kosovo on proposal of Ministry shall provide once a year report to Kosovo Assembly regarding to environmental state.
2. Report shall contain data on:
   2.1. environmental state and change on environment, comparing to previous report;
   2.2. environmental influence on the health of public;
   2.3. environmental damage state;
   2.4. implementing of Strategy, Plan of action and rehabilitation plan for environment;
   2.5. undertake measures for natural protection, benefits from undertake measures and their effect on economical development;
   2.6. way of management of natural resources and environmental protection;
   2.7. analyzes for institute function, authorities and other subjects of environmental protection;
   2.8. financing of the system for environmental protection;
3. The report shall be published and made available to the public.
CHAPTER IV
MEASURES AND CONDITIONS FOR ENVIRONMENTAL PROTECTION

Article 26
Planning and Construction

1. Regularization of the space, using of natural resources established by spatial and urban plans and other plans is based on obligation on:
   1.1. respecting of capacities of environmental pollution;
   1.2. preserve and enhance natural resources at greatest possible extent so to be renewable, and if they are not renewable, to use them rationally;
   1.3. ensure protection and smooth realization of functions of protected natural values with their protected environment and to preserve wild plant and animal species habitats and communities at greatest possible extent;
   1.4. ensure preservation of built-up areas
   1.5. ensure conditions for human relaxation and recreation;
   1.6. establish measures of environmental protection;
   1.7. presentation of existing state based on elements from sub-paragraphs 1.1, till 1.5. of this article and planned status with measures needed for the fulfilment of those plans.

2. The Ministry or municipalities shall participate in the procedure of preparation of planning approval from paragraph 1. of this Article in such a way established by law.

Article 27
Spatial planning

1. With spatial and urban plans shall be ensured measures and conditions of environmental protection and in particular:
   1.1. special criteria for preservation and use of the areas of protected natural values cultural heritages, water springs, thermal and mineral springs, forests, agricultural land, public green areas, recreation areas;
   1.2. environmental threatened areas, polluted areas, areas endangered with erosion and flooding, areas for exploitation of natural resources etc. and measures for these areas rehabilitation;
   1.3. measures and conditions of environmental protecting, under which shall be used the determined space for exploitation of natural resources respectively, where shall be constructed industrial and energetic plants, facilities for waste treatment and disposal, infrastructure and other facilities whose construction or utilization may threaten environment.

2. The conditions for measures from paragraph 1 of this article shall be issued by the Ministry, respectively the municipality with the request of responsible institutions for preparation and adoption of plans and based on the thoughts of competent professional organizations.

Article 28
Strategic Environmental Assessment

1. Government and Kosovo Municipalities should achieve a high environmental protection level and should harmonize the environmental issues in preparation and approval of the plans and programs providing that the strategic environmental assessment is performed for plans and programs which may have marked impact in environment.

2. Strategic environmental assessment must be harmonized with other environmental impact assessments, as well as with the plans and programs for the protection of environment and shall be made in keeping with the procedure set out in a special law.
Article 29
Environmental Impact Assessment

1. The environmental impact assessment of the project shall be done for the projects planned and realized in the place, including changes in technology, reconstruction, and extension of facilities or interruption of operations, which may result in major environmental pollution or which constitute the risk to human health.

2. Environmental impact assessment shall cover the projects in industry, mining, energy, traffic, tourism, agriculture, forestry, water management and communal activities, and all the projects planned on the protected natural goods and in the protected environment values and on surrounding of cultural protected values.

3. Environmental impact assessment shall be an integral part of the technical documents; without it no project execution may start and it shall be realized in accordance with the procedure stipulated by special law.

Article 30
Integrated Pollution Prevention and Control

1. The running of plants and activities that may have negative impact on human health and environment shall require an integrated license which shall secure the prevention and control on the environmental pollution.

2. Types of activities and facilities conditions and procedures of integrated license issue, supervision and other important issues in integrated pollute prevention control shall be regulated by certain law.

Article 31
Environmental Permit

1. 'Constructed facilities, installations and machinery that have been subject to Environmental Impact Assessment cannot commence operations without an Environmental Permit from the Ministry.

2. An Environmental Permit for operation shall be issued for a five-year period and during the application procedure and probation period for the technical approval, but not later than six month after starting of operations.

3. The Ministry, by legal act, shall prescribe the activities that are subject to an Environmental Permit, the application form, the content of Environmental Permit, continuing of effectively and the registry of approved permits.

Article 32
Municipal environmental permit

1. For all activities and project not included on the articles 29, 30, 31 and 33 of this law which could cause environmental devastation, shall be issue to the municipality environmental license that is constituent part of technical documentations.

2. Application for receiving of municipality environmental license will be done during the preparing process of the construction license. The application shall contain shortly report of impacts of activities and projects in environment in accordance with methodology of environmental impact assessment.

3. Municipal environmental license shall be issued by Municipality.

Article 33
Environmental authorization

1. For all activities and projects not included on articles 29, 30 and 31 of this law, no one shall be entitled to carry out or undertake an activity that may cause environmental disturbances unless that activity has received an environmental authorization from the Ministry.

2. The Ministry with subsidiary legal act shall determine the list of activities that require environmental authorization, the application form, the application procedure and the content of environmental authorization.
Article 34
Rehabilitation measures

1. When it can be concluded or proved that a person, enterprise or public authority caused environmental disturbance by purpose or by negligence results with environmental devastations, is obliged to restore the damaging part on the conditions not possessing risk to environment and human health or rehabilitation common capacity, of damaged part.
2. If the legal or physical person, or public authority is engaged in on-going activities that were the cause of an excessive or critical environmental strain or ecological accident shall be required to introduce reasonable measures to ensure that such activities are conducted in the future in a manner that:
   2.1. Reduces emissions and environmental qualities to levels within permissible limits;
   2.2. Minimizes, in accordance with the law, the threat of an Ecological Accident.
3. A legal or natural person or public authority that is required to undertake measures under paragraph 1 or paragraph 2 of this article shall be required to develop and provide to the Ministry a plan outlining the measures that intends to take.
4. Ministry within thirty (30) days shall respond to the party.
5. If the ministry estimates that the foreseen measures from paragraph 1 and 2 of this article, in the tram of thirty (30) days shall required from the legal or physical person, or public authority modifications of the plan.
6. If the legal or physical person or public authority may notice that the modifications proposed by the Ministry are unreasonable or require measures that are more costly or otherwise in excess of what is needed to meet the requirements of paragraph 1 or paragraph 2, the concerned person, enterprise or public authority shall have the right to complain.
7. If the identity of a party responsible for Environmental Damage cannot be known, or in cases where a person or undertaking lacks sufficient financial means to rehabilitate the Environmental Damage, the Government shall be responsible if the Environmental Damage presents a clear and on-going danger to human health – to adopt and implement a reasonable cost-effective rehabilitation program.
8. In the case of identity part is discovered, to the Government shall be compensate for the expended amount on rehabilitation of the damage.
9. In cases when the program of rehabilitation includes also responsibilities of other minis-tries they also have right within thirty (30) days for giving of their approvals or proposals on written forms.
10. For the plan showed by the Ministry in term of fifteen (15) days to the public, shall have possibilities on approach and comments that shall be in considered.
11. Approved plan must be open for public.

CERTAIN MEASURE REGARDING THE ENVIRONMENTAL PROTECTION

Article 35
Intervention plans for cases involving environmental accidents

1. The Government shall issue intervention plans and inform the Assembly for cases in which Environmental Accidents, extraordinary risks to the Environment or risks to human health and life may occur.
2. Plan of intervene from the paragraph 1. of this article contains risk diversity, procedures and measures for decreasing and elimination of direct consequences for environment, human health and life, subjects for applying of certain measures, responsibilities and competencies related to implementing and way of coordination of measures for intervention applied pursue to the law.
3. Intervene plans shall be prepared for equipment, mountings, producers of products that with their actions may cause environmental pollution.
4. Municipality is obliged on compiling of intervene plans for its territory.
5. Minister with special act shall determines contain of plans, procedures and measures of implementing, subjects of certain implementing measures, types of equipments, mountings, and types of product processes pursue to paragraph 3.
CONDITIONS FOR ENVIRONMENTAL PROTECTION

Article 36
Norms of emission and environmental quality

The Government with special acts shall determine the norms of emission and environmental quality, respectively limited values of emission and environmental quality of polluted matter and energy including also emissions from unmovable and movable resources on the air, soil and water.

Article 37
Limits due to the norm application

1. In order to set up the gradual standards for emission and environmental quality, which are stated in article 35. of this law and preservation of natural values, the Government due to term may terminate the work of the existing factory and other activities in the particular area.
2. The time that Government decides for limitation is stated in paragraph 1 of this article, will be determined according to limits and determined values, as well as from the EU standards.
3. Government may for a while to suspend, partly or in general implementation of certain standards, confirming that this is in the interest of public for some polluters, which activities are in general interest.
4. Term which the Government shall suspend the implementation of standards from paragraph 1 of this article shall be determined with agreement.

Article 38
Public Alerts

1. The Ministry shall inform the public for introducing special measures in case of immediate threat or excess of prescribed threshold values of pollution.
2. The Minister shall prescribe the criteria for approval of the act referred to in paragraph 1 of this Article.
3. Municipality in cooperation with Ministry stipulates the act introducing special measures in the case from paragraph 1 of this Article if the pollution has been limited in its territory.

Article 39
Mandatory on notification and cooperation

1. Each person who is informed for environmental damage or ecological accident should announce environmental Protection Inspectorate or other responsible authority.
2. Police and other public authorities during their activities receive information on ecological accident or another environmental disorder, shall immediately notify Environmental Protection Inspectorate or another responsible authority.

Article 40
Notification of trans-boundary neighbour countries

1. When an intended project could directly influence the Environment outside Kosovo, the Ministry after consultation with Government, shall inform and the respective countries and provide them documentation of the intended project, EIA report in accordance with international conventions.
2. Trans-boundary Countries that could be affected from the project may submit their opinions and comments, include public hearing. In case of taking decision opinion should be considered.
3. In case of ecological accidents that may affect directly on environment out of Kosovo territory, Ministry after consultation with Government shall inform the countries affected by environmental accident.
Assessment of the Institutional Administrative Units

Article 41
Status of Endangered Environment

1. The status of endangered environment and the regime for rehabilitation and remediation in an area of importance for Kosovo shall be determined by the Government, after receiving opinion from certain institutions, and for the area of local relevance responsible is local self-governance unit.
2. The Government with normative act, designates criteria’s for determination of environmental liable status as well as determination of priorities for rehabilitation and improvement.

Article 42
Certificated systems for environmental management

1. Kosovo stimulates and support entities that implement certificated systems of management with environment ISO 9000, ISO 14001 and EMAS.
2. Legal and natural entities, that implements certificated managements of management with environment, compose procedure facility on the EIA and environmental consent.

Article 43
Admonition on declaration Environmental labelling

1. Products for mass consumption can be granted with the environmental label, if the product, distribution, consumption and final deposit of the product have less impact in the environment than similar products which respond to the rules in force.
2. Conditions and procedures for adoption and utilization of label shall be defined by special act, by the Ministry.

Article 44
Gratitude and Awards

1. Awards and gratitude for achievements in the field of Environmental Protection may be made for the following:
   1.1. prevention of environmental pollution;
   1.2. the best solution of production process in relation to environmental protection and using of energy - new technology;
   1.3. developed and research projects, on environmental protection;
   1.4. contribution on developing programs of education for environmental protection;
   1.5. contribution by individuals for improvement on environmental protection or for international cooperation on environment protection;
   1.6. contribution of professional societies, NGO and others, on developing and improvement of environmental protection.
2. The procedure, manner and conditions for the award of gratitude shall be prescribed by the Minister in a legal act.

MEASURES OF PROTECTION FROM HAZARDOUS MATTERS

Article 45
Production and placement on the market of substances damaging ozone layer

1. Production, import, export, transits and circulation of matters that harm ozone layer on the territory of Kosovo, shall be regulated from Minister with special act.
2. Import and export of substances harmful to ozone layer shall be prohibited, namely the products which contain such substances, as determined in the ratified international treaty from countries, namely to countries that are not the signatories of such an agreement.
Article 46
Import, Export and Transit of Waste and hazardous wastes, controlled goods, radioactive matters, radioactive waste and hazardous waste

Import, export and transit of hazardous chemicals, controlled goods, radioactive and hazardous matters and hazardous wastes shall be regulated by special law.

Article 47
Obligation of persons during the operations with hazardous chemicals

1. Handling of hazardous chemicals in the production, use, transport, trade, processing, storage and disposal shall proceed in such a way as to avoid threat to life and health of people, pollution of the environment, provide for and take protection measures and other measures determined by law.
2. Legal or natural entity producing, transporting, placing on the market, use, processing, storing or disposing hazardous material shall be obliged to:
   2.1. make the plan for accident prevention and update or review the same every two (2) years, at least, in compliance with the changes in the operations of the plant, applying technology or operations, including the check up readiness for its implementation;
   2.2. implement preventive and other measures management of risk from accident from the plan of accident prevention;
   2.3. make the report on safety state, which shall be available to public and, at least once in five (5) years, just like in case of changes in operation and activities of a plant, to review the report on safety state.
3. The entity from paragraph 2 of this Article shall keep the records about types and quantities of hazardous chemicals.
4. In case of malfunction in installations or devices for environmental protection due to which the exceed of emission limit values occurs, the entity from paragraph 2 of this Article is obliged to inform immediately about that, without any delay, the Ministry, Municipality and public.

Article 48
Proclamation of the State of Endangered Environment

1. In the case of ecological accidents, depending on its scope, within or outside the equipment and estimated consequences, which may cause direct or deferred threat towards human health and environment, the state of endangerment of environment shall be proclaimed, and the public shall be informed of the measures taken.
2. For the ecological accidents with across boundary effects, the Government shall proclaim the state of the endangered environment and activities that should be undertaken.

Article 49
Sanitation Measures and Subsidiary Responsibility

1. To prevent further spread of pollution caused by an ecological accident, legal and private entity shall immediately take rehabilitation measures planned for protection at its own cost.
2. In the cases when the responsible for pollution by environmental accident may not be verified than the responsibility for rehabilitation will take central or local institution and undertake measures of rehabilitation according to protection plan with its expenditures.
3. If the polluter who is responsible for the ecological accident has been determined, the authority that paid the cost of elimination of the consequences of environmental pollution shall claim the reimbursement from identified polluter.
CHAPTER V
MONITORING AND INFORMATION ON ENVIRONMENT

Article 50
Environmental monitoring

1. The Ministry, within its respective competencies under the law, shall provide for continual control and monitoring of the state of the environment in compliance with this and special laws and monitoring program.
2. Legal or natural entities that with their actions or activities may pollute environment within their responsibilities designated by the law shall, ensure continuously control and monitoring of environmental state in accordance by the law and special acts and monitoring programme.
3. Municipalities within their responsibilities designated by the law may ensure continual control, following of environmental state in accordance with this law, certain laws and monitoring programmes.
4. Monitoring of environment is performed through systematic measurements, investigation and evaluation of state indicators, and measurements of Environment Pollution, which includes the measurement of natural factors, respectively changes of the state and characteristics of Environment, including here trans-boundary monitoring such as; air, water, soil, forests, biodiversity, flora and fauna, climatic elements, ozone layer, ionizing non ionizing radiation, noise, waste, early warning of the accidents, and evaluation of the scale of Environment Pollution, as well as obligation and responsibilities, which are taken from international agreements.
5. Gathered data from environmental state monitoring compose public information and shall be included on Environmental System of Environmental Protection.
6. With the Ministry proposal, Government determines the criteria for determination of the number and extension of measured places (sites), network of measured places, volume and speed of measurements, selection of occurrences which are conducted, methodology of work and indicators of Environment Pollution and their monitoring, terms and the way of data submission.
7. Environmental monitoring of Kosovo, according to paragraph (1) of this article shall be made by Ministry, legal or natural entities with their activities or their actions may pollute the environment and entities authorized by the polluter and Ministry.
8. Every concerned party shall have right on every time approach to the registers or evidences of Ministry contain information’s and recordings in accordance with the law.
9. Legal and natural persons that with their activities and actions may pollute environment shall ensure financial means for environmental monitoring.

Article 51
Emission Monitoring, Environmental quality and Data Registering

1. Any person, legal or natural that is engaged in an ongoing activity that has been determined for pollution resources, is obliged that in accordance with the law, to ensure:
   1.1. monitoring of emission and environmental quality on environment;
   1.2. to carry on expenditures of emission and environmental quality parameters on impact area;
   1.3. maintain records on environmental pollution that contains records on energy and used matters;
   1.4. and other activities that have impact on environment, maintenance, types and level of pollution, hazardous substances or hazardous wastes.
2. The records from paragraph 1. of this article, responsible authorities are obliged to submit to the Ministry.
3. The Government with legal acts, shall determine the type of emission, parameters for environmental quality and other occurrence that are subject on pollution monitoring, measure of methodology, taking of samples, manner of evidence, term of delivering and saving of records.

Article 52
System of Environmental Information

1. For more efficient identification, classification, processing, monitoring and record keeping of natural values and environmental management in Kosovo an information system for environmental protection shall be established by Ministry System of Environmental Information (hereinafter SEI).
2. SEI shall carry out gathering, classification, maintenance, presentation and distribution for numerical, descriptive and spatial databases on:
   2.1. quality of the environmental media;
   2.2. conduction of environmental state;
   2.3. legal, administrative and organizational and strategic measures,
   2.4. scientific-technological information about planning measures of pollution prevention;
   2.5. exchange of information with other information systems etc.
3. The SEI shall provide access for other information systems and harmonization of all relevant information and data at national and international level.
4. The Ministry with sub-legal act shall prescribe the contents and the manner of maintenance of SEI, methodology, structure, common bases, categories and levels of data compilation, as well as the contents of information regulatory and obligatory released to public.

Article 53
Cadastre of polluters

1. For quality and quantity change on environment and undertaking of measures for environmental pollution shall be kept cadastre of pollution for discharge on environment, discharge and transferring of polluters on environment, used water, energy and natural resources, in accordance with the law.
2. Data’s by the polluters cadastre shall be shown on the form provides identification of quantity discharge of emissions and environmental quality on environment, for every installing and polluter, allocation, and their place on the air, water and soil.
3. Cadastre of pollution shall be compiled in accordance to the regular report from physical and juridical entities, from certain authorities for gathering and producing of environmental records.
4. Cadastres of polluters shall be managed by the Ministry and is open for public.
5. Polluter is obliged that in its expenditures to submit to the Ministry foresees data on the way and term designated by the law.
6. Way, content, terms and the way of fulfilment, body that shall administrate and the rules of use shall designate Minister by special act

CHAPTER VI
INFORMATION AND PUBLIC PARTICIPATION

Article 54
Access to Information

1. Ministry, Central Institutions, municipalities, authorized organizations and others shall be obliged to regularly, timely and objectively inform the public on the environmental status, namely phenomena monitored in keeping with the monitoring of environmental quality and emission and warning measures or development of the pollution which may pose threat to human life and health, in compliance with law.
2. The public is entitled to access of statutory registers or records containing the information and data in compliance with law.

Article 55
Giving of information according to the request

1. Respective institution provides to the applicant information concerning environmental protection, upon the request, within thirty (30) days from the date of submitting the request.
2. If the information from paragraph 1 of this Article is voluminous or if their preparation would take a longer period of time, the deadline shall be prolong on sixty (60) days of the date of submission.
3. The cost of the offered information from paragraph 1 of this Article shall be borne by the applicant.
4. The Minister with supplemental normative act shall prescribe the amount of costs and rules of public information made from paragraph 3 of this Article, depending on the scope and character of the data
Article 56
Refusing of the request for providing of information

1. Request on information provides dealing with environmental pollution may be refused if Publishing of this information may affect on:
   1.1. confidentiality of the state authorities when stipulated by law;
   1.2. international relations, national defence and public security;
   1.3. work of Judiciary Bodies;
   1.4. confidentiality of commercial and industrial data when these data are foreseen by law, except for information on emissions endangering the environment;
   1.5. intellectually property rights;
   1.6. confidentiality of personal data or files when they are foreseen to be protected by law;
   1.7. interests of the third parties in possession of information and not having the obligation to submit it, respectively they have not agreed to publish it.

Article 57
Participation of Public in Decision-making process

1. Make decision authorities ensure the participation and active role of public during the take decision process on:
   1.1. Strategic impact assessment;
   1.2. Environmental Impact assessment;
   1.3. Process of water license issuing and integrated license;
   1.4. Issuing legislation, etc.
2. The public shall be informed by public medias of the procedure for decision-making and shall take part in the process by submitting opinion, comments and suggestions to the competent authority and shall be timely informed about the decision in accordance to the law.

Article 58
Limitation of Participation of Public in Decision-making process

The Government may, in order to protect the interests of national security and defence, limit participation of public in decision-making from Article 57 of this Law.

CHAPTER VII
ORGANIZATIONS ON ENVIRONMENTAL MONITORING

Article 59
Kosovo Environmental Protection Agency

1. With the aim of monitoring the environmental qualities and attributes, the Ministry shall establish Kosovo Environmental Protection Agency (hereinafter KEPA).
2. Organizational structure and other responsibilities of KEPA shall be defined with sub-legal act.

Article 60
KEPA Duties

1. Duties of KEPA are:
   1.1. To provide proper information for administration, Government and Kosovo Assembly for the implementation of environmental protection policies;
1.2. To develop and coordinate unique system of information on environmental protection regarding to system for conduction of environmental state in Kosovo as well as collecting the records for environment;

1.3. To emplace and keep of referent centres with data base regarding to environmental monitoring (socioeconomic records, pressures on environment, state and quality of environment);

1.4. To develop procedures for elaboration of data gathered for environment and their evaluation (modelling, presentation and visualization);

1.5. To accomplish professional tasks – consulting during the designation of content, methodology and manner of conducting of environmental state;

1.6. To progress and compare the quality data for environment;

1.7. To compile reports for certain issues for environmental protection, such as region with increased radioactivity, environmental quality, health and similar;

1.8. To compile report for certain fields as region with additional radioactivity, environmental quality, health and similar;

1.9. To give advices for determination, keeping and following-up projects and programmes for environmental protection;

1.10. To support administrative bodies on developing of new forms of policy for environmental protection and monitoring the implementation of environmental protection plans and programmes;

1.11. To cooperate with European Environmental Agency – EEA, that is on composition of European Environment Information and Observation network – EIONET;

1.12. To cooperate with institutions and other international organizations of European Union for environmental protection;

1.13. To ensure approach on all information for environment in Kosovo according to the standards of EEA;

1.14. To utilise and interstate exchange of the environmental data shall be regulated by special law.

2. KEPA shall fulfil also other tasks designated by establishing act used for realization of activity of KEPA defined in paragraph 1 of this article.

**Article 61**

**Other authorized organizations**

1. Other research, scientific and publicly authorized organizations may do the conduction of environmental state, if they meet the professional skills, equipment, space, accreditation, in conformity with certain standards and parameters.

2. The ministry is competent for issuing authorizations to such organizations. Such authorization shall be issued after obtaining the consent from other respective Ministries within which shall act scientific, research and public organizations.

3. The Ministry shall issue sub-legal act for conditions and other criteria in order to issue the authorization to organizations from paragraph 1 of this article.

**Article 62**

**Environmental Protection Advisory Board**

1. The Assembly of Kosovo shall establish an Environmental Protection Advisory Board (hereinafter the Board) to advise the Assembly and Government on Environmental matters.

2. The Board shall consist of seven (7) members appointed by the Assembly. The members shall be comprised of distinguished Environmental Protection experts and scientists. Members of the Board shall not be employed within the Ministry.

3. The Board shall be independent from any other authority.

4. The Board shall give opinions and suggestions to the Assembly and Government and inform public on the following matters:
   4.1. The state of environment and trends in the field of Environmental Protection;
   4.2. The strategy and policy on Environmental Protection and its coordination with international trends;
   4.3. The harmonization of economic development and Environmental Protection;
   4.4. Laws regulating Environmental Protection;
   4.5. The activities of the responsible ministries and the municipalities in the field of Environmental Protection;
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4.6. Public initiatives and
4.7. Other functions prescribed by the law.

Article 63
Self-monitoring from polluters

1. Natural and legal entities, respectively the operators that present the source of emission and pollution of the environment, in compliance with law, via competent authority, organization or authorized organization, are obliged to:
   1.1. perform the emission and environmental quality monitoring;
   1.2. monitor other impacts of their activity towards the environment;
2. The polluter with self equipment performs monitoring of emission and environmental quality and follows up the impact of its activities in environment.

Article 64
Data Submission

Other Ministries, organizations, municipalities, and authorized organizations and polluters are obliged to submit the data on monitoring from articles 50 and 63 of this law to the Ministry in a way prescribed by regulations.

CHAPTER VIII
LIABILITIES AND RESPONSIBILITIES FOR ENVIRONMENTAL POLLUTION

Article 65
Liabilities of legal and physical Entities

1. Natural and legal entities shall be obliged to ensure environmental protection while performing their activity, through:
   1.1. Implementation of provisions on environmental protection;
   1.2. Rational use of natural resources and energy;
   1.3. Applying of efficient technologies;
   1.4. Use of renewable natural resources;
   1.5. Using products, processes, technologies and practice less harmful to the environment;
   1.6. Undertaking preventive measures or eliminating the consequences of threat and damage to the environment;
   1.7. Keeping records in a prescribed way by the law;
   1.8. Controlling the activities and operation of plants that may represent risk or that may cause danger towards human health and environment;
   1.9. Use of methods for analyzing of life cycle products;
   1.10. Other measures in compliance with law.
2. Natural and legal entities shall implement measures of environmental protection from paragraph 1 of this Article on their own or via authorized organization.

Article 66
Responsibility for Environmental Pollution

1. Polluter causing environmental pollution shall be responsible for the damage causing and shall be responsible for evaluation and elimination of the damage.
2. Legal and natural entity that through their illegal or inadequate acting has enabled or allowed environmental pollution shall also be responsible.
Article 67
Exclusion from responsibility

1. Responsibility for the caused damage may be excluded if the polluter evidences that adequate measures have been applied for the prevention and damage decrease, in case of:
   1.1. When the damage is caused by third person;
   1.2. When the damage is caused by major force;
   1.3. When the damage is caused as consequence of armed conflict.

Article 68
Polluters’ Obligation

1. Polluter causing environmental pollution by its acting or non-acting shall be obliged, to undertake foreseen measures based on the plan of prevention from the ecological accidents sanitation plan and rehabilitation plan.
2. If the occurred damage cannot be eased (rehabilitated) through adequate measures, then the entity that caused the damage is responsible for compensation in the amount of the damaged values.

Article 69
Responsibility for damage

1. Polluter is responsible for the damage caused in environment and space and he will be responsible for all the expenditures for damage assessment and its avoidance, especially:
   1.1. expenditures of urgent intervene undertakes in the moment of damage caused, responsible for limitation and prevention of harm effects for environment and human health;
   1.2. for expenditures of rehabilitation, creation of new state or retrieval on previous state of environment, as well as monitoring of rehabilitation effects and damages caused on environment;
   1.3. of legal and natural entities, threatened in direct way through environmental damage.
2. Pollutant is obliged to submit financial guarantee or any their type of guarantee, ensuring the reimbursement of expenditures mentioned in the first paragraph of this article, during and after finishing of activities.
3. Government, with supplementary normative act shall determine type of guarantee mentioned in paragraph 2 of this article as well as the cost of the means, duration, submitted by polluter.

Article 70
Insurance obligations

Any legal or natural person, with its activity show the huge level of risk for human health and environment, shall be ensured from responsibilities in case of damages caused to the third party.

Article 71
Reimbursement of Damage

1. Every person affected by damage shall have right to reimbursement.
2. The request for reimbursement may be submitted directly to the polluter or insurer, namely to the financial guarantee of the polluter where the accident happened, if such insurer, namely financial guarantee exists.
3. If several polluters are responsible for the environmental damage, and if it is not possible to determine share of certain polluters, the costs shall be borne jointly and individually.
4. The procedure for initiation of the compensation of the damage shall be out-of-date in three years period since the damaged party found out about the damage and damage maker. However, this claim shall be out-of-date in thirty (30) years after the occurrence of the damage.
Article 72

For the responsibilities regarding to damage to the environment, which hasn’t been particularly regulated by this law, general rules of the law on obligations shall be applied.

CHAPTER IX
FINANCING OF ENVIRONMENTAL PROTECTION

Article 73

1. Government or municipalities within their competencies shall provide for funds and realization of the environmental protection objectives.
2. Government with special act shall designate rules, criteria and procedures for implementation of economical instruments.

Article 74
Compensation for Use of Natural Resources

1. The user of the natural resources shall pay a charge for the utilization of natural resources and shall be responsible for the cost of sanitation, rehabilitation and re-cultivation of degraded area, in compliance with special law.
2. Financial means realised from paragraph 1 of this article, shall be sent to particular Found for Environmental Protection, that will be used on the way designated with special acts.

Article 75
Environmental Pollution Compensation

1. The polluter is obliged to pay a charge for environmental pollution.
2. The criteria for determination of the charge from paragraph 1 of this article shall be:
   2.1. Type, quantity or characteristics of the emission from certain sources;
   2.2. Type, quantity or characteristics of the emissions of produced or disposed waste;
   2.3. Contents of matters, which are harmful to the environment within the raw material, semi product and final product.
3. The Government with supplement normative act shall determine the type of pollution, the criteria for compensation calculation and obligors to pay, the amount and method of calculation, assessment and collection of charges.
4. The funds realized from paragraph 1 of this Article shall be used for policy apply of protection and improvement according to the programme, respectively pursue to:
   4.1. Strategy for environmental protection;
   4.2. Environmental action plans;
   4.3. Sanitation plans;
   4.4. Rehabilitation plans; and
   4.5. Plans for re cultivation of degradation areas in accordance to the law.

Article 76
Compensations determined by municipality

1. Exceptionally, municipality with the status of endangered environment may impose a charge for the protection and enhancement of environment for every legal and private entity that with own action pollute or may pollute environment.
2. Government with decision shall approve or refuse municipality request for designation of compensation from paragraph 1 of this article way of payment, as well as facilitation for each person legal and private, that with its activity pollute or may pollute environment.
Article 77
Found for Environmental Protection

1. In order to provide financial means to enhance and advance environment protection in Kosovo, the Fund for Environmental Protection shall be established.
2. Ministry with special law shall regulate competencies, administration, financial resources and means used from Environmental protection Found.

Article 78
Financial means utilization

Means dedicated from budget and international financial institutions for environmental protection shall be used through Environmental Protection Found.

Article 79
Economical stimulation means

1. For the private and legal entities applying clean technologies, produce and place on the market the products and goods environmentally friendlier than others, namely use renewable energy sources (water, sun, wind biogas, etc.) plants and equipment directly protecting the environment, may have taxation, customs and other relief or exemption provided under the terms and conditions of special law.
2. For the consumers who return used and non used devices and parts thereof, products or their wrappings in an organized manner, the producers who provide for their recycling or elimination, namely reduction of negative impact of their activity on the environment in another organized manner, may get special incentives such as subsidies, deposit and refunds.
3. Conditions and the way of stimulation from paragraph 1 and 2 of this article on the proposal of ministry shall approve the Government by special act.

CHAPTER X
SUPERVISION

Article 80
Administrative supervision

Administrative supervision for implementing of provisions of this law and sub-legal acts issued from this law shall be done by Minister.

Article 81
Inspective supervision

1. Inspective supervision on implementing of this law and other acts issued from this law, conditions and methods of activities of supervised entities and environmental protection measures designated by this law shall be made by environmental Protection Inspectorate.
2. Inspective supervision for Municipality Environmental License shall be made by municipality environmental inspector.
3. Ministry with certain authorisation may authorise the municipality inspector for fulfilling of other duties.
4. Inspection activities may fulfil also other officer for environmental protection authorized by Ministry, respectively municipality.
Article 82

1. During the inspection and activities of persons, inspector from the responsible person may request:
   1.1. fulfilling of inspective supervision in all work places, equipments and devices and in open areas of supervision entities
   1.2. offering of all records and necessary documentation for inspective supervision;
   1.3. informing for undertake measures related to elimination of conclusion lacks.

2. Legal and natural entities, actions and activities to whom shall be subject of supervision, are obliged to enable implementing of inspective supervision for the inspector, offering of documents, data and all the necessary records.

Article 83

1. During the implementing of inspective supervision inspector of environmental protection shall fulfil inspective supervision especially for:
   1.1. Implementing of standards of qualities for component parts of environment;
   1.2. Implementing of technical standards of environmental protection;
   1.3. Implementing of environmental monitoring state;
   1.4. Implementing of emission and environmental quality measurements and keeping of evidence for it;
   1.5. Implementing of environmental protection measures designated by environ-mental protection program;
   1.6. Implementing of environmental protection measures designated by intervene plan;
   1.7. Implementing of conditions designated with consents, authorizing and issuing license pursue to the law;
   1.8. Implementing of sanitation plan, rehabilitation and intervention as well as follow and its development;
   1.9. Way and conditions of activities, technical preparedness of registered persons or authorized for accomplishing of environmental protection activities;
   1.10. Way of leading of pollution cadastre and environmental evidences;
   1.11. Utilization of means dedicated for undertake measures on environmental protection;
   1.12. Implementing of international acts from the field of environmental protection;
   1.13. Fulfil other duties designated by the law.

Article 84

Inspector is obliged to compile the report on inspective supervision, concluded state, measures and undertaken activities respectively ordered. One copy of the report shall submit to entity to whom was made inspective supervision.

Article 85

1. With written decision on inspective supervision, inspector shall order the legal or physical person:
   1.1. in designated term to avoid lacks and disorders on action and activities of entity, because of which has came or may come to environmental pollution;
   1.2. temporary prohibition of actions or activities on production process, utilization of equipments, means and devices by whom came or may come considerable environmental pollution,
   1.3. prohibition of activities on production process, utilization of equipment, means and devices, whereof comes or may come to larger environmental pollution, while lacks and disorders on activities shall not be eliminated.
   1.4. prohibition of actions if they are on contrary with measures designated from environmental impact assessment until disorders are avoided.
   1.5. stopping of actions if they are not fulfilled in accordance with giving conditions;
   1.6. to prohibit activities of juridical entity, not registered for fulfilling of professional activities for environmental protection.

2. If the person does not apply measures ordered from sub-paragraph 1.1.paragraph 1. of this article, inspector undertakes measures in certain term through persons in charge of pollute causer
Assessment of the Institutional Administrative Units

3. For verified facts on the inspection procedure, respectively for undertaking measures, inspector is obliged to inform complainant.
4. With the aim of providing the implementation of prohibitions and breaks designated by other provisions, environmental protection inspector has the right and is obliged:
   4.1. without any delay to bring denunciation to the competent authority for penalty action;
   4.2. to propose to competent authority moving from register of activity for whom is verified that the person does not fulfill the conditions foreseen by the law;
   4.3. to undertake and fulfil their activities that is authorized.

Article 86
Obligations of inspectors for cooperation

In the cases when inspector during the inspective supervision verifies that besides breaking of the provisions of this law and other acts issued based on this law, have been broken also other provisions of other laws with importance for environmental protection, is obliged besides of taking measures that is authorized to inform also other competent body in a way that to accomplish together the inspective supervision and undertaking of measures foresees by the law.

Article 87
Plaint procedures

1. Inspector, in case of undertaking measures for orders and stoppage, issues decision.
2. On the plaint against the decision to municipal competent authority, shall decide the Ministry.
3. On the plaint against the decision of environmental inspector on central level shall decide the Ministry.
4. Against the Ministry decision shall be initiated the administrative contest on Competent Court.
5. In case of elimination of direct risks for environment, life and human health, the performed plaint against the inspector decision shall not delay the execution.

Article 88

1. To prevent the demonstration of environmental unavoidable damage, respectively undertaking urgent measures or avoiding environmental risk, human health and biological and landscape diversity, the inspector may undertake verbal decision during the supervision activity.
2. Inspector may announce verbally decision in the case when it is needed to avoid direct risks to environment human health and biological biodiversity.
3. The verbal decision should be written into the minute and delivered to party on written form within eight (8) days.

Article 89

1. The Inspector shall keep the minute for accomplished inspections.
2. The form, contain and manner of leading the minute from paragraph 1. of this article shall designate the Ministry.
3. Inspectorate shall prepare annual report over its activity provided it to the Ministry and propose measures to be undertaken on improvement of environmental state.

Article 90

1. Inspectors shall be legitimated with their identity cards.
2. The form, contents and manner for issuing of identity card will be determined by special act of the Ministry.
Article 91

The task of Inspectors may carry out the person with professional superior degree and at least 3 years of work experience on inspections.

CHAPTER XI
PUNISHMENT PROVISIONS

Article 92

In cases when the braking of provisions of this law make up penalty action according to the Kosovo Penal Code, Environmental Inspectorate through Ministries shall submit the subject to the prosecution.

Article 93
Violations

1. With fine on money from ten thousand (10.000) to fifty thousand (50.000) Euro shall be punished for violations the legal entity, if:
   1.1. Use natural resources and goods without the Ministry consent (Article 10, paragraph 2 of this law);
   1.2. During the use of natural resources and after performance of activities, and after their termination it fails to implement measures preventing the risk to environment (article 11, paragraph 1 of this law);
   1.3. Does not carry out sanitation and re-cultivation or in some other way do not rehabilitate the degraded environment (Article 11. paragraph 2 of this law);
   1.4. Develops activities on nature whereby degrades natural values (article 12. Paragraph 2 of this law);
   1.5. During the managing with hazardous matters does not undertakes all the necessary protect and insurance measures (Article 16, paragraph 2 of this law);
   1.6. In case of exceeding of limited norm values of emission and environmental quality and other activities does not realize sanitation plan (article 23, paragraph 3 of this law);
   1.7. Does not convert damaging part of environment on the un risk state (article 34, paragraph 1 of this law);
   1.8. Does not provide to the Ministry plan for measures that shall be undertaken (article 34, paragraph 3 of this law);
   1.9. Imports and exports matters that damaging ozone layer (article 45, paragraph 2 of this law);
   1.10. Does not act in accordance with provisions of article 47 of this law;
   1.11. Does not undertakes measures of rehabilitation according to plan protection in case of ecological accident (article 49, paragraph 1 of this law);
   1.12. Does not make monitoring of environmental state in accordance with this law (article 50, paragraph 2 of this law);
   1.13. Does not act according to the provisions of article 51, paragraphs 1 and 2, of this law;
   1.14. Does not act according to the provisions of article 63, paragraph 1, of this law;
   1.15. Does not undertake foresees measures by the plan for protection from ecological accident (Article 68, paragraph 1 of this law);
   1.16. Does not carry out expenditures for damage assessment and its avoiding (article 69, paragraph 1 and 2 of this law);
   1.17. Shall be not ensured from responsibilities in case of damaging caused by third party (article 70 of this law);
   1.18. Does not pay any of compensation for environmental pollution (article 75 paragraph 1 of this law).
2. With fine on money from one thousand (1000) to three thousand (3000) Euros, shall be punished for violation from paragraph 1 of this article the responsible person of legal entity.

Article 94

1. With fine on money from one thousand (1.000) to five thousand (5.000) for violation shall be punished the legal entity if:
   1.1. does not provide environmental integrated license (article 30, paragraph 1 of this law);
Assessment of the Institutional Administrative Units

1.2. produces matters that harm ozone layer (article 45 paragraph 1 and 2 of this law);
1.3. imports and exports matters, products and equipments, that harm ozone layer, respectively, products that contain this matters, outlined on list of Protocol of Montreal (article 45 paragraph 2 of this law);
1.4. utilize the EMAS sign, certificated systems of environmental management ISO 9000, ISO 14001 without being registered pursue to the law (Article 42 of this law);
1.5. use of environmental label contrary to the provisions of Article 43 of this law;
1.6. does not provide to the Ministry data’s pursue to article 53, paragraph 6 of this law;
1.7. carry out environmental monitoring without ministry authorization (article 61. paragraph 1 and 3. of this law);
1.8. does not enable implementing of inspection supervision, does not provide information and other necessary records (article 83, sub-paragraph 1.1. and 1.2. of this law);
1.9. on designation term from inspector does not undertakes necessary measures concerning of concluded avoidance (Article 83 paragraph 1 sub-paragraph 1.3. of this law).

2. With fine on money from three hundred (300) to one thousand (1,000) Euro shall be punished for violation from paragraph 1. of this Article the natural person too.

Article 95

1. With fine on money from five hundred (500) to one thousand (1,000) Euro shall be punished for violation the responsible person of state body, if:
   1.1. Issues permit for using of natural resources without Ministry approval (Article 10 paragraph 2);
   1.2. Issues urban and spatial planning contrary to the provisions of article 27 of this law;
   1.3. Registers juridical and natural person on EMAS system in contrary to the provisions of article 42 of this law;
   1.4. does not inform public in case of direct risk danger or in case of allowing norm exceeds of environmental pollution according to the provisions of article 38 of this law.

CHAPTER XI
FINAL PROVISIONS

Article 96

Government and Ministry within two years from the day of entry into force of this law should issue certain acts for which are authorized with this law.

Article 97

Legal and natural persons are obliged to harmonize their activities within two (2) years from the day when this law enters into force.

Article 98

The provisions of the law and other regulations for management of natural resources, planning and constructing, and which are contrary to this law shall not be applied.

Article 99

Until the day of issuing of other acts from the articles 96 and 97 of this law, shall be applied the enforced provisions if they are not in contrary with provisions of this law.
Article 100

On the day when this Law enters into force, the following shall not be in force, Law on Environmental Protection (Regulation. 2003/9); and Administrative Instruction (No.2/2004) to establish inspection for Environmental Protection.

Article 101

This law shall enter into force (15) days after publishing it to the Official Gazette of the Republic of Kosovo.

Law No. 03/L-025
26 February 2009
President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI
Law No. 03/L-043 “on Integrated Prevention Pollution Control”

ON INTEGRATED PREVENTION POLLUTION CONTROL

Assembly of Republic of Kosovo,
In support of Article 65, point (1), of the Constitution of the Republic of Kosovo;
Recognising the need to harmonise environmental standards in Kosovo for integrated prevention pollution and control with those of the European Union,
Adopts:

LAW ON INTEGRATED PREVENTION POLLUTION CONTROL

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of this Law is intervention prevention pollution control arising from industrial activities laid down in Annex 1, in particular by preventing or reducing wastes and emissions to the air, water and land.

Article 2
Determination

For the purposes of this Law, the following determinations shall apply:

- “Installation” means a stationary technical unit where one or more of the activities listed in Annex 1 of this law, are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;
- “An existing installation” is an installation already in operation form the day of entry into force of this law, or an installation that has been granted a construction permit under the effective legal provisions, provided that the construction of the installation commences within one year of the date that this Law comes into effect.
- “A new installation” is an installation other than an existing installation.
- “Emission” means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into air, water or land;
- “Emission limit value (ELV)” means the mass, expressed in terms of certain specific parameters, concentrations and/or level of special emissions, which cannot be exceeded during one or more periods of time.
- “Environmental quality standard” means the set of conditions which must be fulfilled at a given time by a given environment or particular part of a given environment, as defined under the legal provisions that are effective.
- “Republican authority” means the governmental body responsible for carrying out the provisions under this Law.
- “Ministry” means Ministry of Environment and Spatial planning.
- “Municipal authority” means the competent authority in municipal level.
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- “Substance” means any chemical element and its compounds, with the exception of radioactive substances and genetically modified organisms.
- “Pollution” means the direct or indirect introduction of substances, radiation, vibrations, heat, odours or noise into the environment as a result of human activity, which may be harmful to human health.
- “Permit” means the written decision of the Republican authorities authorising the operation of all or part of an installation and which contains the integrated conditions necessary to guarantee that the installation is in compliance with the requirements of this Law and achieves a high standard of protection of human health and the environment.
- “Change on operation” means a change in the nature or functioning of an installation, or an extension of the installation which in itself may have consequences for the environment.
- “Substantial change” means a change in operation which, in the opinion of the republican authority, may have significant negative effects on human health or the environment.
- “Operator” means, the natural or legal person who operates or controls the installation.
- “The public” means one or more natural or legal persons, groups, associations or organisations.
- “The public concerned” means the public affected or likely to be affected, having an interest in taking a decision on issuing or updating a permit, permit conditions, including nongovernmental organisations promoting environmental protection as defined by law.
- “Best available techniques” (BAT) means the most effective processes and good developed and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and/or reduce emissions and impact on environment.
- “Techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.
- “Available techniques” means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, as long as they are reasonably accessible to the operator.

CHAPTER II
ENVIRONMENTAL INTEGRATED PERMITS

Article 3
General requirements for operator

1. Person shall operate an installation only under the authorization of the Ministry.
2. A permit may authorise the operation of more than one installation only if they are located on the same site and operated by the same operator.
3. The application for a permit must be submitted by the person who will have control over the operation of the installation after authorisation of the permit.
4. The operator shall ensure that the installation to operate in compliance with the conditions in the permit.

Article 4
Application for a permit

1. An application to the competent authority for a permit shall be in writing and shall contain:
   1.1. the name, address and telephone number of the applicant, and, if different, any address to which correspondence relating to the application should be sent;
   1.2. the address of the site of the installation;
   1.3. a map or plan showing the site and the location of the installation on that site;
   1.4. the name of any municipality in which the site is located;
   1.5. a description of the installation and the activities listed in Annex 1 of this law to be carried out in the installation, and any other directly associated activities to be carried out on the same site as the installation which has a technical connection with those listed activities and which could have an effect on emissions and pollution;
   1.6. a report on the conditions of the site of the installation. This report shall, in particular, identify any substance on, in or under the land which may be a risk to human health and the environment;
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1.7. process flow diagrams of the production processes intended to be used;
1.8. the materials, including water, and the energy to be used in or generated by the installation;
1.9. nature, quantity and resource of emission and wastes from installation on environment, also identification and description of any possible effects important for human health and environment;
1.10. the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions and wastes from the installation for the environment and human health;
1.11. the proposed measures and methods to be taken to monitor the emissions and wastes from the installation;
1.12. a description of the measures to be taken for the prevention, reuse, recovery, recycling and safe disposal of waste generated by the operation of the installation;
1.13. a description of any proposed additional measures to be taken to comply with the general requirements set out in Article 6 of this law;
1.14. a brief description of the main alternatives in production methods and techniques, if any, studied by the applicant;
1.15. any additional information which the applicant wishes the Ministry to take into account in considering the application of this law;
1.16. where an installation is subject to an environmental impact assessment under the Law on Environmental Protection, all relevant information obtained and the conclusions of the environmental impact assessment;
1.17. permits or licenses issued to the installation by republican authorities;
1.18. a non-technical summary of the information in the application.

2. The application shall be accompanied by the appropriate fee carried out based on the sublegal act issued by the Ministry.
3. The applicant shall send to the Ministry the signed original application for a permit and nine copies of the application.

Article 5
Application procedure

1. After receipt of the application for a permit, the Ministry shall immediately inform the applicant in writing of the receipt.
2. Within fourteen (14) days of receiving the application for a permit the Ministry shall send a copy of the application to the following authorities from sub-paragraphs 21.-2.1. of this paragraph which want to participate on decision making for the permit:
   2.1. the municipal authority in whose area the installation is located;
   2.2. the Kosovo Environment Protection Agency KEPA;
   2.3. the Environmental Accident Prevention Authority;
   2.4. any other authorities who are competent for issuing licenses or permits for the installation.
3. When considering any application for a permit relating to the abstraction of or direct or indirect discharge to water, shall be considered the Kosovo Water Law (Regulation No.2004/41).
4. The Ministry shall convene a meeting of the authorities who have expressed interest in participating in the decision on the permit. At this meeting, the participants shall agree a schedule for the decision on the application, and the division of responsibilities for the preparation of the permit.
5. In the term from fourteen days of the receipt of the application for a permit, the Ministry shall advertise the application for a permit in one or more national newspapers in official language, and in particular inform the public concerned through other appropriate forms of communication.
6. The Ministry may request, in writing form, further information from the applicant that it considers necessary to evaluate the application. The request shall specify the reason or reasons for the request and shall set an appropriate deadline for submission of the further information.
7. The applicant shall send the further information by the deadline. Upon request of the applicant, the Ministry may, in writing, extend the period for submission of the information.
8. If the applicant fails to send further information by the deadline, the Ministry may treat the application as withdrawn and shall inform the applicant of this decision.
9. Upon receipt of the further information, the Ministry shall immediately send it to the authorities referred to in paragraph 2 of this Article.
10. The Ministry and the authorities referred to in paragraph 2 of this article may visit the site of the installation to verify any information in the application.

11. When agreement is reached among the authorities participating in the decision on the permit, the Ministry shall send the draft permit to the applicant, with an invitation to comment in writing on the permit by an appropriate deadline.

**Article 6**

**Permit requirements**

1. When determining the conditions of a permit, the Ministry shall require that installations are operated in such a way that:
   1.1. all appropriate measures are taken to prevent pollution;
   1.2. the installations listed in Annex 1 of this law apply the best available techniques;
   1.3. waste is avoided, recovered, recycled or, where this is not technically or economically feasible, is disposed of in a way that avoids or reduces impacts on human health and the environment;
   1.4. energy and water is used efficiently;
   1.5. the necessary measures are taken to prevent accidents and to limit their consequences to human health and the environment; and,
   1.6. on the definite cessation of activities, the necessary measures are taken to avoid any risk of pollution and to return the site of the installation to a safe, clean and natural condition.

2. A permit shall contain Conditions which, taken as a whole:
   2.1. guarantee a high level of protection of human health and the environment;
   2.2. minimise transboundary and long-distance pollution;
   2.3. ensure protection of the biodiversity, air, water, groundwater and soil;
   2.4. minimise waste and guarantee appropriate management of waste;
   2.5. are consistent with the principle of proportionality.
   2.6. emission limit values for pollutants or groups of pollutants, in particular those listed in Annex 2 of this law that are likely to be emitted from the installation in significant quantities;
   2.7. the emission limit values shall take into account the nature of the pollutants or groups of pollutants and their potential to be transferred from one environmental medium to another;
   2.8. conditions for release monitoring, and specifying the measurement methodology, frequency, and evaluation procedure;
   2.9. conditions requiring the operator to submit regularly to the Ministry the data necessary to monitor emissions and to check compliance with the permit;
   2.10. conditions relating to the periods when the installation is not operating normally and human health and the environment may be affected; in particular, conditions on the start-up of operations, leaks, malfunctions and momentary stoppages;
   2.11. the steps to be taken prior to the operation of the installation;
   2.12. the steps to be taken after the definitive cessation of operations in the installation;
   2.13. requirements concerning the operator’s obligation to adopt emergency response plans and to inform the Ministry and emergency department immediately of any incident or eventually accident which may significantly human health and the environment;
   2.14. the duration of the permit, and,
   2.15. any other specific conditions which, in the opinion of the republican authority, are necessary to achieve the purposes of this Law.

**Article 7**

**Emission limit values**

1. Emission limit values in other laws shall be considered as maximum emission limit values for the purpose of sub-paragraph 2.1. paragraph 2 Article 6 of this law.

2. Emission limit values shall normally apply at the point where the emissions leave the installation and may not take dilution in the environment into account.
3. Emission limit values shall be based on the best available techniques for the installation and shall take into account the technical characteristics of the installation, its geographic location and the local environmental conditions.

4. Where an environmental quality standard can only be met by requiring stricter emission limit values than those that would be imposed by sub-paragraph 2.1. paragraph 2 Article 6 of this law the stricter emission limit values shall be required.

5. Where appropriate, emission limit values may be supplemented or replaced by equivalent parameters or technical measures.

**Article 8**

**Transboundary effects**

1. When the Ministry becomes aware that the operation of an installation in Kosovo is likely to have negative effects on the human health and environment of another state, the Ministry shall forward to the appropriate authority of other state:
   1.1. a copy of the application for a permit;
   1.2. summaries of the comments received and a summary of the environmental impact assessment;
   1.3. an invitation to comment on the application and to propose conditions for inclusion in the permit;
   1.4. a copy of the draft decision on the application and the draft permit, with an invitation to comment;
   1.5. other relevant information requested by the government of the other state;
   1.6. a copy of the final permit.

2. The information provided to the other state shall be sent in a timely manner after the application is received, or in response to a request from the other state.

3. The information provided shall be the basis for any consultations in the framework of any bilateral relations between Kosovo and the other state on a reciprocal and equivalent basis.

4. Where an application has been sent to a state under paragraph 1 of this article the Ministry shall inform the applicant within five (5) days.

**Article 9**

**Decision on the application**

1. In authorising a permit for an installation, the Ministry shall only take account of:
   1.1. the principles in the Law on Environment Protection;
   1.2. the specific requirements of other laws on environment, resource management, land use planning, emergency response and public health;
   1.3. the comments received from the authorities referred to in paragraph 2 Article 5 of this law;
   1.4. the comments received from any state under Article 8. of this law;
   1.5. the comments received from the concerned public in accordance with the provisions of the Law on Environmental Protection;
   1.6. any guidance issued by the Minister relevant to the activities of the installation or best available techniques;
   1.7. the environmental impact assessment for the installation, if relevant.

2. The Ministry issue permit:
   2.1. all applicable fees have been paid and received, and it is satisfied that the operator is a natural person capable of ensuring compliance with the conditions in the permit;
   2.2. the conditions in the permit are sufficient to ensure that the installation will be operate in compliance with all relevant laws and requirements.

3. Ministry shall inform the applicant in writing of its decision.

4. At the same time, Ministry shall forward a copy of its decision to the concerned authorities in paragraph 2 Article 5 of this law;

5. Ministry shall place a copy of the decision on the register under article 17 of this law.
Article 10  
Permit Validity

A permit shall be valid for a period of ten (10) years.

Article 11  
Existing installations

1. All existing installations shall comply with this Law no later than 31 December 2017.
2. By 1 January 2010, the operator of an existing installation covered by Annex 1 shall provide to the Ministry an application, according to Article 4 of this law and a Compliance Schedule Plan.
3. The permit issued by the Ministry to the operator of an installation to which paragraph 1 Article 12. of this law applies shall take account of the proposed Compliance Schedule Plan for that installation.

Article 12  
Change in operation

1. Where the operator of an installation proposes to make a change in the operation of that installation he/she shall notify the Ministry.
2. The notification under shall be in writing and shall contain a description of the proposed change in the operation of the installation and any potential changes in the operation’s impacts on human health and the environment.
3. Ministry according to the proposed plan from operator side shall do evaluation of proposed changes in operation and impact and human health and environment.

Article 13  
Modification of the permit

1. Where a proposed change in the operation of an installation notified by the operator under paragraph 1 Article 12 of this law might cause greater risk to human health and the environment, the operator should apply for a permit or change in the permit conditions before introducing the change in operation.
2. The operator shall submit an application to modify the permit according to the requirements set out in Article 4. of this law.
3. The application for the modification to the permit should cover those parts of the installation that may be affected by the proposed change.
4. Ministry shall notify the operator in writing of any changes in the conditions of the permit and the date or dates on which the changes are to take effect.

Article 14  
Review and updating

1. Ministry shall review the conditions of a permit after every five (5) years and also when:
   1.1. the pollution caused by the installation is of such potentially significant harm to human health and the environment that stricter requirements are needed in the permit to meet the requirements of this Law;
   1.2. for activities listed in Annex 1 of this law changes in the best available techniques make it possible to significantly reduce emissions from the installation without imposing excessive costs;
   1.3. new information received by Ministry indicates that the operational safety of the activities carried out in the installation require other techniques to be used;
   1.4. changes in law apply to the conditions of the permit.
2. If as a result of the review, Ministry decides that the conditions of the permit must be updated, it shall do so and shall notify the operator of its decision.
Article 15
Transfer of permit

1. Where the operator of an installation intends to transfer his/her permit to another person, the operator and that other person shall present a joint application to the Ministry for that transfer.

2. The application shall be accompanied by the original permit and shall contain:
   2.1. the name, address and telephone number of the operator;
   2.2. the name, address and telephone number of the person to whom the permit is to be transferred;
   2.3. information about the competency, ability and economic resources of the person to whom the permit is to be transferred.

3. Ministry shall approve the application for the transfer of the permit, if it is satisfied that the person to whom the permit will be transferred meets the requirements of paragraph 2 Article 9 of this law.

4. Where the Ministry refuses to grant the transfer of the permit, it shall notify the applicants in writing, giving the reasons for the refusal.

5. The Ministry shall inform the applicants in writing of the approval of the transfer and specify the date upon which the transfer takes effect.

6. The Ministry may request, in writing, further information from the applicant that it considers necessary for the purpose of making a decision for an application to transfer under this article. The request shall specify the reason for the request and shall specify the period within further information must be supplied to the republican authority.

7. If the further information is not received by the Ministry within the time specified, the Ministry may treat the application to transfer as withdrawn and shall notify the applicants of this decision.

Article 16
Tariffs

1. The Ministry with sub legal act may determine the fees to be paid:
   1.1. the application for a permit;
   1.2. the application for changing of activities;
   1.3. a modification to the permit.

Article 17
Register

1. The Ministry shall maintain a register of information relating to permits authorised under this Law, and containing the information set out in Annex 3. of this law.

2. Where information is excluded from the register, a summary of the information shall be entered in the register.

3. The Ministry shall ensure that the register is accessible at all reasonable times to the public free of charge.

4. The Ministry shall make available facilities for obtaining copies of entries, on payment of a reasonable charge.

5. The Ministry may only exclude public access to information on the register upon grounds established in law.

6. Form and content of the register from paragraph 1 of this Article shall be determined by Minister with special act.

Article 18
Implementation of the law for administrative procedure

On the decision making procedure according to this law shall be applied the provisions of the Law for administrative procedures especially for issues that have not been regulated by this law.
CHAPTER III
BEST AVAILABLE TECHNIQUES

Article 19
Best Available Techniques

1. The data set out in this article should be taken into account when determining BAT for categories of industrial activity listed in Annex 1 of this law:
   1.1. the use of low-waste technology;
   1.2. the use of less hazardous substances;
   1.3. where appropriate, the recovery and recycling of substances used and/or generated in the operation process;
   1.4. where appropriate, the recovery and recycling of waste;
   1.5. comparable processes, facilities or methods of operation which have been successfully tried on an industrial scale;
   1.6. technological advances and changes in scientific knowledge and understanding;
   1.7. the type, nature and volume of the emissions;
   1.8. the date of putting into operation of new and existing installations;
   1.9. the period of time needed to introduce BAT;
   1.10. the type, nature and consumption of the raw materials, including water, used in the process and their energy efficiency;
   1.11. the necessity to prevent or, where this is not practicable, to reduce to a minimum, the overall impact of the emissions on the environment and the risks to the environment;
   1.12. the necessity to prevent accidents or, where an accident occurs, to minimise the consequences for the environment and human life;
   1.13. any information published by the European Commission and international organisations on Best Available Techniques, associated monitoring, and any developments in these.

2. When determining BAT, consideration shall be given to:
   2.1. the likely costs and benefits of a certain measure;
   2.2. the objectives and principles of environmental protection set out in the Law on Environment Protection.

Article 20
Reference documents for Best Available Techniques

1. When determining BAT in accordance with paragraph 2 Article 19 of this law, consideration shall be given to:
   1.1. BAT reference documents approved by the Minister;
   1.2. BAT Reference documents prepared by the European Commission (EU-BREFs);
   1.3. best international practice
   1.4. BAT reference documents from other states.

2. The Minister establishes and maintains the information system on BAT. The information system shall be made available to the public and electronically accessible.

CHAPTER IV
PUNISHMENT PROVISION

Article 21
Delinquency

1. With fine on money from fifteen thousand (15.000) to fifty thousand (50.000) Euro shall be punished for violations the legal entity, if:
   1.1. operates with plants without Ministry authorization (according to paragraph 1, Article 3 of this law);
   1.2. does not bring the existing plants in accordance with the provisions of this law (according to paragraph 1 Article 11 of this law);
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1.3. does not inform the ministry for planning of changes on operations (according to paragraph 1 Article 12 of this law);
1.4. does not apply for permit or changing of permit conditions before the presentation of the operation changes (according to paragraph 1 Article 13 of this law).

2. With fine on money from five hundred (500) to one thousand (1000) Euros shall be punished for violations from paragraph (1) of this article the responsible person of legal entity.

CHAPTER V
FINAL PROVISIONS

Article 22
Decisions

1. The Ministry within eighteen months from the day of entry into force of this law shall issue the legal provisions:
   1.1. the format or formats to be used for an application for a permit in an administrative decision;
   1.2. the format or formats for the permits and decisions by the Ministry;
   1.3. model permits containing conditions for specific types of operations or installations;
   1.4. deadlines and time limits for the permitting procedure;
   1.5. the procedure for consultation and coordination between competent authorities in deciding the conditions in the permit;
   1.6. schedules and criteria for inspections and controls of compliance;
   1.7. the procedures for development and approval of BAT Reference documents;
   1.8. the form and content of the Register of permits under paragraph 6 Article 17 of this law.
   1.9. any other decisions necessary to ensure full implementation of this law.

2. During the compliance of sub legal acts from paragraph 1 of this Article, the Ministry shall inform the governmental institutions and interested public and their comments should be taken into consideration.

Article 23
Annexes

Annexes 1, 2 and 3 attached to this law are its component part.

Article 24
Entry into effect

This law enters into force fifteen (15) days after being published in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-043
26 March 2009
President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI
Categories of industrial activity

Installations or parts of installations used for research, development and testing of new products and processes are not covered by this Law.

Where threshold values are given below, these refer to the design capacities of the installation.

Where one operator carries out more than one activity falling within the same sub-section in the same installation or at the same site, the capacities of such activities shall be added together.

Energy industries

1. Combustion installations with a rated thermal input exceeding 50MW
2. Mineral oil refineries
3. Coke ovens
4. Coal gasification and liquefaction plants

Production and processing of metals

1. Metal ore (including sulphide ore) roasting or sintering installations
2. Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2,5 tonnes per hour
3. Installations for the processing of ferrous metals:
   3.1. hot-rolling mills with a capacity exceeding twenty (20) tonnes of crude steel per hour
   3.2. smitheries with hammers the energy of which exceeds 50 kilo joule per hammer, where the calorific power used exceeds 20 MW
   3.3. application of protective fused metal coats with an input exceeding two (2) tonnes of crude steel per hour.
4. Ferrous metal foundries with a production capacity exceeding twenty (20) tonnes per day
5. Installations:
   5.1. for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
   5.2. for the smelting, including the alloyage, of non-ferrous metals, including recovered products, (refining, foundry casting, etc.) with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.
6. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m³.
Mineral industry

1. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding five hundred (500) tonnes per day or lime in rotary kilns with a production capacity exceeding fifty (50) tonnes per day or in other furnaces with a production capacity exceeding fifty (50) tonnes per day.
2. Installations for the production of asbestos and the manufacture of asbestos-based products
3. Installations for the manufacture of glass including glass fibre with a melting capacity exceeding twenty (20) tonnes per day
4. Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding twenty (20) tonnes per day
5. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding seventy five (75) tonnes per day, and/or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding three hundred (300) kg/m³.

Chemical industry

Production within the meaning of the categories of activities contained in this section means the production on an industrial scale by chemical processing of substances or groups of substances listed in Sub-sections 4.1 to 4.6
1. Chemical installations for the production of basic organic chemicals, such as:
   1.1. simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
   1.2. oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
   1.3. sulphurous hydrocarbons;
   1.4. nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanides, isocyanides;
   1.5. phosphorus-containing hydrocarbons;
   1.6. halogen hydrocarbons;
   1.7. organometallic compounds;
   1.8. basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);
   1.9. synthetic rubbers;
   1.10. dyes and pigments;
   1.11. surface-active agents and surfactants.
2. Chemical installations for the production of basic inorganic chemicals, such as:
   2.1. gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
   2.2. acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
   2.3. bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
   2.4. salts, such as ammonium chloride, potassium chloride, potassium carbonate, sodium carbonate, perborate, silver nitrate;
   2.5. non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide.
3. Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers).
4. Chemical installations for the production of basic plant health products and of biocides.
5. Installations using a chemical or biological process for the production of basic pharmaceutical products.
6. Chemical installations for the production of explosives

Waste management

1. Installations for the disposal or recovery of hazardous waste as defined in Article 4 and Annex 3 of the Waste Law for operations R1, R5, R6, R8 and R9 as defined in that Annex, with a capacity exceeding ten (10) tonnes per day.
2. Installations for the incineration of municipal waste, in accordance with the Waste Law, in an incineration plant with a capacity exceeding three (3) tonnes per hour.
3. Installations for the disposal of non-hazardous waste, in accordance with the Waste Law, operations D8 and D9 as defined in Annex 3 of the Waste Law, with a capacity exceeding fifty (50) tonnes per day.
4. Landfills receiving more than 10 tonnes per day or with a total capacity exceeding twenty five thousand (25,000) tonnes, but excluding landfills of inert waste.

Mining activities

1. Underground extraction of mineral resources with an extraction capacity exceeding one hundred thousand (100,000) tonnes per year.
2. Open-cast extraction of mineral resources on a site exceeding twenty five (25) hectares

Other activities

1. Industrial plants for production:
   1.1. industrial plants for the production pulp from timber or other fibrous materials
   1.2. industrial plants for the production of paper and board with a production capacity exceeding twenty (20) tonnes per day
2. Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles where the treatment capacity exceeds ten (10) tonnes per day
3. Plants for the tanning of hides and skins where the treatment capacity exceeds twelve (12) tonnes of finished products per day.
4. Slaughterhouses with a carcase production capacity greater than fifty (50) tonnes per day
5. Treatment and processing intended for the production of food products from:
   5.1. animal raw materials (other than milk) with a finished product production capacity greater than seventy five (75) tonnes per day;
   5.2. vegetable raw materials with a finished product production capacity greater than three hundred (300) tonnes per day (average value on a quarterly basis).
6. Treatment and processing of milk, the quantity of milk received being greater than two hundred (200) tonnes per day (average value on an annual basis).
7. Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding ten (10) tonnes per day.
8. Installations for the intensive rearing of poultry or pigs with more than:
   8.1. forty thousand (40,000) places for poultry;
   8.2. two thousand (2,000) places for production pigs (over 30 kg);
   8.3. seven hundred fifty (750) places for sows.
9. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than one hundred fifty (150) kg per hour or more than two hundred (200) tonnes per year.
10. Installations for the production of carbon (hard-burnt coal) or electro graphite by means of incineration or graphitization.
ANNEX II

Indicative list of the main polluting substances which must be taken into account if they are relevant for fixing emission limit values

Air

1. sulphur dioxide and other sulphur compounds.
2. oxides of nitrogen and other nitrogen compounds.
3. carbon monoxide.
4. volatile organic compounds.
5. metals and their compounds.
6. dust.
7. asbestos (suspended particulates, fibres).
8. chlorine and its compounds.
9. fluorine and its compounds.
10. arsenic and its compounds.
11. cyanides.
12. substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air.
13. polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

Water

1. organo-halogen compounds and substances which may form such compounds in the aquatic environment.
2. organophosphorus compounds.
3. organotin compounds.
4. substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment.
5. persistent hydrocarbons and persistent and bioaccumulable organic toxic substances.
6. cyanides.
7. metals and their compounds.
8. arsenic and its compounds.
9. biocides and plant health products.
10. materials in suspension.
11. substances which contribute to eutrophication (in particular, nitrates and phosphates).
12. substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD, etc.).
ANNEX III

Public Register of Information

A register maintained by the Minister and all local authorities shall contain:

1. all particulars of any application made to the competent authority for a permit
2. all particulars of any notice for further information and any such further information
3. all particulars of any permit granted by competent authority.
4. all particulars of any proposed change in operation notified to the competent authority.
5. all particulars of any application made to the competent authority for a transfer of a permit, including any notice for further information and any such further information and any decision of the competent authority to grant or refuse that application.
6. all particulars of any revocation of a permit.
7. all particulars of any enforcement notice served by the competent authority
8. all particulars of any suspension notice served by the competent authority
9. all particulars of any notice by the competent authority withdrawing an enforcement notice or a suspension notice
10. all particulars of any notice and all documents relating to the appeal
11. all particulars of any decision of the Ministry or relevant authority on such an appeal
12. details of any violation and the penalty incurred
13. all particulars of any monitoring information relating to the operation of an installation which has been obtained by the competent authority or the Inspectors as a result of its own monitoring or provided to the competent authority by the operator as a condition of the integrated permit.
14. all particulars relating to a Compliance Schedule Plan.
15. all particulars of any fee or fines paid to the competent authority.

Where any information is withheld from this Register, a statement from the competent authority to this effect shall be placed on the Register.

Where any monitoring information is withheld from this Register a statement from the competent authority shall be placed on the Register, based on the monitoring information received, indicating whether or not there has been compliance with any relevant condition of the integrated permit.
ANNEX IV

Compliance Schedule Plan

Where the operator of an existing installation listed in Annex A is required to provide the Minister with a Compliance Schedule Plan, such a Plan shall provide the following information as necessary.

Table 1 - Activities for compliance with the IPPC permit conditions

<table>
<thead>
<tr>
<th>№</th>
<th>Activities</th>
<th>Investments (EUR)</th>
<th>Start of activity (date)</th>
<th>End of activity</th>
<th>Activity results</th>
<th>Method of control</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Activities**: Description of the activity/activities which shall be conducted in order to achieve compliance for the installations with the environmental legislation.
- **Investments**: Investments for the activity.
- **Start**: Date (month/year) for which the start of the activity has been planned.
- **End**: Date (month/year) for which the termination of the activity or the launching into operation has been planned.
- **Result from the activity**: The specific result shall be described (example: emission reduction).
- **Method of control**: Description of the way how the performed activity can be controlled.

Table 2 - Deadlines for implementing the activities in table 1 and annual investments.

<table>
<thead>
<tr>
<th>№</th>
<th>Activities</th>
<th>Activities Costs by years, EUR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Year* Year* Year* Year* Year*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Cost-benefit analysis by the operator proving the annual expenditure necessary for implementing each of the activities of Table 2

Law No. 03/L-043
26 March 2009
Legislation affecting the Organisations of Environmental Institutions
Regulation No.19/2013 “on Responsibilities, Internal Organisation and Jobs of MESP”

Regulation MESP No.19/2013

Government of Republic of Kosovo,
Pursuant to article 93 (4) of the Constitution of Republic of Kosovo, article 33 of Law No. 03/L-189 on State Administration of Republic of Kosova, article 19, paragraph 6.2 of Rules of Procedure No.09/2011 of the Government of Republic of Kosova, and article 23, paragraph 10. of Regulation No.09/2012 on Standards of Internal Organization and Restructuring of Jobs in the State Administration,

Approves:

REGULATION GRK NO.19/2013 ON INTERNAL ORGANIZATION AND RESTRUCTURING OF JOBS IN THE MINISTRY OF ENVIRONMENT AND SPATIAL PLANNING

Article 1
Purpose

The purpose of this Regulation is to determine internal organization of the Ministry of Environment and Spatial Planning and other state administrative bodies under its supervision.

Article 2
Scope

1. This Regulation applies to the Ministry of Environment and Spatial Planning and other state administrative bodies under its supervision.
2. Duties and responsibilities of the Ministry of Environment and Spatial Planning and other state administrative bodies under its supervision are defined in Annex “13” of Government Regulation No. 02/2011 on Fields of Administrative Responsibility of the Office of Prime Minister and Ministries, and respective applicable legislation.
3. Not withstanding paragraph 1. of this article, this Regulation does not set out the internal organization of the state administration independent bodies under the supervision of the Ministry of Environment and Spatial Planning.

CHAPTER I
INTERNAL ORGANIZATION OF THE SENIOR BODY OF STATE ADMINISTRATION

Article 3
Organizational Structure of the Ministry of Environment and Spatial Planning

1. Organizational structure of the Ministry of Environment and Spatial Planning is as follows:
   1.1. Cabinet of the Minister;
1.2. Office of the General Secretary;
1.3. Departments; and
1.4. Divisions.
2. Number of employees in this senior body of state administration is two hundred and ninety seven (297).

Article 4
Cabinet of the Minister

1. The Cabinet of the Minister of Ministry of Environment and Spatial Planning consists of:
   1.1. The Minister;
   1.2. Deputy Ministers;
   1.3. Political Advisors; and
   1.4. Support staff.
2. Duties and responsibilities of the Minister, Deputy Ministers, Political Advisors and support Staff are defined by Government Regulation No.02/2011 on Fields of Administrative Responsibility of the Office of Prime Minister and Ministries and respective applicable legislation.
3. Number of employees in the Cabinet of the Minister is nine (9).

Article 5
Office of the General Secretary

1. Office of the General Secretary of Ministry of Environment and Spatial Planning consists of:
   1.1. The General Secretary; and
   1.2. Support Staff.
2. Duties and responsibilities of the General Secretary are defined by Article 38 of the Law No.03/L-189 on State Administration and respective applicable legislation.
3. Duties and responsibilities of support staff of the Office of Secretary General are defined by the applicable legislation on civil service.
4. Number of employees in the Office of the Secretary General is three (3).

Article 6
Departments and Divisions of the Ministry of Environment and Spatial Planning

Departments of the Ministry of Environment and Spatial Planning are:
1. Department of Environment Protection;
   1.1. Division of Education, Awareness Environment;
   1.2. Division for Management of Industrial Pollution;
   1.3. Division of Waste and Chemicals;
   1.4. Division of Nature Protection
2. Department of Spatial Planning, Construction and Housing;
   2.1. Division of Spatial Planning;
   2.2. Division of Construction;
   2.3. Housing Division.
3. Water Department;
   3.1. Strategic Planning Division;
   3.2. Water Resource Management Division;
   3.3. White Drin River Basin and Plava Division;
   3.4. Iber, Morava Bincës and Lepenc River Basin Division.
   4.1. Division of Inspection Protection Environment, Nature and Water;
   4.2. Division of Inspection of the Building and Planning.
5. Department of Expropriation;
   5.1. Division of Property Issues;
5.2. Financial Technical Division.
6. Department for European Integration and Policy Coordination;
   6.1. Division of European Integration;
   6.2. Division for Policy Coordination.
7. Legal Department;
   7.1. Legislation Designing and Harmonization Division;
   7.2. Division for Supervision of Implementation of Legislation, Legal Support and Inter-institutional Cooperation in the Field of Legislation.
8. Finance and General Services Department;
   8.1. Human Resources Division;
   8.2. Budget and Finance Division;
   8.3. IT and Logistics Services Division.
9. Internal Audit Division;
10. Public Communication Division;
11. Procurement Division.

Article 7
Department of Environment Protection

1. Duties and responsibilities of the Department of Environment Protection:
   1.1. Proposes, develops and ensures the implementation of policy documents / strategies in the field of environmental protection;
   1.2. Proposes, develops and ensures the implementation of legislation in the field of environmental protection;
   1.3. Monitors and proposes measures for the rehabilitation and keep under control of hot spots;
   1.4. Identifies and proposes investment and financing needs in the field of environmental protection;
   1.5. Provides support for issues related to membership in international organisations for environmental protection;
   1.6. Provides support, as appropriate, for the supervision and control of natural resources and its constituent parts;
   1.7. Deals with environmental permit requirements documentation, provides recommendations on the regularity and accordingly prepare environmental draft permits.
2. Head of the Department of Environment Protection reports to the Secretary General.
3. Within this Department includes the following divisions:
   3.1. Division for Awareness and Environmental Consciousness;
   3.2. Industrial Pollution Management Division;
   3.3. Chemicals and Waste Division;
   3.4. Nature Conservation Division.
4. Number of employees in the Department of Environment Protection is thirty (30).

Article 8
Division of Education, Awareness and Environmental

1. Duties and responsibilities of the Division of Education, Awareness Environmental are:
   1.1. Proposes, develops and ensures implementation of policy/strategies documents in the field of environmental education and awareness, in collaboration with other institutions;
   1.2. Provides support in organizing awareness events in the field of environmental protection;
   1.3. Analyzes and develops regular periodic reports from the field of environmental protection policies;
   1.4. Cooperates with relevant stakeholders for development of activities.
2. Head of the Division of Education, Awareness Environmental reports to the Head of Department.
Article 9
Division for Protection from Industrial Pollution

1. Duties and responsibilities of the Division for Protection from Industrial Pollution are:
   1.1. Proposes, develops and ensures implementation of policy documents concerning the protection from industrial pollution;
   1.2. Proposes, develops and ensures the implementation of legislation concerning the protection from industrial pollution;
   1.3. Monitors the implementation of the rights and obligations arising from international agreements and reports accordingly;
   1.4. Compiles regular periodic reports on the activities carried out.
2. Head of Division for Protection from Industrial Pollution reports to the Head of Department.

Article 10
Division of Waste and Chemicals

1. Duties and responsibilities of the Division of Waste and Chemicals are:
   1.1. Proposes, develops and ensures implementation of policy documents/strategies in the field of waste management, chemicals and biocide products;
   1.2. Proposes, develops and ensures the implementation of legislation in the field of management of waste, chemicals and biocide products, in accordance with applicable law and EU legislation;
   1.3. Prepares methodology and guidance on management of waste, chemicals and biocide products in accordance with the legislation in force;
   1.4. Proposes, develops and ensures implementation of licensing procedures and standards on waste management, as well as those for notification, authorization and registration of chemicals and biocide products;
   1.5. Handles licensing applications on waste management and prepares environmental draft-consents/draft-permits;
   1.6. Deals with applications for notification, authorization and registration of chemicals and biocide products and prepares relevant draft-consents/draft-permits;
   1.7. Provides support, as required, in environmental monitoring and management of waste, chemicals, biocide products, as well as in the field of security of their risk;
   1.8. Analyzes and designs regular periodic reports on the performed activities;
   1.9. Cooperates with relevant stakeholders for development of activities.
2. Head of the Division of Waste and Chemicals reports to the Head of Department.

Article 11
Division of Nature Protection

1. Duties and responsibilities of the Division of Nature Protection are:
   1.1. Proposes, develops and ensures the implementation of policy/strategies documents in nature protection field;
   1.2. Monitors the implementation of the rights and obligations arising out of international agreements in the field of nature protection, and reports accordingly;
   1.3. Proposes, develops and ensures the implementation of legislation in the field of nature protection;
   1.4. Provides assessment of ecological network projects.
2. Head of the Division of Nature Protection reports to the Head of Department.

Article 12
Department of Spatial Planning, Construction and Housing

1. Duties and responsibilities of the Department of Planning, Building and Housing are:
1. Proposes, develops and ensures implementation of documents / strategies policy in the Spatial Planning field,
   Construction and Housing;
2. Assesses Municipal Development Plans with the purpose of issuing consent by MESP;
3. Evaluates the legality of acts of the local level in the field of urban and rural planning;
4. Develops Urban consents/requirements on the important facilities;
5. Follows the international trends and developments in the field of spatial planning;
6. Identifies and proposes investment and financing needs in the field of Spatial Planning, Construction and Housing;
7. Supervises Spatial Planning, Construction, Housing and monitoring system;
8. Monitors situation within the scope, propose and undertake measures and actions which is authorized and proposed regulations and other legal acts regulating the construction field in line with European standards;
9. Monitors and analyzes the situation within the scope, develop, plan and proposes strategies, measures and programs to improve situation in the housing;

2. Head of the Department of Spatial Planning, Construction and Housing shall report to the Secretary General.

3. Within this department are included the following divisions:
   1. Spatial Planning Division;
   2. Housing Division; and
   3. Construction Division.

4. Number of employees at the Department of Spatial Planning, Construction and Housing is twenty eight (28).

Article 13
Division of Spatial Planning

1. Duties and responsibilities of the Division of Spatial Planning are:
   1. Proposes, develops and ensures implementation of policy / strategies documents in the field of spatial planning;
   2. Assesses the Municipal Development Plans with the aim of issuance consent by MESP;
   3. Evaluates the legality of acts of the local level in the field of urban and rural planning;
   4. Drafts Urban consents-requirements on the important facilities for the country;
   5. Prepares regular periodic reports on spatial planning.

2. Head of Planning Division reports to the Head of Department.

Article 14
Division of Construction

1. Duties and responsibilities of the Division of Construction are:
   1. Proposes, develops and ensures implementation of policy / strategies documents in the field of construction;
   2. Monitors and approves Administrative fees on construction permits on the annual basis of both central and local level;
   3. Reviews and issues construction permits, demolition permit and use certificate on facilities of special importance and high risk - category III of the buildings in accordance with the Law on Construction;
   4. Monitors ongoing process of licensing professionals in the construction field. Coordinates activities and provides professional advice and guidance for new developments in relation to professional chambers to pass Professional and Licensing Examination;
   5. Monitors the work, arranges contacts and cooperates with international organizations, specialized agencies and other organizations in order to exchange experiences regarding the development of the construction field;
   6. Proposes and takes measures for the design of development programs in accordance with the strategies that should be built for the development of construction field.

2. Head of the Division of Construction reports to the Head of Department.
Assessment of the Institutional Administrative Units

Article 15
Housing Division

1. Duties and responsibilities of the Housing Division are:
   1.1. Proposes, develops and ensures implementation of documents / strategies policy in the area of housing;
   1.2. Proposes, develops and ensures the implementation of legislation in the area of housing;
   1.3. Examines regional policies in terms of raising the level of development in the field of housing and identifying favourable ways of financing for the renovation of housing stock;
   1.4. Professionally supports municipalities in meeting the responsibilities arising from the legislation in force in the area of housing;
   1.5. Designs and monitors the implementation of minimum standards for housing;
   1.6. Cooperates with relevant local and international stakeholders to develop housing area;
   1.7. Provides support for public and private institutions on investment and development projects of housing in Kosovo.

2. Head of Housing Division reports to the Head of Department.

Article 16
Water Department

1. Duties and responsibilities of the Water Department are:
   1.1. Water resources planning;
   1.2. Governance of water and water economy systems;
   1.3. Monitoring and adaptation of water economy development with economic development needs;
   1.4. Regulation of water flows and other waters and protection from the harmful effects of waters;
   1.5. Protection from erosion and streams, land drainage and irrigation;
   1.6. Governing Water Resources and their use;
   1.7. Protect of waters from pollution;
   1.8. Securing water resources for the purpose of providing drinking water and habitats economy waste water;
   1.9. Harmonization of development and construction of public water economy systems with interest for Kosovo;
   1.10. Use and protection of waters from impurity;
   1.11. Exploiting aggregate (sand and gravel) from the areas of interest to the water regime;
   1.12. Made separation of concessions on water and water resources;
   1.13. Made administrative oversight in the area of water.

2. Within this Department includes the following Divisions:
   2.1. Strategic Planning Division;
   2.2. Division of Water Resource Management;
   2.3. White Drin River Basin and Plava Division;
   2.4. River Basin Ibri, Morava Bincës and Lepenc Division.

3. Head of the Water Department shall report to the Secretary General.

4. Number of employees at the Water Department is eighteen (18).

Article 17
Strategic Planning Division

1. Duties and responsibilities of the Strategic Planning Division are:
   1.1. Performs administrative work and other professional work related to strategy and long-term planning of water;
   1.2. Develops strategic plans and programs in harmony with development policies of MESP coordinates and supervises the implementation of water policies in central and local government;
   1.3. Participates in the development of primary and secondary legislation;
   1.4. Performs other professional work regarding international and bilateral cooperation, and other works in the field of water;
   1.5. Prepares professional basis and action plans at the national level for the use of water, water protection and protection from harmful activity of water;
Assessment of the Institutional Administrative Units

1.6. Establishes action plans on sustainable use of water for all consumers;
1.7. Prepares information regarding the activities of the Water Department;
1.8. Develops the information system and creates the water monitoring network;
1.9. Drafts and prepares plans and strategies for capacity building within WD.
2. Head of Strategic Planning Division reports to the Head of Department.

Article 18
Water Resource Management Division

1. Duties and responsibilities of the Water Resource Management Division are:
   1.1. Performs duties and tasks related to the administrative and professional legal affairs regarding the use of water and water power;
   1.2. Securing water resources, drinking water, and technological and technical needs;
   1.3. Plans regarding the use of water;
   1.4. Establishes concessional relations for water use;
   1.5. Monitors the implementation of strategic documents of water use within overall social and economic development;
   1.6. Monitors public activities which relate to public water supply in terms of rational use of water;
   1.7. Plans the development of water supply systems;
   1.8. Issues water permits, irrigation and land drainage, delimitation, use and administration of water resources;
   1.9. Follows the exploitation of inert in places-regions of interest to Water regime;
   1.10. Monitors renewable inert reserves in river beds and banks;
   1.11. Cooperation with ministries and municipalities and other institutions in relation to use of water; and
2. Head of the Water Resource Management Division reports to the Head of Department.

Article 19
White Drin River Basin and Plava Division

1. Duties and responsibilities of the White Drin River Basin and Plava Division are:
   1.1. Establish of the database for the White Drin River and Plava Basin;
   1.2. Collection of information on monitoring River Basin;
   1.3. Cooperation with relevant institutions;
   1.4. Keeping records on water property for the respective basins;
   1.5. Governance of water resources at the basin level, including planning and determination of compensation for the use and pollution of water;
   1.6. Protecting the public interest;
   1.7. Checking of temporary hydro economic Permits.
2. Head of the Division for the White Drin River Basin and Plava reports to the Head of Department.

Article 20
Iber, Morava e Binçês and Lepenc River Basin Division

1. Duties and responsibilities of the Iber, Morava Binçês and Lepenc River Basin Division are:
   1.1. Establish of the database for the Iber, Morava Binçês and Lepenc River Basin;
   1.2. Collection of information on monitoring river basin ibër;
   1.3. Cooperation with relevant institutions;
   1.4. Keeping records on water property for the respective basins;
   1.5. Governance of water resources at the basin level, including planning and determination of compensation for the use and pollution of water;
   1.6. Protecting the public interest;
   1.7. Checking of temporary hydro economic Permits.
2. Head of the Iber, Morava Binçês and Lepenc River Basin Division reports to the Head of the Department.
Article 21
Environmental, Nature, Water, Building and Planning Inspection Department

1. Duties and responsibilities of the Environmental, Nature, Water, Building and Planning Inspection Department are:
   1.1. Coordinates the inspection in accordance with the annual plan of Inspectorate for the field of protecting environment and nature, water, construction and spatial planning under applicable laws and impose appropriate measures according to the situation on the ground;
   1.2. Conducts inspection based on requests and complaints from citizens in the above mentioned areas;
   1.3. Follows and complements data base of operators, imposes measures under the applicable legal provisions and records inspections;
   1.4. Coordinates the work of the respective division inspectors;
   1.5. Designs and completes the data base about operators in relevant fields;
   1.6. Participates in national and international activities that address issues of Environmental Protection, Nature, Water, Planning and Construction;
   1.7. Coordinates with the Departments of MESP, regarding the receipt of comments and suggestions regarding the implementation of legislation;
   1.8. Coordinates work in respective fields with inspectors at the municipal level;
   1.9. Receives complaints and appeals from various associations and citizens regarding respective areas and it reviews them in conformity with applicable laws;
2. Head of Environmental, Nature, Water, Building and Planning Inspection Department reports to the Secretary General and the Minister in particular cases.
3. Within this Department includes the following Divisions:
   3.1. Division of Inspection Environment Protection, Nature and Waters;
   3.2. Division of Inspection Spatial Planning and Construction.

Article 22
Division of Inspection Environment Protection, Nature and Waters

1. Duties and responsibilities of the Division of Inspection Environment Protection, Nature and Water are:
   1.1. Preparation of annual work plan;
   1.2. Supervision of the application of legal provisions and other legal sub normative acts related to environmental protection;
   1.3. Supervision of the activities that cause general disorder in the environment and identification of the responsible party which causes the disorder;
   1.4. Supervision of the quality of air, water, earth, nature, emission and general ecological conditions in accordance with the legal provisions in force;
   1.5. Supervision of the management and exploitation of natural resources in terms of environmental protection;
   1.6. Supervision of the measures taken to protect the environment;
   1.7. Oversight of the management and protection of nature conservation areas and natural values; and
   1.8. Supervision of the management of water resources exploitation;
   1.9. Develops and completes the database regarding users and water users;
   1.10. Controls and monitors all other activities related to the use of water in accordance with the provisions of law.

Article 23
Division of Inspection Construction and Planning

1. Duties and responsibilities of the Division of Inspection of Building and Planning are:
Assessment of the Institutional Administrative Units

1.1. Preparation of the annual work plan;
1.2. Supervision of the application of legal provisions and sub legal acts related to the construction and spatial planning;
1.3. Control and monitoring of all construction and planning activities in accordance with the legal provisions in force.
2. Head of the Division of Inspection of Building and Planning reports to the Head of the Inspectorate - Chief.

Article 24
Department of Expropriation

1. Duties and responsibilities of the Department of Expropriation are as follows:
   1.1. Receives and handles applications for expropriation in compliance with the legislation in force and accordingly proposes relevant draft-decisions;
   1.2. Provides compensation for property expropriated according to the final decisions of the Government of the Republic of Kosovo;
   1.3. Provides advices and instructions about the procedures for expropriation, upon request;
   1.4. Coordinates activities with relevant stakeholders and collaborates on development of activities;
   1.5. Develops annual and budget plans on the issue of compensation for expropriation.
2. Head of Department for Expropriation reports to the Secretary General.
3. Within this Department includes the following Divisions:
   3.1. Division for Property Issues;
   3.2. Financial and Technical Division.
4. Number of employees at the Department for Expropriation is seven (7).

Article 25
Division of Property Issues

1. Duties and responsibilities of the Division of property issues are:
   1.1. Receives and handles applications for expropriation in compliance with the legislation in force and accordingly prepares relevant proposal-decisions and documents for further proceedings;
   1.2. Organizes public hearings for applications received for expropriation by the decisions of the Government;
   1.3. Provides advice and guidance regarding the expropriation process, as required;
   1.4. Receives lawsuits from owners in cases of disputed property and their evidence with the aim of stopping the payments until the final settlement by the Court;
   1.5. Receives and reviews complaints and requests of dispossessed and displaced residents within the Commissions and the Department and drafts decisions on complaints and claims considered.
2. Head of Division for Property Issues reports to the Head of Department.

Article 26
Financial Technical Division

1. Duties and responsibilities of Financial Technical Division are:
   1.1. Recognizes and addresses the documentation for compensation, and accordingly prepare the necessary documentation for the execution of payments;
   1.2. Considers elaborations of expropriation and provides suggestions on how to meet them;
   1.3. Coordinates activities with relevant stakeholders and collaborates on development of activities;
   1.4. Provides support in organizing public hearings for applications received for expropriation by government decisions;
2. Head of Financial Technical Division reports to the Head of the Department.
Article 27  
Department for European Integration and Policy Coordination

1. Duties and responsibilities of the Department for European Integration and Policy Coordination are:
   1.1. Provides support in coordinating activities relating to the European Integration process;
   1.2. Monitors and reports on the implementation of the recommendations of the European Commission;
   1.3. Provides support to the harmonization of legislation of the Ministry with the acquis of EU;
   1.4. Coordinates the activities of the Ministry for financial support from the Instrument for Pre-Accession (IPA) and other European Union funds;
   1.5. Contributes to the exchange of information in terms of European integration process, relating to the scope of the ministry.
2. Head of Department reports to the General Secretary.
3. This Department contains the following Divisions:
   3.1. European Integration Division and;
   3.2. Policy Coordination Division.
4. Number of employees in the European Integration and Policy Coordination Department is eight (8).

Article 28  
Division for European Integration

1. Duties and responsibilities of the Division of European Integration are:
   1.1. Provides support for the development of strategies and plans within the scope of the ministry;
   1.2. Provides information on the design of the European Partnership Action Plan (EPAP) and ensures its harmonization with the Medium Term Expenditure Framework and other strategic documents;
   1.3. Monitors the implementation of the EPAP and reports to the relevant institutions;
   1.4. Coordinates IPA assistance and bilateral and multilateral foreign assistance for the activities of the Ministry and ensures that it relates to the priorities of the ministry;
   1.5. Provides support for the organizational structure of the Ministry for procedures preparation and project management;
   1.6. Provides support for responsible organizational structure relating to legal issues at the Ministry in terms of inclusion of EU policies in national legislation during the harmonization with the acquis-EU as well as ensures that the legislation provided by the EPAP is integrated into the Government’s Legislative Programme;
   1.7. Provides support in organizing and implementing of regular meetings of the Stabilization and Association process, for issues that relate to the scope of Ministry.
2. Head of European Integration Divisions reports to the Head of European Integration and Policy Coordination Department.

Article 29  
Divisions for Policy Coordination

1. Duties and responsibilities of the Division for Policy Coordination are:
   1.1. Provides support in designing strategic documents of the Ministry, ensuring compatibility between them and other government documents;
   1.2. Provides support to the organizational structures of the Ministry in the preparation of concept papers for legislation;
   1.3. Provides coordination of the process of developing strategic documents of the Ministry with budget planning process;
   1.4. Provides data/information for designing annual work and ensuring their harmonization with the Medium Term Expenditure Framework and other strategic documents, and reports on their implementation to the relevant institutions;
1.5. Provides support for monitoring and reporting on implementation of the Strategic Development Plan of the ministry.
2. Head of Policy Coordination Division reports to the Head of European Integration and Policy Coordination Department.

Article 30
The Legal Department

1. Duties and responsibilities of the Legal Department are:
   1.1. Provides legal support in the development of strategic documents and legislation relating to the scope of the ministry;
   1.2. Provides support in the development of primary and secondary legislation relating to the scope of the ministry;
   1.3. Ensures compliance with the legislation designing techniques and standards relating to the scope of the ministry;
   1.4. Ensures the harmonization of legislation of the Ministry with the European Union legislation (acquis-EU) as well as with the applicable laws in Kosovo;
   1.5. Provides legal counselling and recommendations relating to the scope of the ministry up request;
   1.6. Cooperates with the Ministry of Justice relating to the representation of the Ministry in judicial contests.
2. Head of Legal Department reports to the General Secretary.
3. This Department contains the following Divisions:
   3.1. Legislation Designing and Harmonization Division;
   3.2. Division for Supervision of Implementation of Legislation, Legal Support and Inter-institutional Cooperation in the Field of Legislation.
4. Number of employees in the Legal Department is ten (10).

Article 31
Legislation Designing and Harmonization Division

1. Duties and responsibilities of the Legislation Designing and Harmonization Division are:
   1.1. Provides support on designing the legislation and ensures compliance with the applicable law in Kosovo;
   1.2. Provides support to the ministry's organizational structures to identify the issues that need to be regulated;
   1.3. Provides legal advices, recommendations, instructions and opinions required, relating to the scope of the ministry;
   1.4. Ensures harmonization of the legislation of the Ministry with the acquis-EU and with the applicable laws in Kosovo.
2. Head of the Legislation Designing and Harmonization Division reports to the Head of Legal Department.

Article 32
Division for Supervision of Implementation of Legislation, Legal Support and Inter-institutional Cooperation in the Field of Legislation

1. Duties and responsibilities of the Division for Supervision of Implementation of Legislation, Legal Support and Inter-institutional Cooperation in the Field of Legislation are:
   1.1. Coordinate activities with all organizational structures of the Ministries for implementation of legislation;
   1.2. Provides legal support in the field of legislation;
   1.3. Identifies the problems of implementation of normative acts;
   1.4. Provides legal support in the designing of proposal-decisions, proposal - agreements, proposal - memorandums and proposal contracts;
   1.5. Coordinates legislative activities of the Ministry with the relevant institutions;
   1.6. Maintains the register of Ministry’s by laws.
2. Division for Supervision of Implementation of Legislation, Legal Support and Inter-institutional Cooperation in the Field of Legislation reports to the Head of Legal Department.
Article 33
Finance and General Services Department

1. Duties and responsibilities of the Finance and General Services Department are:
   1.1. Manages and maintains information on human resources of the Ministry, assists the management in internal organization, provides administrative, translation, logistics and information of technology services support;
   1.2. Ensures implementation of procedures for the selection and recruitment of qualified personnel, in accordance with applicable legislation;
   1.3. Coordinates preparation, implementation, reporting and evaluation of the budget of the Ministry;
   1.4. Coordinates implementation of the Ministry’s financial obligations in due time;
   1.5. Maintains IT equipment and provides IT services;
   1.6. Manages the archive system and internal documents of the Ministry;
   1.7. Provides logistical services for the Ministry.
2. Head of Finance and General Services Department reports to the General Secretary.
3. The Finance and General Services Department contains the following Divisions:
   3.1. Human Resources Division;
   3.2. Budget and Finance Division and;
   3.3. IT and Logistics Services Division.
4. Number of employees in the Finance and General Services Department is forty five (45).

Article 34
Human Resources Division

1. Duties and responsibilities of the Human Resources Division are:
   1.1. Coordinates human resource planning;
   1.2. Manages the recruitment of staff;
   1.3. Contributes to the increase of performance by motivating and developing staff training plans;
   1.4. Ensures implementation of procedures for recruitment and selection, discipline, handling of complaints, leave requests, performance appraisal, etc.
2. Head of Human Resources Division reports to the General Secretary, for operational related matters, and to the Head of Department for Finance and General Services, for administrative related matters.

Article 35
Budget and Finance Division

1. Duties and responsibilities of the Budget and Finance Division are:
   1.1. Prepares budget proposals;
   1.2. Coordinates budget issues for all administrative structures of the ministry;
   1.3. Monitors and reports on budget execution;
   1.4. Ensures that the financial expenses are made in accordance with the budgetary rules and procedures;
   1.5. Manages cash reserves and ensures that the internal financial control is based on the principles of accountability;
   1.6. Provides internal and external cooperation in the preparation of the budget and financial audit statements.
2. Head of Budget and Finance Division reports to the General Secretary, for operational related matters, and to the Head of Department for Finance and General Services, for administrative related matters.

Article 36
IT and Logistics Services Division

1. Duties and responsibilities of the IT and Logistics Services Division are:
1. Provides logistical support for the Ministry's staff meetings;
2. Provides support in the field of information technology;
3. Manages inventory and warehouses of the ministry;
4. Coordinates the ministry's requests and needs for goods and office equipment for work;
5. Manages transportation needs and vehicles of the ministry;
6. Maintains and manages the ministry's archive system.

2. Head of IT and Logical Services reports to the Head of Finance and General Services Department.

Article 37

Internal Audit Division

1. Duties and responsibilities of the Internal Audit Division are:
   1.1. Ensures proper implementation and compliance with the laws, regulations, policies, instructions and manuals prescribed by the legislation in force;
   1.2. Ensures timely preparation of draft audit strategic plan based on risk assessment;
   1.3. Organizes, conducts and supervises all internal audit activities of the Ministry and submits the results of the audit, in accordance with applicable legislation;
   1.4. Prepares and submits quarterly and annual reports on all audit activities;
   1.5. Prepares and implements the quality assurance program for internal and external evaluation of the internal audit function;
   1.6. Immediately report to the senior management and the Audit Committee, for every activity indicator of fraud or corruption, provides proposals to improve the situation and, if the senior management does not undertake appropriate actions, notifies other competent authorities.

2. Head of Internal Audit Division reports to the General Secretary.

Article 38

Public Communication Division

1. Duties and responsibilities of the Public Communication Division are:
   1.1. Provides professional support to the ministry in the field of communication and information;
   1.2. Proposes, designs and ensures implementation of communication plans of the ministry;
   1.3. Organizes media conferences and prepares press releases, statements, reports and other media publications;
   1.4. Maintains the official website of the ministry;
   1.5. Coordinate requests for access to public documents and prepare reports on the implementation of the Law on Access to Public Documents.

2. Head of Public Communication Division reports to the General Secretary.

Article 39

Procurement Division

1. Duties and responsibilities of the Procurement Division are:
   1.1. Prepares, coordinates and implements the annual plan of the Ministry in the field of public procurement, in accordance with legislation in force;
   1.2. Ensures that all procurement requirements have been prepared in accordance with the procurement rules and procedures;
   1.3. Determines tender procurement methodology and price evaluation procedures;
   1.4. Provides advices and assists management in making decisions relating to issues that may arise in case of execution of contracts.

2. Head of Procurement Division reports to the General Secretary.
CHAPTER II
CENTRAL BODIES OF THE MINISTRY OF ENVIRONMENT AND SPATIAL PLANNING

Article 40
Central Bodies of the Ministry of Environment and Spatial Planning

1. Central bodies of the Ministry of Environment and Spatial Planning are as follows:
   1.1. Kosovo Environmental Protection Agency; and
   1.2. Kosovo Cadastre Agency;
2. The organizational structure of Agencies determined by sub legal Act.

CHAPTER III
TRANSITIONAL AND FINAL PROVISIONS

Article 41
Transitional Provisions

Regulation No. 19/2013 on Internal Organization and Restructuring of Jobs in the Ministry of Environment and Spatial Planning contains the part on internal organization and relevant organizational chart, since the process of classification of jobs in the Ministry of Environment and Spatial Planning and other state administration bodies under its supervision is not finished yet.

Article 42
Final Provisions

1. If deemed necessary, internal personnel transfer, in accordance with the civil service legislation is allowed.
2. Increase or decrease of the number of employees, as foreseen by the annual Law on Budget, does not require amendment of this Regulation, except in cases of establishment or abolishment of organisational structures.
3. Pursuant to the paragraph 2. of this article, provisions of the annual Law on budget are integral part of this Regulation.

Article 43
Entry into force

This Regulation shall enter into force on 7 (seven) days after signature by the Prime Minister and publication in the Official Gazette.

Hashim Thaçi
Prime Minister of the Republic of Kosovo

26.08.2013
Assessment of the Institutional Administrative Units
Regulation No.03/2014 “on Responsibilities, Internal Organisation and Jobs in KEPA”

Regulation MESP No.03/2014

The Minister of Environment and Spatial Planning
In accordance to Article 59 paragraph 1 and 2, Article 60 paragraph 1 and 2 of Law No. 03/L-025 for Environmental Protection (GZRK No.50/2009 dated April,6, 2009), Article 23 paragraph 11 of Regulation No.09/2012 on Standards of Internal Organization and Systematization of the Working places in State Administration, Article 8, subparagraph 1.4, of Regulation No.02/2011 of administrative areas of responsibility of the Office of the Prime Minister and Ministries, and Article 38 paragraph 6 of the Rules of Procedure of the Government No.09/2011 (Official Gazette No.15,12.09.2011), Approves:

REGULATION MESP NO.03/2014 OF RESPONSIBILITIES, INTERNAL ORGANIZATION AND SYSTEMATIZATION OF JOBS IN THE KOSOVO ENVIRONMENTAL PROTECTION AGENCY - MESP

GENERAL PROVISIONS

Article 1
Purpose

With this regulation are defined responsibilities, internal organization and systematization of jobs in the Kosovo Environmental Protection Agency.

Article 2
Scope

Regulation Provisions regulates responsibilities, internal organization and systematization of jobs, and apply in other state administrative bodies under its supervision of Kosovo Environmental Protection Agency - MESP.

REGULATORY PROVISIONS

Article 3
Naming

According to Article 59 (1) of the Law on Environmental Protection No.03/L-025 (OG No.50/2009), institution is named the Kosovo Environmental Protection Agency hereinafter KEPA.
Assessment of the Institutional Administrative Units

Article 4
Location, Status, Seal and Logo

1. KEPA’s headquarter is in Prishtina.
   1.1. KEPA may also have branches or other organizational unit in regional level and municipalities, depending on needs.
2. KEPA has the status of a legal person.
3. KEPA has its own seal, shape, size, and which are regulated by a special law
4. KEPA has its logo and protective mark.

Article 5
KEPA Responsibilities

1. KEPA responsibilities are as following:
   1.1. KEPA responsibilities are determined according to the Law on Environment Protection, and other relevant legislation in force.

Article 6
Office of the General Director

1. Office of the General Director of the Environmental Protection Agency consists of:
   1.1. General Director; and
   1.2. Support Staff
2. General Director reports directly to the MESP. Duties and responsibilities of the Director are determined by the legislation.
3. Support Staff reports directly to the general duties and civil responsibilities of the General Director in compliance with the legislation in force.
4. The number of employees in the office of the General Director is two (2)

Article 7
Institutes, Directorates and Sectors of the Kosovo Environmental Protection Agency

1. Kosovo Institute for Nature Protection:
   1.1. Sector for Protected Areas and Management of Nature Monuments;
   1.2. Biodiversity Sector
2. Kosovo Hydro-Meteorology Institute:
   2.1. Meteorology Sector;
   2.2. Sector of Hydrology and Water Monitoring;
   2.3. Air Monitoring Sector;
   2.4. Soil Monitoring Sector.
3. Institute of Spatial Planning:
   3.1. Sector of Planning;
   3.2. Sector of Researches
4. Directorates of the Environmental Protection Agency are as follows:
5. Directorate for Management of National Park "Sharri":
   5.1. Sector for Professional and Administrative Services, Supervision and Control
6. Directorate for Management of National Park "Bjeshkët e Nemuna".
7. State of Environment Directorate:
   7.1. Water and Soil Sector;
   7.2. Air and Waste Sector;
   7.3. Sector for Environmental Information System;
   7.4. Sector for Environmental Reporting, Information and Administration.
Article 8
Kosovo Institute for Nature Protection

1. Duties and responsibilities of the Kosovo Institute for Nature Protection are determined by the Law on Nature Protection, and other relevant legislation in force.
2. Head of the Directorate for Nature Protection Institute reports directly to the General Director.
3. The number of civil employees at the Institute for Nature Protection is five (5).

Article 9
Sector for Protected Areas and Management of Nature Monuments

1. Duties and responsibilities of the Sector for Protected Areas and Management of Nature Monuments are as following:
   1.1. Permanent monitoring of nature protected areas;
   1.2. Researching, filling out and maintaining the central register of nature protected areas and natural heritage;
   1.3. Collection, processing and reporting on protected areas and natural heritage;
   1.4. Prepares professional rationale, and provides professional opinions for specific cases in line with the MESP/KEPA requests;
   1.5. Follows the implementation of international acts as well as cooperates with relevant national and international institutions;
   1.6. Conducts other tasks in compliance with the legislation in force;
2. Head of the Sector for Protected Areas and Management of Nature Monuments reports directly to the Head of the Kosovo Institute for Nature Protection.
3. The number of employees in the Sector for Protected Areas and Management of Nature Monuments is two (2).

Article 10
Biodiversity Sector

1. Duties and responsibilities of Biodiversity Sector are as following:
   1.1. Monitoring the state of nature and biodiversity in protected areas in Kosovo and proposing measures for its protection;
   1.2. Inventory, research and study of all components of biological diversity and landscape;
   1.3. Collection and processing of the data relating to the protection of the values of biodiversity, and of rare, endangered, endemic, relict and medical species;
   1.4. Inventory of new natural heritage values;
   1.5. Drafting of the professional rationale and following the legal procedures for protection of new biodiversity values, and monitoring and reporting for these areas;
   1.6. Conducts other professional tasks in compliance with the scope of biodiversity conservation.
2. The head of Biodiversity Sector reports directly to the Head of the Kosovo Institute for Nature Protection.
3. The number of employees in the Sector for Biodiversity is two (2).

Article 11
Hydro Meteorological Institute of Kosovo

1. Duties and Responsibilities of the Hydro meteorological Institute of Kosovo are determined by the Law on Hydrometeorological Activities and other legislation in force.
2. Head of Hydro meteorological Institute reports directly to the General Director.
3. The number of civil employees in the Hydro meteorological Institute is nineteen (19).
Article 12
Sector of Hydrology and Water Monitoring

1. Duties and responsibilities of the Sector for Hydrology and Water Monitoring are:
   1.1. Preparation of annual reports for monitoring of hydrometric stations, at the end of the calendar year;
   1.2. Hydrometric monitoring and monitoring of water quality of surface and ground water of Kosovo in compliance with the monitoring program;
   1.3. Processing, validation, and exchange of water monitoring data;
   1.4. Operational maintenance of equipment, calibration and resetting of sensors;
   1.5. Monitoring and permanent measurements in case of environmental accidents and natural disasters;
   1.6. Conducts other professional tasks in line with the scope of hydrology and water monitoring.

2. Head of Hydrology Sector reports directly to the Head of Hydro meteorological Institute of Kosovo.

3. The number of civil servants in the Department for Hydrology and Water Monitoring is seven (7).

Article 13
Sector for Meteorology

1. Duties and Responsibilities of the Meteorology Sector are as following:
   1.1. Measurement and observation of all the elements and meteorological phenomena, according to WMO methodology;
   1.2. Forecasting and warning related to hydro meteorological phenomena;
   1.3. Registration and reporting of all meteorological and agro-meteorological elements and phenomena;
   1.4. Maintenance of the network of meteorological stations;
   1.5. Drafting and preparation of data from the main network of meteorological, climatic and agro meteorological stations for the needs of technical control;
   1.6. Conducts other professional tasks in line with the scope of the meteorology.

2. Head of the Meteorology Sector reports directly to the Head of Hydro meteorological Institute of Kosovo.

3. The number of employees in the sector for Meteorology is seven (7).

Article 14
Air Monitoring Sector

1. Duties and responsibilities of the Air Monitoring Sector are as following:
   1.1. Monitoring of air quality in the territory of the Republic of Kosovo, in accordance with air quality monitoring programme;
   1.2. Air quality monitoring in specific situations, projects, etc, in line with MESP/KEPA requests;
   1.3. Evaluation and analysis of the results collected from the monitoring of air quality and drafting of the annual report on air quality monitoring;
   1.4. Preparation of operational procedures according to European regulations for measurements in chemical and calibration laboratories;
   1.5. Control of the quality and the accuracy of the results of the laboratory analyses and automatic measurements, and their validation.
   1.6. Reporting at MESP/KEPA, as well as data exchange in compliance with the corresponding procedures;
   1.7. Conducts other professional tasks in line with the scope of air monitoring.

2. Head of Sector on Air Monitoring, reports directly to the Head of Hydrometeorological Institute of Kosovo.

3. Number of employees in the Sector of Air Monitoring is two (2).

Article 15
Soil Monitoring Sector

1. Duties and Responsibilities of Sector for Soil Monitoring are as following:
   1.1. Monitoring of inorganic and organic pollutants in the soil of the settlements land, arable lands, industrial and recreational areas in the whole territory of Kosovo;
1.2. Categorisation of land by pollutants and their mapping;
1.3. Data recording in the database for the soil sector;
1.4. Quality Control of the laboratory analyses and quality (accuracy) control of the results of laboratory analyses and automatic measurements;
1.5. Monitoring in specific cases, in cases of environmental accidents, or on request by MESP/KEPA;
1.6. Conducts other professional tasks in line with the scope of soil monitoring
2. Head of Soil Quality Monitoring Sector reports directly to the Head of Hydrometeorological Institute of Kosovo.
3. Number of employees in the Sector of Soil Quality Monitoring is two (2).

Article 16
Institute of Spatial Planning

1. Duties and Responsibilities of the Institute for Spatial Planning are as follows:
   1.1. Reference Institution for Spatial Planning and development and scientific institution that drafts plans, proposes policies, measures and actions, in favour of coordinated spatial and urban development in Kosovo;
   1.2. Designing, completing and monitoring of the Spatial Plan implementation, Zone Map of Kosovo; Spatial Plans for Special Areas and other relevant documents;
   1.3. Research in various fields of spatial development; Collection of data and their analysis and comparison of trends and numerous experiences in the field of spatial and urban planning;
   1.4. Coordination of activities of the different organizational institutions in favour of coordinated urban and spatial development, within and outside the country;
   1.5. Providing professional assistance to municipalities in designing and monitoring of Municipal and Urban Development Plans, both in terms of documents and processes;
   1.6. Establishment, management and maintenance of the Central Database of Spatial Data of the whole territory of the Republic of Kosovo;
   1.7. Conducts other professional tasks in line with the scope of spatial planning.
2. Head of the Institute for Spatial Planning reports directly to the General Director.
3. Number of employees in the Institute for Spatial Planning is eleven (11).

Article 17
Planning Sector

1. Duties and Responsibilities of the Sector for Planning are as following:
   1.1. Adoption of analysis and findings deriving from the research sector and other sources, and their conversion into data for corresponding spatial projects and plans
   1.2. Continued follow up of international development trends in the field of spatial and urban planning and their application in the Institute projects;
   1.3. Establishing cooperation with all governmental and nongovernmental sectors;
   1.4. Supporting the professional staff of the urban and spatial planning at local level;
   1.5. Conducts other professional tasks in line with the legislation in force.
2. Head of the Planning Sector reports directly to the Head of the Institute for Spatial Planning
3. Number of employees in the Planning Sector is five (5).

Article 18
Research Sector

1. Duties and Responsibilities of the Research Sector are as following:
   1.1. Research and analysis in different fields, needed for the best possible presentation of the actual state of a certain territory, topic or issue;
   1.2. Establishing cooperation with all governmental and nongovernmental sectors, including groups of experts and other groups with relevance to this sector;
Assessment of the Institutional Administrative Units

1.3. Continued follow up of international development trends in the field of spatial and urban research, analyzing and reflection, and their application in the projects of the Institute;
1.4. Support in municipal capacity building for research and planning;
1.5. Conducts other professional tasks in line with the legislation in force.
2. Head of the Research Sector reports directly to the Head of the Institute for Spatial Planning.
3. Number of employees in the Research Sector is five (5).

Article 19
Directorate for Administration of the National Park "Sharri"

2. Head of the Directorate for Administration of the National Park "Sharri" reports directly to the General Director.
3. Number of employees in the Directorate for Administration of the National Park "Sharri" is eighteen (18).

Article 20
Sector for Professional, Administrative Services, Supervision and Control

1. Duties and responsibilities of the Sector for Professional and Administrative Services are:
   1.1. Drafting of management plans and projects for the protection, development and rational utilisation of natural resources of the National Park "Sharri";
   1.2. Assessment of forest damage from biotic and non-biotic factors and preparation of the database;
   1.3. Monitoring of construction and infrastructure activities in the territory of the National Park;
   1.4. Coordination and supervision of the work of Park's rangers;
   1.5. Proceeding of court cases and coordination with police, inspectorate and municipal authorities;
   1.6. Caring for the National Park natural resources and stopping the illegal activities, tree-cutting, hunting, fishing, buildings construction, property usurpation;
   1.7. Control and maintenance of signs of external and internal borders of National Park;
   1.8. Control of movements and transport within the territory of the National Park;
   1.9. Conducts other professional tasks in line with the legislation in force.
2. Head of the Sector for Professional, Administrative Services, Supervision and Control reports directly to the Head of the Directorate for Administration of the National Park "Sharri".
3. Number of employees in the Sector for Supervision and Control is seventeen (17).

Article 21
Directorate for Administration of the National Park "Bjeshket e Nemuna"

   1.1. Performs the activities for planning, conservation and sustainable management of forest resources;
   1.2. Performs the activities for prevention and control of illegal activities in the park;
   1.3. Proceeds court case, and closely cooperates with police, inspectorate, municipal authorities and local communities;
   1.4. Conducts other professional and administrative tasks in line with the legislation in force.
2. Head of the Directorate for Administration of the National Park "Bjeshket e Nemuna" reports directly to the General Director.
3. Number of employees in the Directorate for Administration of the National Park "Bjeshket e Nemuna" is three (3).
Article 22
State of Environment Directorate

1. Duties and responsibilities of the State of Environment Directorate are:
   1.1. Participation in drafting the monitoring programs for each environmental sector;
   1.2. Implementation of the monitoring program at national level, responding to MESP and Government requests relating to environmental monitoring;
   1.3. Development of environmental indicators and assessment of the state of environment based on the indicators;
   1.4. Collection, processing, storage, reporting and publication of the data;
   1.5. Provision of data to the national and international institutions related to initiation of development projects which have impact on environment;
   1.6. Monitoring of installations (operators) with environmental impact, and collection of data from emissions monitoring system;
   1.7. Conducts other duties based on the plans and programs of KEPA and on respective environmental laws.

2. Head of the State of the Environment Directorate reports directly to the General Director.

3. Number of employees in the State of Environment Directorate is thirteen (13).

Article 23
Water and Soil Sector

1. Duties and responsibilities of the Water and Soil Sector are:
   1.1. Coordination of the implementation of the monitoring program at national level, responding to MESP and Government requests relating to water and soil monitoring;
   1.2. Assessment and analysis of the state of soil, surface and ground water and bathing waters;
   1.3. Assessment of the state of water and impact of discharges in water;
   1.4. Analysis, forecasting and warning for potential risks in the water and soil sector;
   1.5. Data collection, storage and exchange in compliance with the legislation in force;
   1.6. Performs other professional tasks related to the state of water and soil;

2. Head of the Water and Soil Sector reports directly to the Head of the State of Environment Directorate.

3. The number of employees in the Water and Soil Sector is two (2).

Article 24
Air, Noise and Waste Sector

1. Duties and responsibilities of the Air and Waste Sector are as following:
   1.1. Coordination of the implementation of the monitoring program at national level, responding to MESP and Government requests relating to air and waste monitoring based on the environmental strategies;
   1.2. Assessment and analysis of the state of: air, noise, waste and chemicals;
   1.3. Collection, assessment and processing of the data on the state of air and waste;
   1.4. Assessment of the air quality, air emissions, and reporting on the state of the air;
   1.5. Monitoring and assessment of municipal waste landfills, illegal landfills, and landfills of industrial and hazardous wastes, as well as of environmental hotspots;
   1.6. Performs other professional tasks in compliance with the legislation in force.

2. Head of the Air and Waste Sector reports directly to the Head of the State of Environment Directorate.

3. The number of employees in the Air and Waste Sector is two (2).

Article 25
Sector for Environmental Information System

1. Duties and responsibilities of the Sector for Environmental Information System are:
   1.1. Creates, organises and maintains the Environmental Protection Information System and advances and compares the quality of environmental data;
1.2. Establishes and maintains reference centres with databases on environmental monitoring: socio-economic data, as well as data on environmental pressures, and environmental state and quality;
1.3. Ensures the provision of and access to environmental information, using modern technologies and communication standards in accordance with European requirements;
1.4. Develops the mapping data, and geo references and vectorises the satellite images, orthophotos and different maps;
1.5. Ensures harmonization, standardization and exchange of environmental information and data with other systems and environmental entities at national and international level;
1.6. Prepares and completes the GIS database, prepares thematic maps, and collects the spatial data via GPS;
1.7. Performs other professional tasks in compliance with the legislation in force.
2. Head of the Sector for Environmental Information System reports directly to the Head of the State of Environment Directorate.
3. The number of employees in the Sector for Environmental Information System is four (4).

**Article 26**

**Sector for Environmental Reporting, Information and Administration**

1. Duties and responsibilities of the Sector for Environmental Reporting, Information and Administration are:
   1.1. Coordinating the preparation of reports on general state of environment in Kosovo, as well as the sectoral environmental reports;
   1.2. Preparing press releases and public information on the work and activities of KEPA, maintain and update the webpage of KEPA;
   1.3. Cooperating closely with MESP information office and other institutions related to public information;
   1.4. Coordinating the identification, development and implementation of the projects within KEPA;
   1.5. Cooperating closely with national and international institutions, and with nongovernmental organisations dealing with environmental protection;
   1.6. Initiate appeals at Prosecution and to represent KEPA in civil and criminal offense cases, in compliance with the legislation in force;
   1.7. Coordinating the procurement and financial activities on behalf of KEPA in compliance with the legislation in force.
2. Head of the Sector for Environmental Reporting, Information and Administration reports directly to the Head of the State of Environment Directorate.
3. The number of employees in the Sector for Environmental Reporting, Information and Administration is four (4).

**Article 27**

**Transitional Provisions**

Regulation No.19/2013 “on Internal Organisation and Systematization of Work Places within the Ministry of Environment and Spatial Planning” contains the part on internal organisation and the corresponding organogram, since the classification of the work places within the Kosovo Environmental Protection Agency and other bodies of the state administration falling under its supervision has not been completed.

**Article 28**

**Repeals**

With entry into force of this Regulation, the Administrative Instruction No.13/2011 on organisational structure and responsibilities of KEPA dated 09.09.2011 is repealed.
Article 29
Final Provisions

1. Pursuant to the civil service legislation the movement of the staff within the institution is allowed, if considered necessary for the proper implementation of the work.

2. An increase or decrease in the staff number, in compliance with the law on annual budget, does not require any supplementation-amendment of this Regulation, except for cases when organisational structures are established and/or closed.

3. In accordance with paragraph 2 of this article, the provisions of the Law on annual budget are integral part of this Regulation.

Article 30

The corresponding MESP Departments are obliged, pursuant to the law, to effectively and without delays provide KEPA with all the administrative services, including: legal services, budget, finances, procurement, logistics, archive, etc.

Article 31

1. The budget for the work and functioning of KEPA is provided by:
   1.1. The budget of the Republic of Kosovo dedicated to MESP, which is allocated to KEPA, which has a special budget code, a separate budget line within this budget;
   1.2. Donations, donor projects and sponsorships from national and international natural and legal persons.
   1.3. Revenues generated from KEPA services.

Article 32

Annexes to the Regulation

1. Annexes attached to this Regulation are constituent parts of it:
   1.1. Annex I: Organogram, and
   1.2. Annex II: Table with organisational units, positions, and the number of positions that are part of this Regulation.

Article 33

Entry into force

This Regulation shall enter into force seven (7) days after the signature of the Minister of MESP.
10.03.2014

Table 1: Organisation of the Kosovo Environmental Protection Agency (KEPA)
Table 2: Organisational units, positions and number of positions that are part of this regulation

<table>
<thead>
<tr>
<th>Organisational Unit</th>
<th>Positions</th>
<th>Number of positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of General Director</td>
<td>General Director</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Support Staff</td>
<td>1</td>
</tr>
<tr>
<td>Kosovo Institute for Nature Protection</td>
<td>Head of Institute</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Head of Sector</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td>2</td>
</tr>
<tr>
<td>Hydro-Meteorology Institute of Kosovo</td>
<td>Head of Institute</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Head of Sector</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td>14</td>
</tr>
<tr>
<td>Institute of Spatial Planning</td>
<td>Head of Institute</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Head of Sector</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td>8</td>
</tr>
<tr>
<td>Directorate for Administration of the National Park &quot;Bjeshket e Nemuna&quot;</td>
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<td>1</td>
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<td><strong>Total number of employees</strong></td>
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Legislation affecting EIA procedures

Law No.03/L-214 “on Environmental Impact Assessment”

Law No. 03/L-214

ON ENVIRONMENTAL IMPACT ASSESSMENT

Assembly of Republic of Kosovo,
Based on Article 65 (1) of the Constitution of the Republic of Kosovo,
Adopts:

LAW ON ENVIRONMENTAL IMPACT ASSESSMENT

CHAPTER I
GENERAL PROVISIONS

Article 1
Aim

1. The aim of this Law is to prevent or mitigate adverse impacts of proposed public and private projects and thereby contribute to the safeguarding and improvement of the environment, the protection of human health, and the improvement of the quality of life.

2. This Law determines regulation of procedures for the identification, assessment and reporting of the environmental impacts of certain proposed projects and provides for associated administrative procedures, in order that, during the decision-making process by the Ministry of Environment and Spatial Planning for issuing the Environmental Consent and all relevant information regarding the environment is provided and taken into account.

Article 2
Definitions

1. Terms used in this Law have the following meaning:

   1.1. Project - the execution of construction works, of other installations or other schemes, removal or decommission of installations or schemes, other interventions in the natural surroundings and landscape including the extraction of mineral resources and those involving rehabilitation works.

   1.2. Applicant - any natural or legal person, whether local or foreign, who submits a request to obtain Environmental Consent for realizing a project.

   1.3. Environmental Consent - written decision issued by the Ministry in compliance with the law, as precondition to start realizing the project.


   1.5. Minister - the competent Minister for the Environment and Spatial Planning issues.

   1.6. Environmental Impact Assessment – (hereinafter: EIA) the identification and assessment of the possible impacts of the project in environment, consultation of the environmental authorities and the public, taking
1. Environmental Impact Assessment (hereinafter: EIA) shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effects of a project on:
   1. human beings, flora and fauna;
   2. soil, water, air, climate and the landscape;
   3. material assets and the cultural heritage;
   4. the interactions between the elements mentioned in sub-paragraphs 1.1., 1.2. and 1.3. of this paragraph.

Article 4
Competent Authority

The competent authority for applying the EIA procedures is the Ministry.

Article 5
Environmental Authorities

1. Environmental authorities are:
   1.1. The Municipality or Municipalities in whose area a proposed project is intended to be situated;
   1.2. The authorities compiling and maintaining data on the state of the environment in Kosovo and on emissions into the environment; and
   1.3. Any other bodies designated by law as having specific environmental responsibilities and which the Ministry considers that can be included in the process of the proposed project;

Article 6
Limitations in the Public and Individual Interest
1. Provision of this law cannot delay the Ministry or any other authority to respect any limitations with regard to commercial and industrial confidentiality including intellectual property, and the safeguarding of the public and individual interest determined with the legislation of Republic of Kosovo
2. Paragraph 1. of this Article, shall not apply to data on emissions of hazardous materials, risks from accidents, and the results of monitoring and the findings of the Inspectorate.

CHAPTER II
PROJECTS WHICH UNDERGO EIA

Article 7
The Obligation for Environmental Consent

1. An environmental consent shall be required for every public or private project listed in Annex I or Annex II of this Law, which is likely to have significant effects on the environment by virtue, *inter alia*, of its nature, size or location,
2. All projects which are listed in Annex I shall be obliged to undergo EIA.
3. Projects listed in Annex II shall be examined, case by case and in accordance with the criteria set out in Annex III, in order to determine whether they must undergo EIA.
4. The Ministry shall not grant the environmental consent referred to in paragraph 1 of this Article until an Environmental Impact Assessment has been carried out on the project.
5. Applicants shall not be granted a construction permit or any other permit, for a project referred to in paragraphs 1 and 2 of this Article and he shall not begin to execute such a project, until he has not been granted an environmental consent by the Ministry.
6. The Ministry may allow, for special cases, non-completion of the EIA for projects with national defence purposes and upon decision of the Government.

Article 8
Transfer of Environmental Consent

1. In case that applicant for or holder of an environmental consent to which Article 7 of this Law refers intends to transfer that application or consent to another person- the successor, the applicant for or holder of that consent and the successor shall present a joint application to the Ministry for that transfer.
2. The application shall be accompanied by the original consent or, in the case of an application for consent, a copy of the application. The application for transfer shall contain:
   2.1. the name, address, business and telephone number of the applicant for or holder of the environmental consent;
   2.2. the name, address, business and telephone number of the successor;
   2.3. contract for buying or hiring that particular activity.
3. The Ministry shall approve the application for the transfer of the environmental consent or the application for the environmental consent, obligating the successor to take in consideration all conditions presented in the EIA Report and in the environmental consent.
4. Where the Ministry approves or refuses to grant the transfer of the environmental consent, it shall notify the applicants in writing, within fifteen (15) days.

Article 9
The Obligation of the Ministry and other Authorities to the Applicant

1. The Ministry and any other respective authority shall provide upon the applicant’s request, the data and information which it holds that are significant for the identification and assessment of direct and indirect impacts of the project on the environment and their interaction.
2. The Ministry or any other authority is obliged to provide available data and information to the applicant, within fifteen (15) days from the day it receives the request.
3. If the Ministry or any other authority does not possess the requested data and information, then, it shall inform the applicant, in writing, within fifteen (15) days from the day it receives the request.

CHAPTER III
EIA PROCEDURES

Article 10
Phases of EIA Procedure

1. The EIA procedure includes the following phases:
   1.1. Selection;
   1.2. Scoping;
   1.3. Review of EIA Report.

Article 11
Application to start the EIA

1. An applicant shall present the application to start the EIA together with follow-up documentation, to the Ministry.
2. The application should contain the name, address, legal status of the applicant and the name of the project.
3. The applicant should attach to the application under paragraph 1 of this Article:
   3.1. documents determined by the Ministry, according to the type and nature of the projects or activities for which the application shall be presented; and
   3.2. a completed questionnaire, determined by the Ministry, covering a description of the proposed project, a description of the location, and a description of the potential impacts of the proposed project on the environment.

Article 12
Selection Decision

1. Based on the information presented together with the application and on the criteria set out in Annex III, the Ministry shall determine whether the proposed project is likely to have significant effects on the environment and shall, within ten (10) days from the day of receipt of the application, inform the applicant in writing of its decision whether an EIA Report is therefore required or not.
2. If the documentation accompanying the application is incomplete, the Ministry shall request from the applicant additional information and documentation and shall designate the date by which it must be delivered.
3. If the applicant does not submit the additional information and documentation by the designated date, the Ministry shall reject the application.
4. If an EIA report is not required in accordance with paragraph 1 of this Article, the relevant Municipality may initiate the procedure for issuing an Environmental Municipal Permit.
5. If an applicant does not agree with the decision taken by the Ministry, he has the right to appeal within the term of eight (8) days, from the day he receives the Ministry’s decision. The appeal shall be performed by the Ministry.

Article 13
Scoping Notification

1. The applicant may request that the Ministry states in writing its opinion regarding the information on environmental impacts to be included in the EIA Report - Scoping Notification.
2. A request made in accordance with paragraph 1. of this Article, includes:
   2.1. a description of possible alternatives;
   2.2. a description of the likely significant impacts on the environment;
   2.3. reasons for identifying these impacts;
Assessment of the Institutional Administrative Units

2.4. a description of protection measures foreseen to avoid, reduce and, if possible, remedy significant adverse effects on the environment.

3. The applicant shall present this information to the Ministry in a brief scoping report, not exceeding three (3) pages in length.

4. Before giving its opinion, the Ministry shall consult the applicant and the environmental authorities. The Ministry shall consider the information and prepares a scoping notification, which shall be issued to the applicant, within thirty (30) days of receipt of a request from the applicant.

5. The issue of a scoping notification shall not prevent the Ministry from requiring additional information at a later date.

**Article 14**

**Scoping**

The applicant shall prepare Scoping Report, including the information specified in paragraph 2 Article 13 of this law. Scoping Report shall be attached in the EIA Report as an annex to the Non-Technical Summary.

**Article 15**

**Content of the EIA Report**

1. The EIA Report shall contain:
   1.1. A description of the project, including in particular:
       1.1.1. Description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
       1.1.2. Description of the main characteristics of the production processes;
       1.1.3. An estimate, by type and quantity, of expected residues and emissions - water, air and soil pollution, noise, vibration, light, heat, ionized and unionized radiation, etc. - resulting from the operation of the proposed project;
   1.2. An outline of the main alternatives studied by the developer and an indication of the main reasons for one of this choice, taking into account the environmental effects;
   1.3. A description of the environmental aspects likely to be significantly affected by the proposed project, including in particular population, flora, fauna, soil, water, air, climatic factors, material assets, including the cultural, architectural and archaeological and heritage, landscape and inter-relationship between the above factors;
   1.4. A description of the likely significant effects of the proposed project on the environment, covering direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, resulting from:
       1.4.1. The existence of the project;
       1.4.2. The use of natural resources;
       1.4.3. The emission of pollutants, the creation of nuisances and the elimination of waste; and
       1.4.4. The description by the applicant of the forecasting methods used to assess the effects on the environment. These effects should include those resulting from the construction or execution of the project as well as those resulting from the existence or operation of the project when complete.
   1.5. A description of how the proposed project could affect or be affected by the geological storage of CO2 in storage sites;
   1.6 A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse impact on the environment;
   1.7. A non-technical summary of the information provided under the above headings;
   1.8. An indication of any difficulties -technical deficiencies or lack of know-how encountered by the applicant in compiling the required information.

Article 16
Compiler of the EIA Report

1. The EIA Report shall be compiled by duly licensed legal and natural persons.
2. The Ministry shall determine by a sub-legal act the procedures and criteria for licensing in accordance with paragraph 1 of this Article.
3. The EIA Report shall include name, surname and signature of the compiler and of the applicant.
4. The compiler of the EIA Report and the applicant are responsible for adequacy of all information and the data presented in the EIA Report.

Article 17
Submission of EIA Report

1. The applicant shall submit four (4) written copies of an EIA Report and one (1) electronic copy to the Ministry.
2. At the same time as the applicant submits the EIA Report he shall submit proof that he has paid the required fee.
3. The applicant shall make the EIA report available to the public in accordance with the provisions of this law.

Article 18
Review of EIA Report

1. Within five (5) days from receipt of the EIA Report, three (3) hard copies of the EIA Report and an electronic copy shall be sent to the responsible body for reviewing the EIA Report in the ministry.
2. The Ministry shall review the EIA Report in accordance with the following criteria:
   2.1. adequacy of project description including alternatives as required;
   2.2. adequacy of identification and evaluation of the environmental impacts;
   2.3. adequacy of measures to mitigate significant adverse impacts including rehabilitation of areas affected by extraction of natural resources, waste management activities, or any similar activities;
   2.4. adequacy of proposed monitoring schemes;
   2.5. other criteria considered relevant in the particular circumstances.
3. For the review of EIA reports on particular projects the Kosovo Environment Protection Agency, will provide all necessary information which is in its possession and which is necessary for that review.
4. The Ministry, after reviewing the EIA Report, taking in consideration results of consults by environmental authorities shall prepare its draft Decision, which will be presented, in writing, to the applicant.

Article 19
Review by external experts

1. The Ministry may, as necessary, contract external experts having proven expertise in EIA.
2. External experts shall present their opinions, in writing, to the Ministry by a date that shall be specified by the Ministry.
3. Experts involved in drafting an EIA Report cannot be involved in the review of the same EIA Report.

Article 20
Public debate for the EIA Report

1. The main conclusions and recommendations included in the EIA Report and the proposal decision for environmental consent shall be subject to public debate.
2. Plan and organization of the public debate is the applicant’s responsibility, who shall:
   2.1 prepare a plan, which shall be sent to Ministry for approval, where will be determined the location, date of the public debate, the mechanisms and times for informing the public, and the locations where the Non-Technical Summary of the EIA Report and the proposal decision will be displayed. The public debate cannot be held until the applicant has received approval, in writing, from Ministry;
2.2 inform the public, through public information media, including an announcement in at least one daily newspaper, of the date, place and time of the public debate and providing the foreseen documents by subparagraph 2.1 of this paragraph;

3. The public debate shall be held within twenty (20) to thirty (30) days after the applicant, the environmental authorities and the public concerned, have been informed.

4. Detailed rules on the arrangements for public debate and for dealing with any further relevant information that becomes available is regulated by the sub-legal act of Ministry.

Article 21
The Result of Reviewing the EIA Report

1. Within ten (10) days from the date on which the public debate was concluded, the Ministry shall review the remarks and opinions which emerged in the public debate.

2. The Ministry may request the applicant to change or complete designated elements of the EIA Report which was submitted.

3. The applicant shall make any changes required pursuant to paragraph 2 of this Article, and submit the EIA Report, changed and completed, by the date designated by the Ministry.

4. If the applicant does not meet a request made under paragraphs 2 and 3 of this Article, the Ministry shall suspend the procedure of review.

Article 22
Decision on the Environmental Consent

1. The results of consultations and the information gathered pursuant to provisions of this law shall be taken into consideration in reaching the decision on the environmental consent.

2. The proposal-decision on Environmental Consent shall be prepared by the responsible body of the Ministry within seventy (70) days from the receipt of the EIA Report, excluding any period of time designated under paragraphs 2 and 3 of Article 21 of this law.

3. Within a term of ten (10) days from the presentation of the proposal-decision on Environmental Consent, the Ministry shall decide whether to grant or refuse an Environmental Consent and convey this decision in writing to the applicant and to the Municipality/municipalities in whose area the project will be situated.

4. After taking decision of grant or refuse an environmental consent has been taken, the Ministry shall inform the public of the decision by local advertisement and shall make available for public inspection a statement containing:
   4.1. the content of the decision and any eventual foreseen conditions;
   4.2. the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public;
   4.3. a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects; and
   4.4. legal advises for regular means for appeals of the validity of the decision and the procedures.

5. Where an affected country has been consulted in accordance with Article 28 of this Law, the Ministry shall inform that country of the decision and forward to it the information referred to in paragraph 4.1, 4.2 and 4.3 of this Article.

Article 23
The right to appeal

1. The applicant shall be entitled to file an appeal with the competent Court against the complaint decision, in accordance with the Law, within thirty (30) days of the date of publication of the Decision for Environmental Consent.

2. The Ministry is obliged to make available the documentation concerning the EIA procedure to the applicant, if so requested in writing. The information so requested shall be made available within eight (8) days from the day of receipt of the request.
Article 24
Access to Justice

1. Members of the public concerned who have a sufficient interest shall have access to a review procedure before a competent Court to challenge the substantive or procedural legality of decisions, acts or omission of act subject to the public participation in accordance with provisions of this Law.
2. For the purposes of paragraph 1 of this Article, any non-governmental organisation promoting environmental protection and meeting any legal requirements according to enforced law shall be considered to have a sufficient interest.
3. Applications to challenge any decision, act or omission in the EIA procedure may be made after the Environmental Consent has been granted and within thirty (30) days of the date of that grant. Such complaints shall be made in the Ministry and to the Competent Court for challenging administrative decisions.
4. Notwithstanding paragraph 4 Article 22 of this Law, the Ministry shall produce practical information on the judicial review procedures provided for under this Article and shall make it freely available in order to increase further the effectiveness of these procedures.
5. Any such procedure should be equal, fair, in time and not so expensive as to block its exercise.

Article 25
Suspending the validity of the Decision for Environmental Consent

1. The validity of the Decision for Environmental Consent shall be suspended if, within two (2) years from the date of receipt of the Decision on Environmental Consent;
   1.1. the applicant does not obtain a construction permit or approval for realizing the project; or
   1.2. the site where the project is to be realized has not been prepared and no operational activities have been started.
2. If the validity of the Decision for Environmental Consent is suspended in accordance with paragraph 1 of this Article, the applicant or his successor may not develop the site without applying to the Ministry for a new Environmental Consent.

Article 26
Withdrawal of an application for an Environmental Consent

1. An applicant may withdraw the application for Environmental Consent at any time and any phase of the process by informing the Ministry in writing.
2. When an applicant withdraws his application for Environmental Consent, the Ministry shall cease the review procedure, and the whole documentation shall be archived. Documentation shall not be returned.
3. No fees will be refunded if an application is withdrawn.

Article 27
Bearer of the expenditures

1. The applicant shall bear all the costs of preparing the EIA Report, the public debate, the review and consultation process.
2. Expenditure incurred by the Ministry in reviewing of the application, taking the decision and other services regarding the EIA process, shall be accounted for as the service fee.
3. The Minister in a special act shall designate the scale of the fee referred to in paragraph 2 of this Article.
4. An applicant shall pay the fee when he submits the request for review. The request shall not be reviewed if the applicant fails to make the payment.
5. No paid fee will be refunded, regardless of whether the request is approved or not in the final decision.
CHAPTER IV
INFORMATION, ACCESS TO THE DOCUMENTATION AND TRANSBOUNDARY IMPACTS

Article 28
Information and public participation

1. The Ministry shall be sure that the public is informed about the proposed project through at least one local daily newspaper edited in the territory that will be affected by the planned project, and through electronic media.
2. The public concerned shall be given early and effective opportunities to participate in all phases of the EIA procedure, including the decision-making process.
3. Detailed arrangements of the EIA procedure, the provision of information and influence of public participation and states affected by the project, are regulated by a sub-legal act under paragraph 4 Article 20 of this law.

Article 29
Transboundary impacts

1. If during the review of an EIA Report, it is determined that the proposed project is likely to cause significant transboundary environmental impacts then the Ministry shall inform the affected country or countries about the arrangements for public information determined pursuant to paragraph 3 Article 28 of this law.
2. A country or countries that may be affected may give their opinion and comments on the project and may be represented at any public debate concerning the project.
3. The comments of the affected country or countries must be taken into account when the decision of Environmental Consent is taken. If necessary to ensure the effectiveness of this consultation, the normal time limits laid down in this Law for administering the relevant procedures of EIA may be extended for a particular case by the Ministry in negotiation with the affected country or countries concerned.
4. The Ministry inform the environmental authorities and the public concerned in the Republic of Kosovo of the information obtained from affected countries on the transboundary effects of a proposed project in accordance with the procedures determined in paragraph 4 Article 20 and paragraph 3 Article 28 of this Law.
5. In interpreting and applying this Article, the relevant authorities shall endeavour to give effect to the principles enshrined under the ESPOO Convention (1991).

Article 30
Archiving the documentation

The Ministry shall archive the whole documentation of the EIA procedure. Archiving arrangements shall be according to the Law on Archives and Archive Material.

Article 31
Access to documentation

1. The Ministry is obliged to make available the documentation concerning the EIA procedure to any person if so requested in writing, within eight (8) days from the day of receipt of the request.
2. Any person may request copies of the documentation or parts of it by an application in writing to the Ministry. Within fifteen (15) days from the date of receipt of the request, the Ministry shall either provide the information requested or respond to the applicant in writing. For this service the applicant shall pay a fee, pursuant to the act designated in paragraph 3 Article 27 of this Law.
3. Ministry provides no documentation which is protected under Article 6 of this Law.
Article 32
Compliance with environmental conditions from the EIA Report

1. An applicant is obliged to realize the protecting measures foreseen in the EIA Report and the conditions specified in the Decision on Environmental Consent.
2. The Ministry shall monitor the project for which the Decision on Environmental Consent has been issued in order to verify whether all the protection measures foreseen in the EIA Report and the conditions designated in the Decision on Environmental Consent have been implemented.
3. The Ministry, in accordance with due procedure, shall annul the Decision on Environmental Consent in any case where it verifies that all the measures foreseen in the EIA Report and the conditions designated in the Decision on Environmental Consent have not been implemented.

CHAPTER V
SUPERVISION

Article 33
Administrative Supervision

The Ministry shall be responsible for the implementation of the provisions of this law and sub-legal acts issued under this law.

Article 34
Supervision by inspection

The ministry through environmental protection inspectorate is responsible for all inspections of projects and for implementation of the provisions of this law.

Article 35
Rights and duties

1. While performing the supervised inspection, the environmental protection Inspector has the following rights and duties.
   1.1. he must ascertain that the obligation to submit a request to obtain Environmental Consent for projects requiring Environmental Impact Assessment according to Article 7 and 8 of this law is fulfilled.
   1.2. when it is found that the provisions of this law have been violated and in order to implement its provisions, the environmental protection inspector is obliged to submit reports to the competent authority detailing the violation of provisions of this law.

Article 36
Authorization of the environmental protection inspector

1. During the performance of supervised inspections, the environmental protection inspector is authorized to:
   1.1. order the operator to start the EIA procedure, within thirty (30) days;
   1.2. stop the execution of works and operation until an Environmental Permit has been obtained from the Ministry;
   1.3. order the complete fulfilment of conditions and the implementation of protective measures stipulated in the Environmental Permit issued by the Ministry;
   1.4. stop the activity of the operator until the full implementation of conditions defined in the Decision on the Environmental Permit.
Article 37
The inspector’s decision

1. The inspector will draw up a report of his findings, which will contain an assessment of the situation and the proposed measures for rectifying it. On the basis of that assessment the inspector will issue the decision with what shall be charged the legal person responsible in accordance with this law, in order to take remedial measures.

2. An appeal against the decision of the inspector may be submitted to the Ministry, within fifteen (15) days.

3. The appeal is submitted to the Second Instance in the Ministry, where it shall be reviewed within thirty (30) days from the date receipt of the appeal.

4. A party who remains unsatisfied by the decision of the Second Instance has the right to raise an administrative dispute in the Competent Court, within thirty (30) days from the date of the receipt of the decision.

5. An appeal filed against the decision of the inspector, does not delay execution of that decision, unless it is stipulated differently in the decision.

CHAPTER VI
PENALTY PROVISIONS

Article 38
Penalties for Violation of this Law

1. All persons who act contrary to the provisions of this law or acts issued under this Law shall be punished for offences, and the natural person in amount of one thousand (1,000) up to five thousand (5,000) Euros, while the legal person in amount of ten thousand (10,000) up to fifty thousand (50,000) Euro, if

1.1. the realization of the planned project is started without carrying out an EIA and obtaining the Decision on Environmental Consent according to paragraph 1 Article 7 of this law;

1.2. any false data, false statements, falsification of the documentation or false information, or disinformation is or are submitted during any phase of the EIA procedure, paragraph 4 Article 16 of this law;

1.3. the applicant does not fulfil the obligations for protective measures foreseen in the environmental report or the conditions specified in the decision on environmental consent according to paragraph 1 Article 32 of this law.

2. Compiler of the EIA Report, who gives assumed declarations and information, shall be taken the license for preparing of EIA report

3. With fine from ten thousand (10,000) up to sixty thousand (60,000) Euro, convicted persons who even after the imposition of the fine from paragraph 1 of this Article do not meet the conditions of paragraph 1 Article 7, paragraph 4 Article 16 and paragraph 1 Article 32 of this law.

4. Continued failure to comply, even after the imposition of fines under paragraphs 1 and 2 of this Article, shall be punishable in accordance with paragraph 3 Article 32 of this law.

CHAPTER VII
TRANSITIONAL PROVISIONS

Article 39

Sub-legal acts for implementation of this Law shall be issued within six (6) months, from the date of coming into force of this Law.

Article 40

Applications submitted prior to the date on which this Law comes into effect, shall be dealt with pursuant to the Law on Environmental Protection (No. 03/L-025) and the Law on Environmental Impact Assessment (No. 03/L-024).
Assessment of the Institutional Administrative Units

Article 41

1. From the date of entry into force of this Law, the Law on Environmental Impact Assessment Nr. 03/L-024 will be abrogated.
2. Component parts of this law are as well the annexes from one (1) to three (3).

Article 42

This Law shall enter in force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-214
23 September 2010

Member of the Presidency of the Assembly
Xhavit HALITI
ON ENVIRONMENTAL IMPACT ASSESSMENT

ANNEX 1

1. Production and Processing of Metals
   1. Metal ore (including sulphide ore) roasting or sintering installations.
   2. Factories for cast iron and steel influx (primary or secondary fusion), including continuous casting.
   3. Factories/foundries for processing of ferrous metals:
      3.1. Hammer smitheries with an energy output exceeding fifty (50) KJ per hammer, while the power input exceeds twenty (20) KW;
      3.2. Application of protective fused mixed metal coats with an input which exceeds one (1) tons/hour of steel gross;
      3.3. Foundries for production of ferrous metals with capacity higher than one hundred (100) tons/day.
   4. Factories/foundries for:
      4.1. Non-ferrous metal production and production of non-ferrous crude metals from ore; concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
      4.2. Smelting, including production of alloys, including reclaimed products (refining, casting in foundries, etc.) with production that exceeds one (1) ton/day for lead and cadmium or ten (10) tones/day for other metals.
   5. Factories for surface treatment of metals and plastic materials, using electrolytic or chemical processes where the volume of treatment vats exceeds ten (10) m³.
   6. Installations for surface treatment of substances or products which use organic solvents especially for coating, painting, degreasing, protection against water and colour infiltration, cleaning or pressing where the amount of solvents used exceeds one hundred (100) tons/year.
   7. Production and processing of alloys from non-ferrous metals which contain arsenic, mercury and lead, with a capacity higher than one thousand (1,000) tons/year.

2. Mineral Industry
   8. Cement factories containing rotating kilns (baking and drying) with production capacity higher than three hundred (300) ton/day or lime producing factories with rotating limekilns with a production capacity of thirty (30) tons/day or more, or containing other types of kilns with production capacity of thirty (30) tons/day or more.
   9. Factories for production of materials using processes such as calcification and baking of minerals which contain toxic elements like, mercury, arsenic and cadmium.
   10. Glass producing factories, including production of glass fibre, with a production capacity of ten (130) tons/day or more.
   11. Foundries for smelting of mineral substances, including production of mineral fibres, with a production capacity of ten (10) tons/day or more.
   12. Factories for production of ceramic products, by firing, especially production of bricks, tiles, refractory bricks, stoneware and porcelain, with a production capacity of thirty (30) tons/day or more.
   13. Installations for extraction of asbestos and for the processing and transformation of asbestos and other asbestos containing products, such as: asbestos-cement products, with an annual production of more than five thousand (5,000) tones of finished products; for friction material, with annual production of more than fifty (50) tons of finished products; and for other uses of asbestos, utilization of more than two hundred (200) tones/year.
   14. Factories for roasting and sintering of non-metallic minerals with a production capacity of thirty (30) tons/day or more.
3. **Extractive Industry**

15. Quarries and open-cast mining of clay where the surface of the site exceeds five (5) ha, or peat extraction, where the surface of the site exceeds ten (10) ha or involves the extraction of fifteen thousand (15,000) tons or more/annum.

16. Extraction and processing (except liquefaction and gasification) of coal, lignite and bituminous minerals with a production capacity of fifty thousand (50,000) tons/year or more.

4. **Chemical Industry**

17. Integrated activities for industrial production, through chemical processes, of single substances or groups of substances, listed in the sub-paragraphs 17.1 to 17.7:

17.1. Production of basic organic chemicals, such as:

17.1.1. Simple hydrocarbons (linear or cyclic, saturated or not saturated, aliphatic or aromatic);

17.1.2. Hydrocarbons which contain oxygen such as: alcohols, carboxylic acids, ethers, acetone, peroxide, epoxy resin;

17.1.3. Sulphate hydrocarbons;

17.1.4. Nitrogen hydrocarbons, such as amines, amides, nitrogen compounds, nitrate compounds, nitriles, cyanide, isocyanides;

17.1.5. Phosphor-containing hydrocarbons;

17.1.6. Halogen hydrocarbons;

17.1.7. Organometallic components;

17.1.8. Base plastic materials (polymers synthetic fibres and fibres with a cellulose base);

17.1.9. Synthetic rubber;

17.1.10. Colourings and pigments;

17.1.11. Active-surface agents.

17.2. Production of basic inorganic chemicals, such as:

17.2.1. Gases, like ammonia, chlorine, or hydrogen chloride, fluorine or hydrogen fluoride, carbon dioxide, sulphur compounds, hydrogen, sulphur dioxide, carbonyl fluoride;

17.2.2. Acids, such as: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, sulphurous acid;

17.2.3. Bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;

17.2.4. Salts, such as potassium carbonate, sodium carbonate, bleaches based on sodium or potassium borates, silver nitrate;

17.2.5. Non metals, metal oxides and other inorganic combinations, such as: calcium carbide, silicon, silicon carbide;

17.3. Production of chemical fertilizers with a phosphate, nitrogen, or potassium base (simple or compound fertilizers);

17.4. Production of basic plant health products and biocides;

17.5. Production of basic pharmaceutical products, colours and pesticides, using a chemical or biological process;

17.6. Production of explosive substances;

17.7. Production of protein nutrition additives, ferments and other protein substances using chemical and biological processes.

5. **Energy Industry**

18. Thermal power stations and other combustion installations with a heat output of fifty (50) MW or more.


20. Installation of electric lines of high voltage with minimum of two hundred and twenty (220) kV and with length longer than ten (10) km.

21. Crude oil refineries and installations for gasification and liquefaction of coal and bituminous shale and installations for reclaiming of used oils involving amounts of one hundred thousand (100,000) tons/year or more.

22. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of one hundred thousand (100,000) tons or more.

23. Installations for storage of radioactive materials.

6. **Transport Infrastructure**

24. Construction of lines for long-distance railway traffic and of airports with a basic runway length of two thousand one hundred (2100) m or more.
25. Construction of a new road of two or more lanes, or realignment and/or widening of an existing road to provide two or more lanes, where such new road, or realignment and/or widened section would be five (5) km or more in continuous length.

26. Pipelines with a diameter of five hundred (500) mm or more and a length of ten (10) km or more for the transport of:
   26.1. Natural gas, oil or chemicals, and
   26.2. Carbon dioxide (CO2) streams for the purposes of geological storage, including associated booster stations.

27. Pipelines with a diameter of eight hundred (800) mm or more and a length of forty (40) km for the transport carbon dioxide (CO2) streams for the purposes of geological storage, including associated booster stations.

7. Food Industry

28. Manufacture and processing of food products from:
   28.1. Raw materials of animal origin (excluding milk) where production capacity of final product, exceeds thirty (30) tons/day;
   28.2. Raw materials of plant origin where production capacity of final product, exceeds two hundred fifty (250) tons/day (average based on the quarterly value);
   28.3. Milk products, where the amount of treated milk exceeds one hundred (100) tons/day (average based on annual amount);

8. Waste and Wastewater Treatment and Disposal

29. Installations for incineration, recovery, chemical treatment, or land filling of hazardous waste.

30. Facilities for municipal waste incineration, with an input of 1 tone/hour or more.

31. Landfills for non-hazardous waste, with an input of thirty (30) tons/day or more.

32. Plants for treatment of municipal wastewater with a capacity exceeding one hundred thousand (100,000) population equivalents.

33. Plants for treatment of industrial wastewater.

9. Water Storage, Transfer and Supply Projects

34. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds five (5) million cubic meters.
   35.1. Works for the transfer of water resources between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds thirty (30) million m³/year.
   35.2. In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds six hundred (600) million m³/year and where the amount transferred exceeds 5% of this flow. In both cases transfers of piped drinking water are excluded.

36. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds five (5) million m³.


37. Installations for production of paper and board exceeding one hundred thousand (100,000) m²/year.

38. Industrial plants for the:
   38.1. Production of pulp from timber or similar fibrous materials;
   38.2. Production of paper and board with a production capacity exceeding fifty (50) tonnes/day.

39. Furniture production with an input of wood or other basic material greater than ten thousand (10,000) m³/year.

40. Factories for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles.

41. Factories for tanning of hides and skins.

11. Intensive Agriculture

42. Installations for intensive rearing of poultry, pigs or livestock with more than:
   42.1. ten thousand (10,000) poultry;
   42.2. five hundred (500) pigs;
   42.3. one hundred (100) cattle; and
   42.4. one thousand (1000) small livestock;

12. Other Projects

43. Installations for rendering or disposal of dead animals.

44. Storage sites for the geological storage of carbon dioxide.
45. Installations for the capture of CO2 streams for the purposes of geological storage from installations covered by this Annex or where the total yearly capture of CO2 is 1.5 megatons or more.

46. Any change or extension to projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.
Annex 2

1. **Agriculture, forestry and fishing:**
   1.1. Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;
   1.2. Water management projects for agriculture, including irrigation and land drainage projects;
   1.3. Initial afforestation and deforestation, for the purposes of conversation to another type of land use;
   1.4. Intensive fish farming.

2. **Extractive industry**
   2.1. Quarries, stone crushers, open-cast mining and peat extraction including sites identifies for municipally managed artisan mining (projects which are not included in Annex 1);
   2.2. Underground mining;
   2.3. Extraction, crumbling and other minerals by dredging of river beds;
   2.4. Deep drillings, in particular:
      2.4.1. Geothermal drilling; and
      2.4.2. Drilling for water supplies, with the exception of drillings investigating the stability of the soil;
   2.5. Surface installations for extraction of coal, lignite and bituminous minerals (projects which are not included in Annex 1);

3. **Energy Industry**
   3.1. Industrial installations for the production of electricity, steam and hot water (projects not included in Annex 1);
   3.2. Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex 1);
   3.3. Surface storage of natural gas;
   3.4. Underground storage of combustible gases;
   3.5. Surface and underground storage of fluid combustible materials (projects not included in Annex 1) and storage in land surface of fossil carburant;
   3.6. Industrial briquetting of coal and lignite;
   3.7. Installations for the processing and storage of radioactive waste (unless included in Annex I);
   3.8. Installations for hydroelectric energy production (projects not included in Annex 1);
   3.9. Installations for harnessing of wind power for energy production; 3.9. continuous radiate resources (ionizing and non-ionizing).
   3.10. Installations for the capture of CO2 streams for the purposes of geological storage (installations not covered by Annex I);

4. **Production and processing of metals**
   4.1. Installations for the production of pig iron or steel with continuous casting;
   4.2. Installations for the processing of ferrous metals (projects not included in Annex 1);
   4.3. Ferrous metal foundries (projects not included in Annex 1);
   4.4. Installations for the smelting, including the alloyage, of non-ferrous metals, including reclaimed products (refining, foundry casting etc.), (projects not included in Annex 1);
   4.5. Installations for surface treatment of metals and plastic materials (projects not included in Annex 1);
   4.6. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
   4.7. Installations for the roasting and sintering of metallic ores;
   4.8. Installations for building and repairing airplanes;
   4.9. Production of railway equipment;
   4.10. Disintegration with explosive

5. **Mineral industry**
   5.1. Coke ovens (dry coal distillation);
   5.2. Installations for the manufacture of cement (projects not included in Annex 1);
   5.3. Installations for the production of asbestos and the manufacture of asbestos-products (projects not included in Annex 1);
   5.4. Installations for production of glass including glass fibre (projects not included in Annex 1);
   5.5. Installation for smelting mineral substances including production of mineral fibres (projects not included in Annex 1);
   5.6. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (projects not included in Annex 1);
   5.7. Factories for asphalt production;
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5.8. Factories for beton production.

6. Chemical industry
6.1. Treatment of intermediate products and production of chemicals;
6.2. Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides (projects not included in Annex 1);
6.3. Storage facilities for petroleum, petrochemical and chemical products.

7. Food industry
7.1. Manufacture of vegetable and animal oils and fats (projects not included in Annex 1);
7.2. Canning and canning of animal and vegetable products;
7.3. Manufacture of dairy products (projects not included in Annex 1);
7.4. Brewing of beer (projects not included in Annex 1);
7.5. Confectionery and syrup manufacture (projects not included in Annex 1);
7.6. Installations for the slaughter of animals;
7.7. Industrial installations for production of farina;
7.8. Sugar factories (projects not included in Annex 1).

8. Textile, leather, wood and paper industry
8.1. Factories for the production of paper and board (projects not included in Annex 1);
8.2. Plants for pre-treatment (washing, bleaching, mercerization) or dying of fibres or textiles (projects not included in Annex 1);
8.3. Plants for the tanning of hides and skins.
8.4. Cellulose-processing and production installations.

9. Rubber industry

10. Infrastructure projects
10.1. Industrial estate development projects;
10.2. Urban development projects, including the construction of shopping centres and car parks;
10.3. Construction of railways and intermodal transhipment facilities, and of intermodal terminals (projects not included in Annex 1);
10.4. Constructions for airports and airfields (projects not included in Annex 1);
10.5. Construction of roads (projects not included in Annex 1);
10.6. inland waterway construction or modification;
10.7. Flood prevention projects including modifications to river channels (projects not included in Annex 1);
10.8. Dams or other installations designed to hold water or store it on long-term basis (projects not included in Annex 1);
10.9. Construction or modification of tramways, elevated or underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
10.10. Oil and gas pipeline installations and pipelines for the transport of CO2 streams for the purposes of geological storage (projects not included in Annex 1);
10.11. Groundwater abstractions and artificial groundwater recharge schemes (projects not included in Annex 1);
10.12. Works for the transfer of water resources between river basins (projects not included in Annex 1).

11. Tourism and leisure
11.1. Ski-runs, ski-lifts, and cable cars and associated activities;
11.2. Holiday villages and hotel complexes outside urban areas and associated developments;
11.3. Permanent camp and caravan sites;
11.4. Theme parks;
11.5. Infrastructure installations in protected zones, not included in spatial plans.

12. Other projects
12.1. Permanent racing and test tracks for motorized vehicles;
12.2. Installations for the disposal of waste (projects not included in Annex 1);
12.3. Waste-water treatment plants (projects not included in Annex 1);
12.4. Sludge deposition sites (projects not included in Annex 1);
12.5. Storage of scrap iron and other metals, including scrap vehicles;
12.6. Installations for the manufacture of artificial mineral fibres (projects not included in Annex 1);
12.7. Installations for the recovery or destruction of explosive substances;
12.8. Sites for disposal of industrial non-hazardous waste;
12.9. Sites for storage and processing of dead and unwanted animals (projects not included in Annex 1);
12.10. Food industries (projects not included in Annex 1 or under section 7 above).
12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than two (2) years.
1. **Characteristics of the projects**
   1.1. The characteristics of the project must be considered having regard, in particular, to:
      1.1.1. The size of the project;
      1.1.2. Environment impact when combined with other existing or expected future projects;
      1.1.3. The use of natural resources;
      1.1.4. The production of waste;
      1.1.5. Pollution and nuisances;
      1.1.6. Risk of accidents, having regards in particular to substances or technologies used.

2. **Location of projects**
   2.1. The environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regards in particular to:
      2.1.1. The existing land use;
      2.1.2. The relative abundance, quality and regenerative capacity of natural resources in the area;
      2.1.3. The absorption capacity of the natural environment, paying particular attention to the following areas:
         2.1.3.1. Wetlands;
         2.1.3.2. Mountain and forest areas;
         2.1.3.3. Nature reserves and parks;
         2.1.3.4. Special protection areas;
         2.1.3.5. Areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
         2.1.3.6. Densely populated areas;
         2.1.3.7. Landscapes of historical, cultural or archaeological significance.
Administrative Instruction UNMIK No. 09/2004 “on Environmental Impact Assessment”

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

This Administrative Instruction specifies the procedures for identification, evaluation, reporting and management of environmental impacts of a proposed project, listed in Annexes I and II, to ensure that all the relevant environmental information is taken into account by the Ministry of Environment and Spatial Planning when deciding to issue an Environmental Consent or Environmental Permit.

Article 2
Definitions

The terms used in this Administrative Instruction have the following meaning:

1. “Project” means any activity; operation; undertaking; development; any change in the use of land or significant expansion and any other change to any of the above (which, according to the opinion of the Ministry, are considered to be substantial changes in the installation or in the operation mode, and which may have significant negative impacts on the environment), which are listed in Annexes I and II and which cannot be implemented without an Environmental Consent or Environmental Permit from the Ministry.

2. “Permitting Authority” means a body or agency, including also the municipal authority that issues a required permit, pursuant to any statute, regulation, law or any other requirement, before an activity or project can be executed.

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27 This term and definition derives from the definitions in the Law on Environment Protection. The term, “Environmental Permit”, used in this document, replaces and has the meaning of the term “Ecologic permit” used in the Law on Environment Protection, Article 22.
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3. “Permit” means a formal written instrument issued by a public authority authorizing the holder thereof to execute, according to the conditions specified therein, a specific one-time activity or project.

4. “Environmental Impact Assessment” (“EIA”) means a study to determine the likely environmental consequences of a project.

5. “EIA Report” means the report presenting the results of an EIA.

6. “Screening” is the process of reviewing a proposed project, in order to decide whether it falls within Annexes I and II and requires a ‘full’ or ‘simplified’ EIA.

7. “Scoping” is the process of identifying the likely significant environmental impacts of a proposed project based on project information and information on the site and its surroundings.

8. “Scoping notification” is a written statement, issued by the Ministry, containing an opinion about the information on the expected environmental impacts, which shall be attached to the EIA Report.

9. “Applicant” is the natural or legal person or the legal entity, which can be a public or private entity, proposing to undertake a new project or plan, or to repair, modify or continue an existing project, which is listed in Annexes I and II and is responsible for obtaining an Environmental Consent or Environmental Permit.

10. “Day” is defined as a working day from Monday to Friday with the exception of the public holidays.

11. Kosovo Environment Protection Agency (KEPA) as the agency established under Article 39 of the Law on Environmental Protection.

12. “Municipal authority”, a written formal instrument, is a municipal body responsible for issuing construction and operating permits.

13. “Environmental Authorization” means a written authorization, issued in accordance with the Environmental Protection Law (Law No. 2002/8 attached to UNMIK Regulation 2003/9) required for proposed projects that are expected to cause environmental damage, but not of sufficient scale as to require EIA.

14. “Environmental Consent” means a written authorization, issued in accordance with the Environmental Protection Law (Law No. 2002/8 attached to UNMIK Regulation 2003/9) and this Administrative Instruction, required in order to obtain a construction permit.

15. “Environmental Permit” means a written authorization, issued in accordance with the Environmental Protection Law (Law No. 2002/8 attached to UNMIK Regulation 2003/9) and this Administrative Instruction, required in order to obtain an operating permit.

16. “Environment” means the complex of natural elements including water; air; land; their interrelationships, and living organisms including human beings and their communities.

17. “Non-Technical Summary” means a short, stand-alone document that presents the important results of an EIA Report, in an accessible and easy-to-read format, for public consultation.

18. “He” and “his” shall apply equally to either gender and shall also include reference to a company or partnership or other legal entity depending on the context.

CHAPTER II
ENVIRONEMTAL IMPACT ASSESSMENT

Article 3
Projects which undergo environmental impact assessment (EIA) and preparation of a full or simplified EIA Report

1. Projects listed in Annex I shall be subject to preparation of a full EIA Report due to the expected scale, variety and type of likely environmental impacts.

2. Projects listed in Annex II, as well as significant modifications to projects listed in Annex I, shall be subject to preparation of a simplified EIA Report if the Ministry, based on the criteria set out in Annex III, judges that they may cause impacts on the environment, but on a lesser scale than projects to be subject to a preparation of a full EIA Report.

3. Projects listed in Annex II shall be subject to a full EIA if the Ministry, based on the criteria set out in Annex III, judges that the scale, variety and type of expected environmental impacts requires preparation of a full EIA Report.

4. The Ministry may exempt any State Owned Enterprise (SOE) from this requirement for reasons of overriding public interest, including reasons of an economic or social nature.
CHAPTER III
ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

Article 4
Start of EIA Procedure

1. The EIA procedure begins when:
   a) an applicant, wishing to realize a new project or to modify the physical scale and structures of an existing project, submits to a permitting authority, in writing, an application for a construction permit;
   b) an applicant, wishing to modify the production processes of an existing facility or installation, submits to a permitting authority, in writing, an application for an operating permit;
   c) an applicant, wishing to apply for any other permit, required to realize a project, submits a written application for any such permit to the appropriate authority; or
   d) a public official who is aware that a project, listed in either Annex I or Annex II, has begun construction without a valid construction permit and subsequent to the entry of this Administrative Instruction into law, has to inform the Ministry. The Ministry shall issue an order requiring construction activities to cease pending the outcome of the screening process as specified in Article 5.

2. Any permitting authority, if not the municipal authority, shall require the applicant to apply to the municipal authority for an Environmental Authorization, Environmental Consent or Environmental Permit. Such an application must be accompanied by payment of the fees defined by the Ministry.

3. All applications must include the name, address and juridical status of the applicant and a completed questionnaire.28

4. The municipal authority shall send a copy of the application to the Ministry within 5 days of receipt. The Ministry shall require KEPA to review the application and provide a screening opinion to the Ministry.

5. If the data presented by the applicant are not considered sufficient the Ministry shall request and specify, in writing, the additional information required.

6. If an applicant does not provide the additional information within 15 days of the date of the request then the application shall be refused.

7. The Ministry shall issue, as necessary, instructions to municipal authorities as to the form and type of information to be submitted with an application.

Article 5
Screening decision

1. Based on information supplied with an application and taking into account the projects listed in Annexes I and II and the screening criteria in Annex III, the Ministry shall review the application and shall inform the applicant and the municipal authority and, as appropriate, the permitting authority, in writing, within 10 days from receipt of an application from the municipal authority that:
   a) No EIA is required.
   b) A full EIA Report is required.
   c) A simplified EIA Report is required.

2. An applicant may file an appeal to a competent court, within 20 days of the date of issue of the letter setting out screening decision of the Ministry, in accordance with the Law on General Administrative Procedures and the appeal will be heard according to the legislation in force.

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28 The questionnaire will be issued by the Ministry and provided to all municipal authorities. It will also be available on the website of the Ministry of Environment and Spatial Planning
Article 6
Scoping Notification and Scoping

A Scoping Notification
1. An applicant may request that the Ministry states in writing its opinion as to the information on environmental impacts to be presented in an EIA Report (“a scoping notification”).
2. A request under paragraph (1) shall include:
   a. a description of the likely significant impacts on the environment; and
   b. reasons for identifying these impacts
3. The applicant will present this information in a brief scoping report, not exceeding three (3) pages in length, to the Ministry, who shall forward it to KEPA.
4. KEPA shall consider the information and prepare a scoping notification and submit it to the Ministry who shall send it to the applicant, copied to the municipal authority or other permitting body. The Ministry shall issue the scoping notification within 30 days of receipt of a request from the applicant.
5. Issue of a scoping notification does not prevent the Ministry from requiring additional information at a later date
6. The scoping notification must be summarized and included in the EIA Report and attached as an Annex to the Non-Technical summary

B. Scoping
A scoping report shall be prepared, including the information specified in paragraph (2) above, for all full or simplified EIA Reports, and shall be included in the EIA Report and attached as an Annex to the Non-Technical Summary.

Article 7
Experts licensed to prepare EIA reports

Only individuals licensed by the Ministry as EIA experts shall be commissioned to prepare EIA Reports in accordance with Administrative Instruction No. 6 on Licensing Persons and Enterprises for Conducting Environmental Impact Assessment Report.

Article 8
EIA reports

1. The applicant shall submit six (6) copies of an EIA Report and to (2) electronic copies to the municipal authority.
2. At the same time as the applicant submits the EIA Report to the municipal authority he shall submit a fee direct to the Ministry. The municipal authority shall only forward the EIA Report to the Ministry when it has received valid proof, from the applicant, that the fee has been paid to the Ministry.
3. The municipal authority shall forward three (3) copies of the EIA Report and one (1) electronic copy and the proof of the payment of the fee to the Ministry.

Article 9
Opinion of municipal authority

1. The municipal authority shall review the EIA Report and consider the proposed project in the context of applicable municipal spatial and other statutory plans and the findings of the EIA Report.
2. The municipal authority shall prepare its written opinion stating whether an Environmental Consent or Environmental Permit should be granted.
3. The municipal authority shall propose conditions to be included in an Environmental Consent, Environmental Permit and in a subsequent permit.
4. The written opinion of the municipal authority shall be forwarded to the Ministry within 20 days of receipt of the EIA Report.
Article 10
Procedure for EIA Report review

On receipt of the EIA Report, the Ministry shall send three (3) copies of the EIA Report with one (1) electronic copy and the written opinions of the municipal authority to KEPA within 5 days of receipt of each.

Article 11
Review of the EIA Report

1. KEPA shall review the EIA report based upon the scoping report or scoping notification and the following criteria:
   a) Adequacy of project description (including alternatives as required);
   b) Adequacy of identification and evaluation of environment impacts;
   c) Adequacy of measures to mitigate significant adverse impacts including rehabilitation of areas affected by extraction of natural resources, waste management activities, or any similar activities;
   d) Adequacy of proposed monitoring schemes;
   e) Other criteria considered relevant in the particular circumstances
2. KEPA, after review of the EIA Report and taking into account the written opinion of the municipal authority, shall submit its draft decision to the Ministry with conditions to be attached to an Environmental Consent or Environmental Permit as necessary.
3. The draft decision will be presented, in writing to the applicant and the municipal authority and, as appropriate, the permitting authority within 20 days of receipt of the EIA Report by the Ministry.

Article 12
Review of External Experts

1. The Ministry shall, as necessary, contract experts resident in Kosovo holding a valid EIA licence or international experts having proven expertise in EIA.
2. Experts shall present their opinions, in writing, to the Ministry by a date that shall be specified by the Ministry.
3. If an expert was involved in drafting of an EIA Report, he cannot be involved in the review of that EIA report.
4. Experts shall be recompensed according to regulations set by the Ministry.

Article 13
External Consultations

1. The Ministry shall issue a written request for a review opinion on an EIA Report to selected bodies having a legitimate interest in the proposed project and its environmental impacts. The Ministry, shall, at its discretion, select those organisations and bodies from the following
   a) Ministries; and
   b) Municipal authorities in neighbouring jurisdictions (when impacts are expected to occur in their areas).
2. The Ministry shall specify the date by which responses must be received.

Article 14
Public Consultation for full and simplified EIA Reports

1. The main conclusions and recommendations, contained in an EIA Report submitted to the Ministry for review, the project to which it refers, and the draft decision shall be subject to public consultation.
2. The applicant shall
   a) Inform members of the public, through information media, including an announcement in at least one national and one local daily newspaper on at least three (3) separate occasions during a period of one week, that the Non Technical Summary and draft decision are available and the location and times when members of the public may examine them. The public announcement(s) shall inform the public that written submissions may...
be sent direct to KEPA, provide the address of KEPA and the date by which written submissions must be received by KEPA;

b) provide copies of the Non-Technical Summary of the EIA Report and the draft decision to the local office(s) of the Ministry, municipal offices, schools and local municipal units, so as to have enough copies for the public to consult.

c) Supply a copy of all media announcements, certified by the applicant as having been announced in the media on a specified date, to KEPA within 5 days of the announcement.

**Article 15**

Public Hearing for full EIA Reports

1. A public hearing shall be held in a convenient venue, located as close as possible to the proposed project location

2. In addition to the requirements of Article 14, the applicant shall:
   a) Prepare a plan, to be sent to KEPA for approval, for the public hearing specifying the date and location of the public hearing, the mechanisms and times for informing the public, and the locations where copies of the Non-Technical Summary of the EIA Report and the draft decision will be displayed. The public hearing cannot be held until the applicant has received approval, in writing, from KEPA that the plan is acceptable.
   b) Inform members of the public, through public information media, including an announcement in at least one national and one local daily newspaper on at least three (3) separate occasions during a period of one week, of the date, time and place of the public hearing.
   c) Supply copies of the Non-Technical Summary and the draft decision, in accordance with the requirement of Article 14 b), for members of the public to consult during a period of no less than 15 days, but no more than 30 days, following the public announcement of the date of the public hearing.
   d) Supply a copy of all media announcements to KEPA within 5 days of the announcement, and,
   e) Ensure that there is a minimum of 10 days between the announcement that a public hearing will occur and the date of the public hearing.

3. KEPA shall issue a decision on the plan within 5 days of receipt of the plan

4. KEPA shall prepare a summary of the main points raised at the hearing and any conclusions reached

5. At least 10 days must elapse from the date of the public hearing before the final decision, on issuing an Environmental Consent or an Environmental Permit, is made.

6. This organisation of the public hearing, and all associated costs, will be the responsibility of the applicant

7. The Minister shall issue guidance on the conduct of public hearings

**Article 16**

Ministry Decision on Public Hearings for simplified EIA Reports

The Ministry, at its discretion, shall require a public hearing be held for a simplified EIA Report if, in its judgement, there is sufficient local public concern to warrant such a hearing.

**Article 17**

Review result

1. KEPA shall present its proposed decision to the Ministry within 50 days of the date of receipt of the EIA Report by the Ministry after reviewing the environmental information on the project consisting of:
   a) The EIA Report
   b) The opinion of the municipal authority
   c) The reviews of external experts (if such reviews have been requested)
   d) The opinion of the external consultants
   e) The summary of the public hearing; and
   f) Written opinions from natural or legal persons

2. The proposed decision shall recommend whether:
   a) An Environmental Consent should be granted with no specific conditions;
   b) An Environmental Consent should be granted with specific conditions
c) An environmental Consent should be refused

d) Depending on the type of project, an Environmental Permit will be required before the commencement of operations

3. A proposed decision recommending a refusal of an Environmental Consent shall specify reasons for the refusal.

**Article 18**

**Amendments to the project and application**

1. Should an applicant wish to make amendments to an application, after submitting the EIA Report for review and prior to the Ministry’s decision on issuing an Environmental Consent or Environmental Permit, he should notify the municipal authority and submit an Addendum to the EIA Report.
2. The Addendum to the EIA Report must be submitted to the municipal authority who will forward it to the Ministry for review.
3. The Ministry shall notify the applicant of the amended timescale for review

**Article 19**

**Decision on issuing an Environmental Consent or Environmental Permit**

**A. Environmental Consent**

1. Within 5 days of receipt of the KEPA proposed decision, the Ministry shall review it and grant or refuse an Environmental Consent and convey this decision in writing to the applicant, the municipal authority and the public.
2. The Ministry may decline to follow or may amend the KEPA proposed decision only on the basis of imperative reasons of overriding public interest, including reasons of an economic, social or environmental nature. Where the Ministry declines to follow or amends the KEPA proposed decision, it shall specify the reasons for doing so.
3. The Ministry shall make available the following information:
   a) The main reasons and considerations on which the decision is based;
   b) Any special conditions such as determining the specific characteristics of the construction period with respect to the type of construction activities and the overall duration of the construction period; and
   c) A description of the main measures to avoid, reduce and if possible, offset the significant adverse impacts.

**B. Environmental Permit**

1. On receipt of an application for an Environmental Permit, from the municipal authority, the Ministry will request an opinion from KEPA.
2. KEPA shall, at its discretion, consider the extent to which, an applicant has complied with his Environmental Consent before submitting its opinion to the Ministry.
3. The procedure for issuing an Environmental Permit, and the contents thereof, shall be regulated by a separate normative act.

**C. Changes to a project in the event of refusal of an Environmental Consent or Environmental Permit**

1. In the event of a decision to refuse an Environmental Consent or Environmental Permit, the Ministry may indicate, at its discretion, to the applicant any changes to project design, characteristics, and location that may enable an Environmental Consent or Environmental Permit to be issued.
2. An applicant shall be able to resubmit his application with attached documentation, and the time period for a decision on issuing an Environmental Consent will be determined at the discretion of the Ministry, but no later than 60 days from receipt of the application.

**D. Changes to a project in the period between issue of an Environmental Consent and application for an Environmental Permit**

1. If the applicant has changed important characteristics of project design or intended production processes, or both, in the period after receipt of a construction permit and before an application for an Environmental Permit then the applicant shall require an Environmental Consent and shall submit an Addendum attached to the EIA Report.
2. The Addendum to the EIA Report will be taken into account by the Ministry prior to a decision on issuing the Environmental Consent.
3. The Ministry will inform the applicant in writing, whether an Environmental Consent will be granted or refused no later than 60 days after receipt of the Addendum to the EIA Report.

E. Contents of an Environmental Consent
An Environmental Consent shall specify, as appropriate, measures to be implemented or conditions to be satisfied in order to prevent or reduce, to an acceptable level, adverse environmental impacts. The form and contents of an Environmental Consent shall be determined by the Ministry.

Article 20
Decision-Making and Appealing Procedure
An applicant may file an appeal with a competent court, within 30 days from the issuance of the decision of the Minister, in accordance with the Law on General Administrative Procedures, and the appeal will be treated pursuant to the legislation in force.

Article 21
Compliance with environmental conditions
1. Projects subject to EIA procedure cannot be realized unless the corresponding Environmental Consent or Environmental Permit has been issued to the applicant.
2. The applicant for a project which must be subject to the EIA procedure shall comply with the conditions set out in the Environmental Consent or Environmental Permit.
3. The compliance with conditions specified in the Environmental Consent or Environmental Permit shall be supervised by the Environmental Inspectorate which shall report, periodically, to the Ministry on compliance of these conditions.

Article 22
Withdrawal of an application for an Environmental Consent or Environmental Permit
1. An applicant may withdraw an application for an Environmental Consent or Environmental Permit at any time and at any phase of the review procedure, pursuant to Articles 11 to 17, by notifying the municipal authority in writing.
2. The municipal authority shall inform the Minister who shall order cancelation of the review procedure and all the documentation is archived. The documentation shall not be returned to the applicant.
3. No fees will be refunded if any application is withdrawn.

Article 23
Requirement to amend an EIA report after issuance of an Environmental Consent
1. If no land preparation for the implementation of the project, or operating activities have started within three years from the date of issuance of an Environmental Consent, then the applicant, or his successor, must submit a new application for the Environmental Consent. This application shall be submitted to the Ministry.
2. The Ministry shall decide whether:
   a) A new full or simplified EIA Report is required; or
   b) An Addendum to the EIA Report is required, according to Article 5 of this Administrative Instruction.
3. Preparation and submission of a new EIA Report or Addendum to an EIA Report shall follow the procedure according to Articles 6 to 31.
Article 24
Archiving documentation

1. The Ministry shall keep all the documentation from the date of the decision on grant or refusal of an Environmental Consent or Environmental Permit. Archiving arrangements shall be according to the legislation in force.
2. An applicant may request copies of parts or whole documents, by producing a written request to the Ministry, which will process this request within 15 days from the receipt of the written request. The applicant shall be required to pay a reasonable price for this service; the amount shall be defined by the Ministry.
3. Every natural or legal person has the right to access information regarding the archived documentation, in accordance with the Directive for Access to Information and Official Documents.

CHAPTER IV
EIA REPORT CONTENTS

Article 25
Adequacy of EIA Reports

1. EIA Reports are the core documents of the EIA process.
2. Reports are prepared by licensed natural or legal persons, but selected and contracted by the applicant.
3. Applicants are responsible for the quality and adequacy of the data, conclusions and recommendations presented in EIA Reports.
4. Applicants are responsible for the accuracy of all data and information included in EIA Reports and those submitting false or misleading information may be guilty of a criminal offence under Article 30 (1) of this Administrative Instruction.
5. Applicants may request access to information held by public bodies in order to assist them in implementing the EIA process. Such information shall be provided in accordance with Article 5 (m) of the Law on Environment Protection to the extent required by the Law on Freedom of Information.
6. The Ministry may request additional information to be provided if it decides that the EIA Report is inadequate following the review of the EIA Report pursuant to Article 11.

Article 26
Official requirements in connection with EIA Report Authors

An EIA Report must be signed by the persons preparing the EIA Report and by an authorized signatory, representing the applicant, responsible for submitting the EIA Report. An EIA Report must contain the issue date and official stamp of the applicant.

Article 27
Simplified EIA Report

1. A simplified EIA Report shall contain, as determined by the scoping report or scoping notification, information on:
   a) Purpose of the project;
   b) Correlation of the project with the laws and spatial, urban, environmental and economic development plans;
   c) Description of the project and any alternatives considered with emphasis on:
      ▪ Construction works and period of implementation;
      ▪ Operational activities and equipment and expected project operational life;
      ▪ Main inputs and outputs (products);
      ▪ Decommissioning/abandonment activities and expected duration (if known with reasonable degree of certainty);
   d) Main emissions from construction and operational phases;
   e) Description of important features of the environmental baseline situation and any trends affecting these environmental features:
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f) Effects upon architectural, archaeological, and cultural heritage;
g) Description of likely significant environmental impacts;
h) Proposed measures for the prevention and/or reduction of significant adverse impacts;
i) Measures for rehabilitation and ensuring acceptable after-use of damaged soils and landform once operations cease;
j) Action plan in case of emergencies (if relevant to the proposed project);
k) Proposed environment impact monitoring measures;
l) Description of trans-boundary impacts, if any;
m) Copy of the licence issued to the natural or legal person or persons who prepared the EIA Report; and
n) A non-technical summary of the EIA Report with the scoping report or scoping notification attached as an Annex.

2. The Ministry shall issue, as necessary, additional guidance on the content of the simplified EIA Reports, in the form of Guidelines.

Article 28
Full EIA Report

1. A full EIA Report shall contain, as determined by the scoping report or scoping notification, the information required under Article 27 plus detailed information on expected impacts with information for each impact type on forecasting methods used, and indication of any technical difficulties (technical problems or lack of know-how) encountered in preparing the EIA Report. The additional information required for a full EIA Report is as follows:
a) Procedure and reasons to select a project site and description of at least 2 other possibilities for project locations;
b) Direct and indirect environmental impact of the project (including direct and indirect effects short term, medium term and long term effects, temporary and permanent effects and positive or negative effects of the project) as listed under paragraphs (c)-(j) of this article;
c) Effects upon humans, human health, structures created by man arising from inter alia:
   • Population changes resulting from development, and important environment effects;
   • Effects of development on landscape and areas used for recreation;
   • Level and effect of emissions to air, water and soil during normal and abnormal operations;
   • Levels and effects from noise and vibration;
   • Levels and effects from ionising and non-ionising radiation;
   • Effects from development of local roads and transport;
d) Effects upon flora and fauna, nature heritage and geology arising from inter alia:
   • Loss or damage of habitats, plants and animal species;
   • Loss or damage of geological, paleontological and physiographic attributes;
   • Air quality and microclimatic changes;
   • Changes to water quality and quantity;
e) Effects upon soil, natural resources and land users arising from inter alia:
   • Physical effects of development, e.g. changes to local topography, effects on land stability, soil erosion etc.;
   • Effects of deposition (stored) chemical emissions in soil and the surrounding area:
f) Effects from closure of access or reduction in access;
g) Effects on livelihoods of land loss e.g. owned agricultural land and/or resources used in common for specific economic purposes, from changes in quality and amounts of available agricultural land or resources and sterilisation of mineral resources;
h) Effects upon water quality and quantity arising from inter alia:
   • Effects of hydrological changes such as drainage system alterations;
   • Effects upon the water quality caused by emissions; and
   • Effects caused by increased surface run-off;
i) Effects upon air and micro-climate arising from inter alia:
   • Levels and concentration of emissions;
   • Levels and concentration of particulates; and
   • Levels and concentration of odours;
j) Induced or secondary effects of the project:
   • Effects resulting from traffic (road, rail, air, water) in connection with development;
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- Effects resulting from extraction and use of materials, water, energy or other development resources for use in project construction, operation and decommissioning/after-use;
- Effects resulting from other developments connected to the project, e.g. new roads, houses, sewage and electricity systems, fuel providers, telecommunications etc.; and
- Cumulative effects resulting from any/all of the above, including the proposed project.

2. The Ministry shall issue, as necessary, additional guidance on the content of full EAI Reports, in the form of Guidelines.

**Article 29**

Notification and consultation concerning neighbouring countries

1. If, during a review of an EIA Report, it is determined that the proposed project is likely to cause significant trans-boundary environmental impacts, then the Ministry shall inform the responsible body of UNMIK.
2. If required by UNMIK the Ministry shall provide a copy of documentation concerning the project, including without limitation, the EIA Report.
3. A neighbouring country or countries that may be affected may give their opinion and comments on the project and may be represented at any public hearing concerning the project. The comments of the country or countries concerned must be taken into account in the decision to issue an Environmental Consent or an Environmental Permit.
4. The country or countries concerned must be provided with a copy of the written decision of the Ministry pursuant to Article 19.
5. During the interpretation and enforcement of this article, the relevant authorities shall make efforts to apply the requested principles pursuant to Espoo Convention 1991 on Environmental Impact Assessment in the context of trans-boundary impacts, 30 ILM 802 (1991).

**Article 30**

Criminal acts and Violations

1. Giving false statements, falsifying documents or giving false or misleading information during the submission of the application for obtaining the approval of the Environmental Consent or Environmental Permit, represents a criminal offence punishable under the criminal law in Kosovo (Article 341 and 348 of the Interim Criminal Code of Kosovo).
2. In case the Court discovers a violation of the paragraph 1 of this article, in relation to an issue which is directly related to an application for an Environmental Consent or Environmental Permit, the Ministry shall by a special act cancel or amend the issued Environmental Consent or Environmental Permit. The decision to cancel or amend shall be made public and one copy shall be send to the permitting agency, municipal authority and Environmental Inspectorate.
3. The costs for remediating any environmental damage caused by the violation of any of the provisions of this Administrative Instruction or any conditions specified in the Environmental Consent or Environmental Permit shall be the responsibility of the holder of the Environmental Consent or Environmental Permit.

**Article 31**

Commercially confidential information

1. An applicant may apply, in writing, to the Ministry for permission to remove commercially confidential information from an EIA Report and Non-Technical Summary which will be available to the public. The Ministry will issue a formal reply to the applicant, municipal authority and, if appropriate, other permitting agency, within 10 days of receipt of the written request, determining the information that may be withheld.
2. The Ministry may issue, as necessary, additional guidelines on determining whether information may be removed from an EIA Report on grounds of commercial confidentiality.
Article 32
Submission of an EIA Report by an applicant before a formal receipt of a screening decision from the Ministry

1. The applicant must state in his application whether the EIA Report is either a full or simplified EIA Report submitted for the purpose of this Administrative Instruction.
2. The Ministry shall issue a screening decision and require the applicant to confirm that the:
   ▪ EIA Report should be treated as an EIA Report required to fulfil the requirements of the screening decision.
   ▪ Required information will be submitted in a full or simplified EIA Report according to the provisions of this Administrative Instruction.

CHAPTER V:
TRANSITIONAL AND FINAL PROVISIONS

Article 33
Existing Environmental Consents and Environmental Permits

Environmental Consents and Environmental Permits issued prior to the entry into force of this Administrative Instruction shall remain in force until expiration of the existing construction or operating permit, provided that the holder of such permits has complied with the terms and conditions of the respective permits.

Article 34
Existing Procedures for issuance of Environmental Consents and Environmental Permits

The procedures initiated prior to the date of the entry into force of this Administrative Instruction, shall be concluded pursuant to the laws in force and applicable at the time when the application for issuance of such permits was received.

Article 35
Other supplementary Acts and Instructions

1. The Ministry shall issue supplementary Acts and Instructions related to:
   a) Reward of experts;
   b) List of documents accompanying the application for an Environmental Consent or Environmental Permit;
   c) Defining the fees to be paid by the applicant to the municipal authority and the Ministry, as well as defining the procedures regulating the payment of these fees; and
   d) Regulation of the procedures, form and content of the Environmental Consent

Article 36

This Administrative Instruction enters into force after its approval by the Government of Kosovo and signature by the Prime Minister.

Date 10.09.2004
Legislation affecting SEA procedures

Law No.03/L-230 “on Strategic Environmental Assessment”

ON STRATEGIC ENVIRONMENTAL ASSESSMENT

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of Republic of Kosovo;

Approves:

LAW ON STRATEGIC ENVIRONMENTAL ASSESSMENT

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

1. The purpose of this law is to ensure through strategic environmental assessment of certain plans and programs, high level for protection of the environment and human health.

2. This law determines the conditions, form and procedures for the assessment of the impacts on the environment of certain plans and programmes (hereinafter: SEA) through integration of environmental protection principles in the preparation, approval and realization of plans and programmes, with the aim of promoting sustainable development.

Article 2
Definitions

1. Terms used in this law shall have the following meanings:

   1.1. Plans and programmes - plans and programmes, including those co-financed by the European Union or other international institutions, as well as any modifications to them, which; are subject to preparation or adoption (or both) by an authority at national, regional or local level; or are prepared by an authority for adoption, through a legislative, regulatory or administrative procedure by Parliament or Government;

   1.2. Strategic Environmental Assessment (SEA) - the preparation of an SEA report, the carrying out of consultations, the taking into account of the environmental report and the results of consultations in decision-making and the provision of information on the decision in accordance with this law;

   1.3. Strategic Environmental Assessment Report (SEA Report)” means the part of the plan or programme documentation containing the information required by this law;

   1.4. The Public - one or more natural or legal persons, and their associations, organizations or groups;

   1.5. Commission - the body proposed by the Ministry and approved by the Government, in a case when the Ministry is the responsible authority of the plan or program;
1.6. **Consultation bodies** - the Ministry or, when the Ministry is itself the responsible authority, the Commission; and any other bodies designated by law as having specific environmental responsibilities and which the Ministry considers are likely to be concerned by the proposed plan or programme;
1.7. **Responsible authority**, in relation to a plan or programme, means the authority by which or on whose behalf it is prepared;
1.8. **Ministry - Ministry** of Environmental and Spatial Planning;
1.9. **Minister** - the Minister of the Ministry of Environmental and Spatial Planning.

**CHAPTER II**

**STRATEGIC ENVIRONMENTAL ASSESSMENT FOR PLANS AND PROGRAMMES**

**Article 3**

**Scope**

1. SEA shall be carried out for certain plans or programs when exist possibility that realization are likely to have significant environmental effects.
2. Drafting of SEA report is obligatory for plans and programs from spatial planning and city planning field, on land use, agriculture, forestry, fisheries, hunting, energy, industry, mines, traffic, waste management, water management, telecommunication, tourism, which give a frame for future development projects, which undergoes environmental impact assessment according to the Environmental Impact Assessment Law, as well as, plans and programs which, taking into consideration location in which they realize, can have an effect on nature protected zones, on nature habitats and in wild flora and fauna.
3. For plans and programs from paragraph 1 of this Article, with which is foreseen also the utilization of small surfaces on local level or in case of minor modification of the plans and programs, which do not require a regular procedure for ratification as well as for plans and programs, which are not appointed on paragraph 2 of this Article, decision for SEA takes the responsible authority of plan or program, if according to the criteria determined in this law, confirms that likely significant effects on environment exists.
4. SEA should not be accomplished for plans and programs the sole purpose of which is to serve national defence or civil emergency, and for financial and budget plans.

**Article 4**

**General obligations**

1. Plans, programmes and modifications for which strategic environmental assessment is required in accordance with Article 3 of this law, shall not be adopted or submitted to the legislative procedure for adoption until the responsible authority:
   1.1. has carried out a strategic environmental assessment in accordance with this law;
   1.2. has taken account of the SEA report for the plan or programme and of the results of the consultations referred to in Articles 9, 10 and 11 of this law; and
   1.3. has satisfied the Ministry or, where the Ministry is itself the responsible authority, the Commission established in accordance with paragraph 5 of this Article, that the SEA report is of sufficient quality for the purposes of this law and has received an environmental consent authorising the adoption or submission to the legislative procedure of the plan or programme.
2. The SEA in accordance with this law shall be carried out during the preparation of a plan or programme and before its approval.
3. The Responsible authority for plans or programs is bodies of central and local level.
4. The competent authority for reviewing the SEA report is the Ministry, except as provided in paragraph 5, of this Article.
5. Where, for a plan or programme, the Ministry is itself the responsible authority, the Minister shall, after the first preparatory act of the plan or programme, the established Commission shall carry out the supervisory and other functions which would otherwise be carried out by the Ministry.
6. The members of the Commission established in accordance with paragraph 5 of this Article, shall possess such skills, knowledge and experience as appear to the Minister to be necessary in the light of the plan or programme in question.
7. The SEA required by this law for a plan or programme co-financed by the European Community shall be carried out by the responsible authority in conformity with the specific provisions in relevant European Community legislation.
8. The SEA required under this law shall be without prejudice to the requirements of the Law on SEA and of any other law enacting requirements of European Community legislation in the Republic of Kosovo.

Article 5
Determination of need for SEA

1. The responsible authority shall determine, in a case-by-case examination, in accordance with the criteria in Annex I, whether the plans or programmes referred to in Article 3 paragraph 3 and 4 of this law that are likely to have significant environmental effects and therefore require SEA.
2. Before making a determination under paragraph 1 of this Article, the responsible authority shall consult the consultation bodies.
3. Where the responsible authority determines that the plan, programme or modification is unlikely to have significant environmental effects (and therefore does not require a SEA), it shall prepare a statement in writing of its reasons for the determination including the criteria from paragraph 1 of this Article.
4. The Minister may at any time require the responsible authority to send him a copy of: any determination made under paragraph 1 of this Article; the plan, programme or modification to which the determination relates; and any statement prepared in accordance with paragraph 3 of this Article.
5. The responsible authority shall comply with a requirement under paragraph 4 of this Article within seven (7) days.
6. The Minister may direct that a plan, programme or modification is likely to have significant environmental effects whether or not a copy of it has been sent to him in response to a requirement under paragraph 1 of this Article and when he has been sent such a copy would respond within ten (10) days of receiving it.
7. Before giving a notification under paragraph 6 of this Article, the Minister shall take into account the criteria specified in Annex I to this law; and will take an opinion by consultative bodies.
8. The Minister shall, after giving the notification, send to the responsible authority and to each consultation body a copy of the notification and a statement of his reasons for giving the notification.
9. When the Minister has given a notification in respect of a plan, programme or modification, any determination under Article 5 paragraph 1 relating to the plan, programme or modification shall cease to have effect; and if no determination has been made under Article 5 paragraph 1, with respect to the plan, programme or modification, then the responsible authority shall cease to be under any charges imposed by that Article.

Article 6
Information on determinations and notifications

1. Within thirty (30) days of making a determination under Article 5 paragraph 1 of this law, the responsible authority shall send to each consultation body;
   1.1. a copy of the determination; and
   1.2. Where the responsible authority finds that the plan or programme does not require a SEA, issue a statement of its reasons for the determination.
2. The responsible authority:
   2.1. keep a copy of the determination, and any accompanying statement of reasons, available at its principal office for access by the public at all reasonable times and free of charge; and
   2.2. within thirty (30) days of the determination, informs the public through website of the Ministry and public announcements. Information for public should contain:
       2.2.1. the title of the plan, programme or modification to which the determination relates;
       2.2.2. that the responsible authority has determined that the plan, programme or modification is or is not likely to have significant environmental effects and accordingly that a SEA is or is not required in respect of the plan, programme or modification; and
       2.2.3. the website address of the Ministry, at which a copy of the determination may be obtained and any accompanying statement of reasons may be accessible.
3. Where the responsible authority receives a notification under Article 5 paragraph 6, it shall:
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3.1. keep a copy of the notification and of the Minister’s statement of his reasons for giving it available at its principal office for inspection by the public at all reasonable times which depends from the specifics of a plan and program and free of charge; and
3.2. within thirty (30) days of receiving such a notification, informs the public through a website of the Ministry and through public announcements;
   3.2.1. of the title of the plan, programme or modification to which the notification relates;
   3.2.2. that the Minister has directed that the plan, programme or modification is likely to have significant environmental effects and, accordingly, that it requires a SEA; and
   3.2.3. address of the website of the Ministry, at which can be accessible or a copy can be obtained for determination and accompanied declaration of reasons.
4. The responsible authority provides a copy of the Minister’s determination and statement of reasons free of charge.

CHAPTER III
SEA REPORT AND CONSULTATION PROCEDURES

Article 7
Preparation of SEA report

1. In the cases when a SEA is required by Article 3 of this law, the responsible authority shall prepare an SEA report in accordance with paragraphs 2 and 3 of this Article.
2. The report identifies, describes and evaluates the likely significant effects on the environment of:
   2.1. implementing the plan or programme; and
   2.2. reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.
3. The report shall include such of the information referred to in Annex II as may reasonably be required, taking account of:
   3.1. current knowledge and methods of assessment;
   3.2. the contents and level of detail in the plan or programme;
   3.3. the stage of the plan or programme in the decision-making and the stage of process to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
4. Information on the effects of plans or programmes on the environment obtained at other levels of decision-making or through other legislation can be used in the preparation of SEA reports.
5. When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies. Consultation body shall do so within the period of 5 (five) weeks beginning with the date on which it receives the responsible authority's invitation to engage in the consultation.

Article 8
Consultation procedures

1. Every draft plan or programme for which an SEA report has been prepared in accordance with Article 8 of this law and its accompanying SEA report shall be made available for the purposes of consultation in accordance with this Article.
2. As soon as possible after the preparation of the relevant documents, the responsible authority shall:
   2.1. send a copy of those documents to each consultation body;
   2.2. undertake the steps that considers as the relevant documents to the attention of persons who are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned;
   2.3. inform the public of the address, which includes its own webpage and the webpage of the Ministry, at which a copy of the relevant documents may be viewed, or from which a copy may be obtained free of charge; and
   2.4. invite the consultation bodies and the public to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.
3. The period referred to in sub-paragraph 2.4 paragraph 2 of this Article must be long enough to ensure that the consultation bodies and the public are given an effective opportunity to express their opinion on the relevant documents and shall in any case be thirty (30) days or more.

4. The responsible authority shall impose available copy of the relevant documents by the public at reasonable times according to the provisions set up in the Aarhus Convention and Law on access to public documents.

**Article 9**

**Public debate**

1. The responsible authority shall arrange for the draft plan or programme and the draft SEA report to be subject to public debate.

2. Not less than fifteen (15) days before the debate is to be started, the responsible authority informs the Ministry, the consultation authorities and the public of the detailed arrangements for the public debate.

3. The arrangements to be notified in accordance with paragraph 2 include:
   
   3.1. the address where a copy of the draft plan or programme and the draft SEA report and any other environmental information already available by members of the public is delivered and the times when they were approached;
   
   3.2. the address from which copies of the draft plan, programme or report may be obtained;
   
   3.3. the address to which any written comments must be sent and the date by which they must be received;
   
   3.4. the address, date or dates, time and agenda for the public debate.

**Article 10**

**Transboundary consultation**

1. Where a responsible authorities, except the Minister, is of the opinion that a plan or programme for which it is the responsible authority is likely to have significant effects on the environment of another country, as soon as it is implemented after forming that opinion it shall:

   1.1. notify the Minister of its opinion and of the reasons for it; and
   
   1.2. supply the Minister with a copy of the plan or programme concerned, and of the accompanying SEA report.

2. Where the Minister has been notified under paragraph 1.1 paragraph 1 of this Article the responsible authority shall, within such period as the Minister may specify by notice in writing to the authority, provide the Minister with such other information about the plan or programme or its accompanying SEA report as he may reasonably require.

3. In cases where:

   3.1. the Minister, whether in consequence of a notice under subparagraph 1.1 or otherwise, considers that the implementation of a plan or programme in any part of the Republic of Kosovo is likely to have significant effects on the environment of another country; or
   
   3.2. a country that is likely to be significantly affected by the implementation of a plan or programme the Minister before the adoption of the plan or programme, forward a copy of it and of its accompanying SEA report to the country concerned.

4. Where the Minister receives from another country any request to enter into consultations before the adoption of a plan or programme forwarded to it in accordance with paragraph 3 of this Article, the Minister shall:

   4.1. consult with the country detailed arrangements, including a reasonable time for the duration of the consultations, to ensure that: the environmental authorities, the public, and environmental non-governmental organizations in the country likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time; and
   
   4.2. enter into consultations with the country concerning

      4.2.1. the likely transboundary environmental effects of implementing the plan or programme; and
      
      4.2.2. the measures envisaged to eliminate such effects; and
      
      4.2.3. where he is not the responsible authority, direct the responsible authority that it shall not adopt the plan or programme, or submit it to the legislative procedure for adoption, until the consultations with the country have been concluded.

5. Where consultations take place pursuant to paragraph 4, the Minister:

   5.1. as soon as it is practicable after those consultations begin, notify the consultation bodies of that fact; and
5.2. notify the consultation bodies and, where he is not the responsible authority, the responsible authority, of the outcome of the consultations the outcome of the consultations.

6. During interpretation and application of the Article, relevant authorities shall apply the principles required according to the ESPOO Convention.

**Article 11**

**Plans and programmes of other countries**

1. Where the Minister receives from another country a copy of a draft plan or programme that:
   1.1. which is being prepared in that country and whose
   1.2. implementation is likely to have significant effects on the environment of any part of the Republic of Kosovo,
2. Minister shall indicate to that country whether the Republic of Kosovo wishes to enter into consultations concerning the likely transboundary environmental of:
   2.1. effects of implementing the plan or programme and
   2.2. the measures envisaged to reduce or eliminate those effects.
3. In such cases, the Minister shall agree with the country concerned detailed arrangements for those consultations within reasonable time frames for them.

3. Where such consultations take place, the Minister:
   3.1. informs the consultation bodies that he has received the draft plan or programme and provides copies of the draft plan or programme and relevant report of SEA
   3.2. undertakes such steps that it considers appropriate to bring the draft plan or program to the attention of persons affected, or potentially could be affected, or have an interest in decisions involving the evaluation and adoption of mentioned plan or programme;
   3.3. inform the transboundary consulters of the address (which may include a website) at which a copy of the draft plan or programme and the respective SEA report may be approached, or from which a copy may be obtained; and
   3.4. invite the consultation bodies and the transboundary consulters to send him their opinions within a specified period, which shall end at least thirty (30) days before the end of the period that the Minister has agreed with the country concerned as reasonable for the duration of their consultations.

**Article 12**

**Review of the SEA report**

1. The responsible authority, where it is not the Ministry, shall send a copy of the draft plan or programme, draft SEA report, a report on the participation of the public and the consultation bodies and of the public debate, and any follow-up documentation to Ministry, for consent on SEA report.
2. When the responsible body is the Ministry, it shall send the documents referred to in paragraph 1 above to the Commission established in accordance with Article 4 sub-paragraph 5 of this law.
3. On receipt of the report referred to in paragraph 1 of this Article, the Ministry may seek advice or additional information from the responsible authority or from other authorized organizations or from professional persons if this is necessary to enable it to take its decision.
4. In its assessment of the SEA report referred to in paragraph 1 of this Article, the responsible body of the Ministry shall employ such of the criteria contained in Annex 3 of this law.
5. Based on its assessment, a draft decision will be prepared by the responsible body of the Ministry within sixty (60) days, of the date of receipt of the SEA report.

**Article 13**

**Decision for the Consent to SEA reports**

1. Based on its assessment in accordance with Article 13 of this Law, the responsible body of the Ministry or, as the case may be, the Commission shall prepare a draft decision which it shall present in writing to the Minister.
2. Within fifteen (15) days of receipt of the proposal-decision from the responsible body of Ministry or the Commission, the Minister shall decide to grant or refuse Consent for the SEA report and convey this decision to the responsible authority the Government and the Assembly of Republic of Kosovo, in written form.

3. When the proposal-decision is to refuse consent, the Minister may decline to follow or may amend the responsible authority’s draft decision, only for imperative reasons of overriding public interest, including reasons of an economic, social or environmental nature. In this case, his decision must be sent to the Government and to the Assembly in accordance with the following paragraphs for confirmation.

   3.1. the Minister notify in written form the Assembly of the decision that is taken to decline or amend the draft decision. The Minister's notification shall contain the justification for his proposed decision;
   3.2. the Government and the Assembly shall review, approve, refuse or amend Minister’s decision to decline or amend the draft decision within thirty (30) days from the day the draft decision was submitted;
   3.3. if the Assembly does not act within thirty (30) days from the day of notification on Minister’s decision, based in paragraph 3, sub-paragraph 2 of this Article, the Assembly shall be considered to have approved the Minister's decision on the draft decision.

   Article 14
   Adoption of the plan or programme

The responsible authority shall take in account the SEA report, the results of consultation including any transboundary consultation, during the preparation of the plan or programme and before its adoption.

   Article 15
   Information on the decision

1. Once a plan or programme for which a strategic environmental assessment has been carried out has been adopted, the responsible authority shall inform the consultation authorities, the public, the persons who were consulted for the purposes of Article 9 sub-paragraph 2.2 of this Article and the Minister of the fact that the plan or programme has been adopted, the date of its adoption, the address, which may include a website where a copy of it and its accompanying SEA report,

2. The Minister shall inform the country with which consultations in relation to the plan or programme have taken place of the matters referred to in paragraph 1 of this Article.

3. The particulars referred to in paragraph 1 of this Article, are:
   3.1. how environmental considerations have been integrated into the plan or programme;
   3.2. how are integrated the environmental issues in plan or programme;
   3.3. how the opinions of the consultation authorities, the public including the public consulters, and any views expressed as a result of transboundary consultations have been taken into account;
   3.4. the reasons for choosing the plan or programme from a review of the reasonable alternatives; and
   3.5. the measures to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

   Article 16
   Monitoring

1. The responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.

2. The responsible authority's monitoring arrangements may comprise or include arrangements established otherwise than for the express purpose of complying with paragraph 1 of this Article.
CHAPTER IV
SUPERVISION

Article 17

1. The application of this Law shall be monitored within a framework of responsibilities defined by the Ministry.
2. The duties to supervise the application of this law shall be performed by the Ministry Inspectorate in accordance with Law.
3. A Report on the application of this Law shall be prepared by the Ministry three (3) years after its entry into force, and subsequently every five (5) years.

CHAPTER V
TRANSITIONAL AND FINAL PROVISIONS

Article 18
Plans and programmes subject to this Law

1. The SEA of plans and programmes, of which the first formal preparatory act is before the date on which this Law comes into effect, shall be carried out in accordance with the provisions of Law No 03/L-015 of Kosovo.
2. Component parts of this law are also the annexes from one (1) to three (3).

Article 19

Upon entry into force of this law, the Law on Strategic Environmental Assessment no 03/L-015 of Republic of Kosovo.

Article 20

This Law shall enter in force fifteen (15) days after publication to the Official Gazette of the Republic of Kosovo.

Law No. 03/L-230
30 September 2010

Member of the Presidency of the Assembly

Xhavit Haliti
ON STRATEGIC ENVIRONMENTAL ASSESSMENT

ANNEX 1

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON ENVIRONMENT - ARTICLE 5

1. The characteristics of plans and programmes, having regard, in particular, to:
   1.1. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
   1.2. the degree to which the plan or programme influences other plans and programmes, including those in a hierarchy;
   1.3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
   1.4. environmental problems relevant to the plan or programme
   1.5. the relevance of the plan or programme for the implementation of European Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
   2.1. the probability, duration, frequency and reversibility of the effects;
   2.2. the cumulative nature of the effects;
   2.3. the trans-boundary nature of the effects;
   2.4. the risks to human health or the environment (e.g. due to accidents);
   2.5. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
   2.6. the value and vulnerability of the area likely to be affected due to:
       2.6.1. special natural characteristics or cultural heritage,
       2.6.2. exceeded environmental quality standards or limit values,
       2.6.3. intensive land-use;
   2.7. the effects on areas or landscapes which have a recognised national, European Community or international protection status.
ANNEX 2
THE INFORMATION TO BE PROVIDED IN SEA REPORTS, ARTICLE 7

1. an outline of the contents, main objectives of a plan or programme and relationship with other relevant plans and programmes;
2. the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
3. the environmental characteristics of areas likely to be significantly affected;
4. any existing environmental problems which are relevant to the plan or programme, including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
5. the environmental protection objectives, established at national, international or European Community level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
6. the likely significant effects on the environment (including secondary effects, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative and, where relevant, transboundary effects), on such issues as biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural and natural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
7. the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
8. an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties - such as technical deficiencies or lack of know-how - encountered in compiling the required information;
9. a description of the measures envisaged concerning monitoring in accordance with Article [...];
10. a non-technical summary of the information provided under the above headings.
ANNEX 3
CRITERIA FOR ASSESSMENT OF SEA REPORTS

1. Plan or programme:
   1.1. the aims and contents of the plan or programme, zones for which it is prepared, and the spatial and time horizons employed are introduced clearly;
   1.2. the environment protection issues which have been introduced in preparing of aims of plan and programme;
   1.3. the way links with other plans and programmes are reflected.

2. Environmental situation:
   2.1. the state of the current and future environments are introduced;
   2.2. description of the state of the environment in accordance with the aims and indicators for SEA;
   2.3. there is a description of the sources of information on the state of the environment and the methodology is in accordance with the level of SEA sustainability.

3. Alternative solutions:
   3.1. there is a description of the way the alternative solutions have been prepared and reviewed for problems relating to the environment;
   3.2. the alternative solution of not realizing the plan or programme together with the best alternative solutions have been prepared;
   3.3. an environmental assessment has been carried out for the alternative solutions and a comparison made between them.
   3.4. the reasons are stated for choosing the most reasonable alternative taking account of the environmental aspects.

4. Assessment of environmental effects:
   4.1. there is a description of the way significant impacts of the plan or programme on environment have been defined and assessed;
   4.2. during the environment impact assessment are involved the following contents: air, water, soil, climate, plant and animal world, nature habitats, biological diversity, cultural, natural and historic value, the public and human health, cities and other settlements, infrastructure objects, industries and other objects;
   4.3. during the environment impact assessment are taken into consideration the following characteristics of impacts: probability, intensity, complexity/reversibility, time dimension: duration, frequency, repeating and spatial dimension: location, geographic zone, number of exposed people nature of inter border, cumulative and synergistic nature of impact, other characteristics of impact;
   4.4. determination and assessment of important impacts has been carried out with reference to appointed standards, regulations and limit values;
   4.5. a useful methodology has been prescribed.

5. Measures and programme for monitoring the state of the environment;
   5.1. measures are foreseen for avoiding and mitigating negative effects, and increasing positive impacts on the environment for every impact assessment;
   5.2. there is a description of how directions for drafting of impact assessment on projects on environment and other strategic impacts are prepared;
   5.3. a programme for monitoring the state of the environment during the realization of the plan or programme has been prepared.

6. Report of SEA:
   6.1. the role of competent organs of drafting the SEA report is clearly defined;
   6.2. report of SEA is prepared in a clear manner;
   6.3. all report elements for SEA in Article 13 of this Law are present and the information sources for the professional comments are given;
   6.4. there is a description of the way environmental issues are dealt with in the plan or programme, the manner of taking the decision and the main reasons for choosing the plan or programme from alternatives which are reviewed;
   6.5. the non-technical summary has been clearly drafted.

7. Participation of consultation authorities and the public:
   7.1. the comments of the consultation bodies, the public and any other country that has been consulted are included and the way they have been taken into account in the decision is described.
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