Environmental Impact Assessment / Strategic Environment Assessment that Integrates Climate Change and Biodiversity, SLED Project
(2014-IC-108)

Set of Procedures for the Administration of EIA and SEA
(15 October 2014)

Supported by UNITED NATIONS DEVELOPMENT PROGRAMME
## Set of Procedures for the Administration of EIA and SEA

<table>
<thead>
<tr>
<th>Contracting Authority:</th>
<th>United Nations Development Programme (UNDP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Number:</td>
<td>2013-IC-108</td>
</tr>
<tr>
<td>Programme Title:</td>
<td>Support to respond to forthcoming EU accession related environment requirements</td>
</tr>
<tr>
<td>Project Title:</td>
<td>“Support for Low Emission Development in SEE (SLED)”</td>
</tr>
<tr>
<td>Project Component:</td>
<td>“Environmental Impact Assessment / Strategic Environment Assessment that Integrates Climate Change and Biodiversity”</td>
</tr>
<tr>
<td>Project Activities:</td>
<td>• Design a coherent set of procedures for the administration of EIA and SEA in Kosovo according to the legislation. The national consultant shall consider, where it may be appropriate, to have interim procedures that will apply in the period before units reach their full capacity and capability</td>
</tr>
<tr>
<td>Report Title:</td>
<td>Set of Procedures for the Administration of EIA and SEA</td>
</tr>
<tr>
<td>Report Date:</td>
<td>15 October 2014</td>
</tr>
<tr>
<td>Topics of the Report</td>
<td>To propose methods to assess the impact on habitats/species while conducting the EIA and SEA procedure on the base of the most relevant International Guidelines and according to the related Kosovan and EU sectoral legislation</td>
</tr>
<tr>
<td>Rapporteurs:</td>
<td>Mr. Giuseppe RAZZA (International Consultant for EIA/SEA)</td>
</tr>
</tbody>
</table>
| Other Experts that contributed to the finalisation of the Report | Mr. Muhamet MALSIU (Director of EPD-MESP)  
Ms. Nezakete HAKAJ (Head of IPM Division-EPD-MESP)  
Mr. Shukri SHABANI (Chief of EIA/SEA Section-EPD-MESP)  
Ms. Merlinda BLLATA DI BRANI (Responsible of EIA/SEA Section-EPD) |

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

### 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)*
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTRODUCTION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>BACKGROUND INFORMATION AND DOCUMENTS</td>
<td>5</td>
</tr>
<tr>
<td>1.1</td>
<td>The Project ToR</td>
<td>7</td>
</tr>
<tr>
<td>1.2</td>
<td>The relevant legislation</td>
<td>8</td>
</tr>
<tr>
<td>1.2.1</td>
<td>Environmental Impact Assessment (EIA)</td>
<td>8</td>
</tr>
<tr>
<td>1.2.2</td>
<td>Strategic Environmental Assessment (SEA)</td>
<td>12</td>
</tr>
<tr>
<td>1.2.3</td>
<td>IPPC</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td>SET OF PROCEDURES</td>
<td>18</td>
</tr>
<tr>
<td>2.1</td>
<td>Set of procedures for the administration of EIA</td>
<td>18</td>
</tr>
<tr>
<td>2.1.1</td>
<td>The EIA procedures defined by the Kosovan legislation</td>
<td>18</td>
</tr>
<tr>
<td>2.1.2</td>
<td>Proposal for a set of EIA procedures</td>
<td>21</td>
</tr>
<tr>
<td>2.1.3</td>
<td>Proposal for an EIA Register (Database)</td>
<td>23</td>
</tr>
<tr>
<td>2.2</td>
<td>Set of procedures for the administration of SEA</td>
<td>26</td>
</tr>
<tr>
<td>2.2.1</td>
<td>The SEA procedures defined by the Kosovan legislation</td>
<td>26</td>
</tr>
<tr>
<td>2.2.2</td>
<td>Proposal for a set of SEA procedures</td>
<td>28</td>
</tr>
<tr>
<td><strong>ANNEXES</strong></td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>Annex A: Kosovan Laws affecting EIA procedures</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>Law No.03/L-0214 “on Environmental Impact Assessment”</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>Administrative Instruction UNMIK No. 09/2004 “on Environmental Impact Assessment”</td>
<td></td>
<td>46</td>
</tr>
<tr>
<td>Annex B: Kosovan Laws affecting SEA procedures</td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>Law No.03/L-0230 “on Strategic Environmental Assessment”</td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>Acronyms</td>
<td>Meaning</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>AI</td>
<td>Administrative Instruction</td>
<td></td>
</tr>
<tr>
<td>ADA</td>
<td>Austrian Development Agency</td>
<td></td>
</tr>
<tr>
<td>ADC</td>
<td>Austrian Development Cooperation</td>
<td></td>
</tr>
<tr>
<td>AoK</td>
<td>Assembly of Kosovo</td>
<td></td>
</tr>
<tr>
<td>BAT</td>
<td>Best Available Technology</td>
<td></td>
</tr>
<tr>
<td>BC</td>
<td>Beneficiary Country</td>
<td></td>
</tr>
<tr>
<td>CA</td>
<td>Competent Authority</td>
<td></td>
</tr>
<tr>
<td>CAA</td>
<td>Competent Administrative Authority</td>
<td></td>
</tr>
<tr>
<td>CAFRDESP</td>
<td>Parliamentary Committee on Agriculture, Forestry, Rural Development, Env. and Spatial Plan.</td>
<td></td>
</tr>
<tr>
<td>CCS</td>
<td>Carbon capture and geological storage</td>
<td></td>
</tr>
<tr>
<td>CECIS</td>
<td>Common Emergency Communication and Information System</td>
<td></td>
</tr>
<tr>
<td>CLP</td>
<td>Classification Labelling and Packaging</td>
<td></td>
</tr>
<tr>
<td>CPR</td>
<td>Construction Products Regulation</td>
<td></td>
</tr>
<tr>
<td>CPD</td>
<td>Construction Product Directive</td>
<td></td>
</tr>
<tr>
<td>DB</td>
<td>Database</td>
<td></td>
</tr>
<tr>
<td>DEP</td>
<td>Department for Environmental Protection</td>
<td></td>
</tr>
<tr>
<td>DHC</td>
<td>Department for Housing and Construction</td>
<td></td>
</tr>
<tr>
<td>DoP</td>
<td>Declaration of Performance</td>
<td></td>
</tr>
<tr>
<td>DSIP</td>
<td>Directive Specific Implementation Plan</td>
<td></td>
</tr>
<tr>
<td>DW</td>
<td>Drinking Water</td>
<td></td>
</tr>
<tr>
<td>DUPCE</td>
<td>Directorate for Urban Planning, Cadastre and Environment (within the Kosovan Municipalities)</td>
<td></td>
</tr>
<tr>
<td>EAS</td>
<td>Environmental Approximation Strategy</td>
<td></td>
</tr>
<tr>
<td>EC</td>
<td>European Commission</td>
<td></td>
</tr>
<tr>
<td>ECEA</td>
<td>Environmental Compliance and Enforcement Network for Accession</td>
<td></td>
</tr>
<tr>
<td>EE</td>
<td>Energy Efficiency</td>
<td></td>
</tr>
<tr>
<td>EEA</td>
<td>European Environmental Agency</td>
<td></td>
</tr>
<tr>
<td>EED</td>
<td>Energy Efficiency Directive</td>
<td></td>
</tr>
<tr>
<td>EHS</td>
<td>Environmental, Health and Safety</td>
<td></td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
<td></td>
</tr>
<tr>
<td>EIONET</td>
<td>European Environment Information and Observation Network</td>
<td></td>
</tr>
<tr>
<td>ELV</td>
<td>Emission Limit Values</td>
<td></td>
</tr>
<tr>
<td>EMEP</td>
<td>European Monitoring and Evaluation Programme</td>
<td></td>
</tr>
<tr>
<td>EP</td>
<td>Environmental Protection</td>
<td></td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
<td></td>
</tr>
<tr>
<td>EPD</td>
<td>Environmental Protection Department</td>
<td></td>
</tr>
<tr>
<td>EQS</td>
<td>Environmental Quality Standards</td>
<td></td>
</tr>
<tr>
<td>ETA</td>
<td>European Technical Assessment</td>
<td></td>
</tr>
<tr>
<td>ETS</td>
<td>Emission Trading System</td>
<td></td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
<td></td>
</tr>
<tr>
<td>EULEX</td>
<td>EU Rule of Law Mission in Kosovo</td>
<td></td>
</tr>
<tr>
<td>EO</td>
<td>European Union Office</td>
<td></td>
</tr>
<tr>
<td>EUPs</td>
<td>Energy Using Products</td>
<td></td>
</tr>
<tr>
<td>EWC</td>
<td>European Waste Catalogue</td>
<td></td>
</tr>
<tr>
<td>FIA</td>
<td>Financial Impact Assessment</td>
<td></td>
</tr>
<tr>
<td>FD</td>
<td>Flood Directive</td>
<td></td>
</tr>
<tr>
<td>GO</td>
<td>Governmental Order</td>
<td></td>
</tr>
<tr>
<td>GoK</td>
<td>Government of Kosovo</td>
<td></td>
</tr>
<tr>
<td>HEN</td>
<td>Harmonised standard</td>
<td></td>
</tr>
<tr>
<td>HMI</td>
<td>Hydro-Meteorological Institute</td>
<td></td>
</tr>
<tr>
<td>ICO</td>
<td>International Civilian Office</td>
<td></td>
</tr>
<tr>
<td>IFC</td>
<td>International Finance Corporation</td>
<td></td>
</tr>
<tr>
<td>IFI</td>
<td>International Financial Institution</td>
<td></td>
</tr>
<tr>
<td>IMPEL</td>
<td>EU Network for the Implementation and Enforcement of Environmental Law</td>
<td></td>
</tr>
<tr>
<td>INEP</td>
<td>Institute of Nature and Environment Protection</td>
<td></td>
</tr>
<tr>
<td>INSPIRE</td>
<td>Infrastructure for Spatial Information in the European Community</td>
<td></td>
</tr>
</tbody>
</table>
### Set of Procedures for the Administration of EIA and SEA

<table>
<thead>
<tr>
<th>Acronyms</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPA</td>
<td>Instrument for Pre-accession Assistance</td>
</tr>
<tr>
<td>IPM</td>
<td>Industrial Pollution Management</td>
</tr>
<tr>
<td>IPPC</td>
<td>Integrated Pollution Prevention and Control</td>
</tr>
<tr>
<td>KEK</td>
<td>Kosovo Energy Corporation</td>
</tr>
<tr>
<td>LCP</td>
<td>Large Combustion Plant</td>
</tr>
<tr>
<td>KCB</td>
<td>Kosovo Consolidated Budget</td>
</tr>
<tr>
<td>KEAP</td>
<td>Kosovo Environmental Action Plan</td>
</tr>
<tr>
<td>KEPA</td>
<td>Kosovo Environmental Protection Agency</td>
</tr>
<tr>
<td>KES</td>
<td>Kosovo Environmental Strategy</td>
</tr>
<tr>
<td>KSEI</td>
<td>Kosovo State Environmental Inspectorate</td>
</tr>
<tr>
<td>MAFRD</td>
<td>Ministry of Agriculture, Forestry and Rural Development</td>
</tr>
<tr>
<td>MDP</td>
<td>Municipal Development Plan</td>
</tr>
<tr>
<td>MESP</td>
<td>Ministry of Environment and Spatial Planning of Kosovo</td>
</tr>
<tr>
<td>MLG</td>
<td>Ministry of Local Government Administration</td>
</tr>
<tr>
<td>MIS</td>
<td>Management Information System</td>
</tr>
<tr>
<td>MO</td>
<td>Ministerial Order</td>
</tr>
<tr>
<td>MoH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>MS</td>
<td>Member State</td>
</tr>
<tr>
<td>NEEP</td>
<td>National Energy Efficiency Plan</td>
</tr>
<tr>
<td>NEAP</td>
<td>National Environmental Action Plan</td>
</tr>
<tr>
<td>NEAS</td>
<td>National Environmental Approximation Strategy</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Government Organisation</td>
</tr>
<tr>
<td>NIPHK</td>
<td>National Institute of Public Health of Kosovo</td>
</tr>
<tr>
<td>NWFP</td>
<td>Non-Wood Forest Products</td>
</tr>
<tr>
<td>NWS</td>
<td>National Water Strategy</td>
</tr>
<tr>
<td>OJ</td>
<td>Official Journal</td>
</tr>
<tr>
<td>PA</td>
<td>Public Awareness</td>
</tr>
<tr>
<td>PC</td>
<td>Public Consultation</td>
</tr>
<tr>
<td>RBD</td>
<td>River Basin District</td>
</tr>
<tr>
<td>RBMP</td>
<td>River Basin Management Plans</td>
</tr>
<tr>
<td>RENA</td>
<td>Regional Environmental Network for Accession</td>
</tr>
<tr>
<td>REOC</td>
<td>Regional Emergency Operation Centre</td>
</tr>
<tr>
<td>RIA</td>
<td>Regulatory Impact Assessment</td>
</tr>
<tr>
<td>RO</td>
<td>Register Officer</td>
</tr>
<tr>
<td>RTA</td>
<td>Resident Twinning Adviser</td>
</tr>
<tr>
<td>RWC</td>
<td>Regional Water Council</td>
</tr>
<tr>
<td>SEA</td>
<td>Strategic Environmental Assessment</td>
</tr>
<tr>
<td>SEAD</td>
<td>Streamlining enforcement of contracts – report and recommendations regarding commercial case procedures and enforcement of judgments</td>
</tr>
<tr>
<td>SIDA</td>
<td>Swedish International Development Agency</td>
</tr>
<tr>
<td>SPAs</td>
<td>Special Protection Areas</td>
</tr>
<tr>
<td>SRSG</td>
<td>Secretary-General of the United Nations</td>
</tr>
<tr>
<td>TA</td>
<td>Technical Assistance</td>
</tr>
<tr>
<td>TAIEX</td>
<td>Technical Assistance and Information Exchange Instrument</td>
</tr>
<tr>
<td>TFEU</td>
<td>Treaty on the Functioning of European Union</td>
</tr>
<tr>
<td>ToC</td>
<td>Table of Concordance / Compliance</td>
</tr>
<tr>
<td>ToR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNMIK</td>
<td>UN Interim Administration Mission in Kosovo</td>
</tr>
<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
</tr>
<tr>
<td>UR</td>
<td>Urban Regulatory Plan</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WFD</td>
<td>Water Framework Directive</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
</tr>
<tr>
<td>WP</td>
<td>Work Plan</td>
</tr>
<tr>
<td>WTF</td>
<td>Water Task Force</td>
</tr>
</tbody>
</table>
## Introduction

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 component “Environmental Impact Assessment / Strategic Environment Assessment that Integrates Climate Change and Biodiversity” 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 aims 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 Ministry in the establishment of an efficient structure aiming to analyse the Environmental Impact Assessment (EIA) that integrates climate change and biodiversity presented by applicants in accordance with the newly adopted primary and secondary legislation and to issue the corresponding permits. Within this framework, during the period from 15<sup>th</sup> June 2014 (contract signature) to 15<sup>th</sup> December 2014, the following main tasks and sub-tasks identified in the ToR should be implemented and the corresponding deliverables produced:

<table>
<thead>
<tr>
<th>N.</th>
<th>Tasks</th>
<th>Sub Tasks</th>
<th>Deliverable</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Develop institutional framework capable of applying the EIA and SEA procedures flexibly and in a result-oriented manner with related procedures and administrative processes. EIA and SEA must effectively consider climate change and biodiversity (30 w/days)</td>
<td>1.1 Conduct an assessment of the institutional administrative units, both central and local, in order to define how their present capacities (in terms of staffing, staff capability and equipment) compare with that necessary in order to fulfil the units’ mandate. For each unit the following will be produced: (i) an assessment of needs for training in relation to the procedural requirements of EIA and SEA; (ii) an assessment of the needs for equipment in relation to these requirements.</td>
<td>“Assessment Report”</td>
<td>15.08.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.2 Design a coherent set of procedures for the administration of EIA and SEA in Kosovo according to the legislation. The national consultant shall consider, where it may be appropriate, to have interim procedures that will apply in the period before units reach their full capacity and capability.</td>
<td>“Set of Procedures for the administration of EIA and SEA”</td>
<td>15.10.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.3 Develop an operational system for carrying out the screening and scoping procedures while implementing the EIA and SEA directives</td>
<td>“Handbook on screening and scoping”</td>
<td>15.10.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.4 Prepare a handbook for officials at central and local level on how to carry out screening and scoping</td>
<td>“Booklet on the EIA process”</td>
<td>05.11.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5 Prepare a booklet that will provide in a clear and concise format the information related to the EIA process; the booklet will contain the following information applicable to EIA in Kosovo in conformity with European Community Law: (i) circumstances under which an EIA is required; (ii) how the scope of an EIA is to be determined; (iii) the steps for conducting an EIA; (iv) responsibilities during the process; and (v) availability of additional sources of information</td>
<td>“Methods to assess the impact on habitats/species”</td>
<td>15.09.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.6 Propose methods to assess the impact on habitats/species while conducting the EIA and SEA procedure (this task will be performed in close cooperation with the MESP officials and international consultants on habitats and species);</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Support the MESP officials in the checking the EIAs of the most important infrastructural projects under approval and in the issuing of the corresponding permits, and if the projects consider climate change and biodiversity issues (15 w/days)</td>
<td>2.1 Support the MESP officials in the checking and evaluation of the following EIA phases of the most important ongoing projects: (1) screening; (2) scoping; (3) review of EIA Report</td>
<td>“MESP opinions about the EIA”</td>
<td>15.10.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.2 Assist MESP in writing its opinion as to the information on environmental impacts to be presented in the EIA Report (Scoping Notification). Such assistance will include the check of: (1) the description of possible alternatives; (2) the description of likely significant impacts on 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;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.3 Assist MESP in the organisation and implementation of the public debate (see Art.20 of the Law No.03/L-214 and AI No.09/11)</td>
<td>“Communication and Cooperation Procedures”</td>
<td>15.11.2014</td>
</tr>
<tr>
<td>3.</td>
<td>Training (10 w/days)</td>
<td>3.1 Prepare training course material for the training sessions on the implementation of the EIA/SEA for the personnel of the public administration</td>
<td>“Training Material for public officials”</td>
<td>25.11.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.2 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 EIA system</td>
<td>“Training Programme for public officials”</td>
<td>15.11.2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.3 Prepare and implement a training programme for EIA/SEA developers</td>
<td>“Training Programme for developers”</td>
<td>15.11.2014</td>
</tr>
</tbody>
</table>
In accordance with the above mentioned ToR and project organisation, this second report entitled “Set of Procedures for the Administration of EIA and SEA in Kosovo” includes a specific deliverable related to the Sub-Task 1.2 of the assignment, describing the related activities implemented during a three months period of the assignment (15th August 2014-15th October 2014) corresponding to 17.0 w/days as a whole. As shown by the table of the previous page, during the same period the other Sub-Tasks 1.3, 1.4, 1.6, 2.1, 2.2 and 2.3 were implemented and the corresponding deliverables finalised and included in other reports. It must be also mentioned that this third Report, like all the other reports of the assignment, will be constantly updated with further versions until the termination of the project in order to include additional information found by the UNDP Expert or to consider further changes in the institutional and legal framework that could happen during the implementation of the other assigned tasks. In compliance with the ToR and contract requirements of the assignment, this report includes:

- the design of a coherent set of procedures for the administration of EIA and SEA in Kosovo according to the legislation (see § 3)

Before finalising such set, the Individual Expert already collected the background information (legislative framework, relevant guidelines and procedures adopted by international donors, etc.) during the first two months of the assignment. This information is included in the “Assessment Report” delivered on 15 August 2014. Nevertheless, the legislative analysis has been duplicated in this report in order to make easier the understanding of the reader without searching such information in other documents.

In conclusion, this report “Set of Procedures for the Administration of EIA and SEA in Kosovo” represents a step-by-step guidance and a toolbox for MESP to define the best set of procedures to approve an EIA and release an Integrated Environmental Permits, as well as to constantly monitor the inclusion of the SEAs within the main plans and programmes to be adopted in Kosovo, releasing the corresponding authorisations. This report has been organised in the following main Chapters:

1- BACKGROUND INFORMATION: presenting the relevant background, information, documents and purpose specifically referred to this report in addition to the information already included in the “Assessment Report”. Therefore, the background information that is useful for the definition of the set of procedures that have been already included in such “Assessment Report” is simply mentioned in this report, focusing the attention on the additional information that are specifically useful to the detail of the procedures that are obligatory and are recommended for the finalisation of an EIA and SEA.

2- SET OF PROCEDURES FOR EIA/SEA: defined on the base of key Kosovan legislation and EU Directives and on the base of the most relevant procedures and guidelines adopted by the main donors. Together with the methods identified in the report “Methods to assess the impacts on habitat/species while conducting an EIA/SEA procedure” and following the operational system proposed in the “Handbook on screening and scoping”, the identified procedures have been also included in a specific booklet (see the report “Booklet on the EIA process”) for the MESP officials to assess an EIA, as required by the point 2 of Article 15 of the Law No.03/L.214 “on Environmental Impact Assessment”.

The identified procedures have been also adopted by the UNDP Expert as a test tools on practical cases through the assistance to MESP in writing its opinion as to the information on environmental impacts to be presented in the EIA Report (Scoping Notification). This further assistance has been described in another report named “MESP opinions about the EIAs”. In addition, the identified set of procedures has been also used in the discussion within a thematic workshop organised by the UNDP expert with the support of UNDP/MESP at the end of November 2014.

In the finalisation of this document, the strong support given by the Kosovans officials of the Environmental Protection Department (EPD) of MESP must be emphasised. In particular, the following members of a dedicated working group gave a great support to the project implementation: Mr. Muhamet MALSIU (Director of EPD), Ms. Nezakete HAKAJ (Head of Industrial Pollution Management Division within EPD), Mr. Shukri SHABANI (Head of EIA Commission-EPD-MESP), Mr. Naim ALIDEMA (Responsible EIA/SEA Unit-EPD-MESP). In addition, Ms. Xheva BERISHA-REXHEPI (Project Manager SLED Project-UNDP), Mr. Mentor BERISHA (Project Associate-UNDP) and Ms. Shkipe DEDA-GIU/RXHASLI (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

As already mentioned in the “Assessment Report”, according to the ToR, the international assistance to MESP provided by the individual selected expert aims to:

1. Task 1: Develop an institutional framework capable of applying the EIA and SEA procedures flexibly and in a result-oriented manner with related procedures and administrative processes (to be concluded within 6 months after the contract signature, i.e. within 15 December 2014);
2. Task 2: Support the MESP officials in the checking the EIAs of the most important infrastructural projects under approval and in the issuing of the corresponding permits (to be concluded within 6 months after the contract signature, i.e. within 15 December 2014)
3. Task 3: Training (to be implemented within 6 months after the contract signature, i.e. within 15 December 2014).

Within the above mentioned Task 1, the international consultant should support and contribute to the implementation of the following sub-task under the leadership and guidance of the Director of the Environmental Protection Department (EPD) of MESP:

1.2 Design a coherent set of procedures for the administration of EIA and SEA in Kosovo according to the legislation. The international consultant should design and propose both interim procedures and final procedures. Therefore, the expected deliverable to be produced at the conclusion of this task to be terminated within 4 months after the contract signature is a report named “Set of procedures for the administration of EIA and SEA” (this report) in Kosovo according to the legislation prepared (interim procedures and final procedures).

In accordance with the ToR requirements, this report is describes the activities implemented and the results achieved within the above mentioned Sub-Task 1.2, which has been also coordinated with the other following sub-tasks of Task 1 foreseen by the same ToR:

1.1 Conduct an assessment of the institutional administrative units, both central and local, in order to define how their present capacities (in terms of staffing, staff capability and equipment) compare with that necessary in order to fulfil the units’ mandate. For each unit the following will be produced:
   o An assessment of needs for training in relation to the procedural requirements of EIA and SEA.
   o An assessment of the needs for equipment in relation to these requirements.
   The related deliverable to be produce within 2 months after the contract signature is an “Assessment Report” of the institutional administrative units, both central and local comprising: (1) an assessment of needs for training in relation to the procedural requirements of EIA and SEA; (2) an assessment of the needs for equipment in relation to these requirements.
1.3 Develop an “Operational system for carrying out the screening and scoping procedures while implementing the EIA and SEA directives” within 4 months after the contract signature;
1.4 Prepare a “Handbook for officials at central and local level on how to carry out screening and scoping” within 4 months after the contract signature;
1.5 Prepare a booklet that will provide in a clear and concise format the information related to the EIA process; the booklet will contain the following information applicable to EIA in Kosovo in conformity with European Community Law: (i) circumstances under which an EIA is required; (ii) how the scope of an EIA is to be determined; (iii) the steps for conducting an EIA; (iv) responsibilities during the process; and (v) availability of additional sources of information. Therefore, the related deliverable to be produce within 5 months after the contract signature will be a “Booklet on the EIA process”.
1.6 Propose “Methods to assess the impact on habitats/species while conducting the EIA and SEA procedure”. This task and related deliverable should be performed in close cooperation with the MESP officials and international consultants on habitats and species within 3 months after contract signature.
1.2 The relevant legislation

The main Kosovan and EU primary and secondary legislations that are regulating the Environmental Protection, EIA, SEA, Nature Protection-Biodiversity and IPPC have been already summarised in the Table 1.3.1 of the “Assessment Report”. Therefore, in the following sections, the analysis has been extended with more detail to the main secondary legislation affecting the EIA and SEA procedures, substantially consisting in the Kosovan Law No.03/L-214 “on Environmental Impact Assessment” and in the Administrative Instruction No. 09/2004 “on Environmental Impact Assessment”. These two laws are also reported in their integral version in the Annexes to this report. In order to harmonise also the procedures for the EIA and IPPC, the Laws related to the Integrated Permits have been also analysed in this section.

1.2.1 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)”\(^1\). 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 TAIEX assistance to

---

Set of Procedures for the Administration of EIA and SEA

the National Assembly of Kosovo\(^2\). Therefore, a new Law No.03/L-214 “on EIA” was approved by the AoK on 23rd September 2010. Specifically, 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-025 “on Environmental Protection”, 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:

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

\(^2\) Medium Term Assistance to the National Assembly of Kosovo (TAIEX KOS IND/EXP 46950) – Giuseppe RAZZA - Final Report
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 Instructions 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 procedures to be adopted 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 planed 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. Complaints 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).

In conclusion, the set of procedures identified and recommended in this report have been based on the obligations deriving from the Kosovan Law No. 03/L-214 “on Environmental Impact Assessment”, Administrative Instructions No.09/2004 “on Environmental Impact Assessment” and Administrative Instruction No.09/11 “on information, public participation and interested parties in the environmental impact assessment procedures”, further integrated by the above mentioned recommendations related to the full transposition of EU Directives.

1.2.2 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 and no particular recommendations need to be provided for a better transposition. 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,

---

3 Article 14 of the Italian Environmental Cod, legislative Decree 152/2006, stated that the timeline for public debate is 60 days
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 homogeneous 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:
Set of Procedures for the Administration of EIA and SEA

- 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 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.

1.2.3 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/is 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 multihazard 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.
Set of Procedures for the Administration of EIA and SEA

- 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.
- 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).

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 1.24:
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) technical 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 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 (env. 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 fulfill the obligations of E-PRTR registrations;
2 Set of procedures

2.1 Set of procedures for the administration of EIA

2.1.1 The EIA procedures defined by the Kosovan legislation

In compliance with Article 7 of the Law No.03/L-214 “On Environmental Impact Assessment” 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. On the base of the same Law, all projects which are listed in Annex I shall be obliged to implement an EIA, asking the corresponding authorization from the Ministry of Environment and Spatial Planning (MESP), while 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 require an EIA. It is very important to mention that the MESP shall not grant any environmental consent mentioned above until an EIA has been carried out on the project and the applicants shall not be granted a construction permit or any other permit (including IPPC) for the above mentioned projects and he shall not begin to execute any of them, until he has not been granted an environmental consent by the same MESP. Only in the case of projects with national defence purposes and upon decision of the Government, the MESP may allow, for special cases, the non-completion of the 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, appeal, approval has been considered by the same Law and are briefly summarized by the Fig. 3.1.1 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.

- **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, the responsible officer of 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 criterias. 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 into 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 (Article 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.
Fig. 3.1.1: Procedures to approve an EIA and to release an Environmental Permit in accordance with Kosovan law (© Source G. Razza)
• **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 complaints 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.

### 2.1.2 Proposal for a set of EIA procedures

The proposed set of procedures has been designed on the base of the obligations related to the Kosovan law already summarised in the Fig. 3.1.1. In addition, the flow chart shown in the following Fig. 3.1.2 of the following page tries to integrate these legal obligations already specified by the Law No. 03/L-214 with further recommendations defined on the base of the best practices and experiences already adopted in EU Member States and by the above mentioned guidelines prepared by the main International Donors.

The further recommendations underlined with circled numbers in the Fig. 3.1.2 that were not included as specific obligations within the Kosovan laws are following described:

1. The finalisation of specific Guidelines for EIA for Applicants and Assessors to be included in an Administrative Instruction in accordance with paragraph 2, Article 15 of the Law No.03/L-214 “on EIA”

2. The appointment of a Register Officer to manage the EIA application is recommended. The Register Officer should be the Responsible of the EIA Unit, within the Environmental Protection Division of the EPD/MESP

3. It is recommended that the Secretary of the EPD of MESP receives the application and after having applied a protocol number, send it to the Register Officer for its registration

4. It is recommended that the preliminary check of the administrative compliance of the application with the requirements of the Law No.03/L-214 is done by the Register Officer (RO)

5. The Applicant should indicate and the RO should verify if the EIA contains any Commercial Confidential information in order to avoid the diffusion of such information to a wider public

6. A specific electronic data base including all relevant information regarding the application / EIA should be prepared and managed by the RO in a specific EIA register (see next § 3.1.4 and Tab. 3.1.1).

7. It is recommended that the consultative competences of the MESP working group are assigned to the EIA Technical Commission, in order to avoid the establishment of too many consultative groups.

It is also recommended that these procedures are managed electronically through a specific software, as proposed in the following § 3.1.4.
PRE-APPLICATION
- Identification of EIA Rapporteur within the list of licensed experts according to Kosovan legislation (AI No. 4114-MESP)
- Preliminary check of the potential impacts and of the feasibility of the intervention in relation to acceptable and sustainable mitigation measures
- Drafting of the Application and preliminary consultancy of the Applicant (A) / Operator (O) with external experts and authorising authorities

APPLICATION
- Preparation and delivery of the application to MESP (3 hard copies and 1 electronic copy) including Name, Address, Legal Status of Applicant, required Documents, licensed EIA rapporteur, fullfilled Questionnaire
- Introduction of the further information required by MESP including a Non-Technical Summary to be used as Environmental Scoping Report
- Preparation of 3 copies (1 electronic) of the EIA signed by a licensed expert including: (1) project description; (2) outline of alternatives; (3) description of affected environmental areas; (4) description of environmental impacts; (5) description of climate effects; (6) description of mitigation measures; (7) non-technical summary; (8) description of technical difficulties. The EIA must be accompanied by a receipt of payment of the requested fee to the licensed person (AI No. 4126-MESP), in compliance with the legal traffic (AI No. 112/2011-MESP)
- Preparation of the Environmental Scoping Report (max 3 pages) to be included as Non-Technical Summary in the EIA, specifying also if there are information subjects to Commercial Confidentiality

SELECTION
- Appointment of a Register Officer (RO) within the EIA Section of the Environmental Protection Division in EPD and of a WG of EIA experts
- Acceptance of the Application and delivering of a receipt from EPD Secretary
- RO opens working life and makes a preliminary check if the application is in compliance with the administrative requirements according to Law No. 41-2011
- RO sends notification to MESP and EPD with administrative requirements
- RO (© Source G.Razza)

TECHNICAL CONSULTATION
- MESP Review 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 prepared monitoring schemes; (5) other criteria
- After the RO check about the existence of Commercial Confidentiality, MESP delivers of 3 hard copies and 1 electronic copy of the EIA to the competent units (WG, EIA Technical Commission, KEFA, Stakeholders) for review in 5 days

INFORMATION AND PUBLIC CONSULTATION
- Information of the public (public advertising on newspaper, website, etc.) including the information specified in the Environmental Scoping Report
- Eventual consultation of RO on eventual appeal of the competent Court
- Eventual consultation with KEFA to receive technical data related to the project
- Eventual consultation with the applicants and key stakeholders
- Eventual MESP consultation with the applicants and key stakeholders
- Eventual MESP consultation with the applicants and key stakeholders

APPROVAL / REJECTION
- MESP approval of the Public Consultation Plan (PCP)
- Eventual consultation of RO (regular meetings, public notices, etc.) with External Experts, EIA Technical Commission, WGs to receive the opinions about EIA
- RO collection of the opinions and remarks from the public after the public debate
- Eventual consultation of RO through meetings published through local advertisement
- Eventual consultation of RO with KEFA to receive the opinions about EIA
- Eventual consultation of RO with KEFA to receive the opinions about EIA
- Eventual consultation of RO with KEFA to receive the opinions about EIA
- Eventual consultation of RO with KEFA to receive the opinions about EIA
- In compliance with AI No. 63/2006-MESP, any Environmental Consent to affected foreign Countries

< 8 days from MESP decision

Eventual approval of the Applicant

< 10 days from Public Debate

MESP approval of the Public Consultation Plan (PCP)

< 8 days from MESP decision

MESP review of the proposal decision for Environmental Consent

< 10 days from the receipt of EIA Report

MESP rejection of the Application

MESP preparation of local advertisement and of a statement containing: (1) the content of the decisions and eventual related conditions; (2) the legal reasons and consideration for the decision and eventual information for public participation; (3) description of mitigation measures to reduce the impacts; (4) legal advice for eventual appeals to the decision

MESP rejection of the Application

MESP preparation of Decision for Environmental Consent

< 10 days from the proposal decision

Is the proposal approved?

Municipality issuing of the Environmental Permit (see also IPPC obligations)

Fig.3.1.2: Procedures Set of Procedures for the approval of an EIA and the releasing of an Environmental Permit in accordance with Kosovan Law (© Source G.Razza)

22
2.1.3 Proposal for an EIA Register (Database)

In order to facilitate the management of the EIA/IPPC process through a simplified procedure, it is recommended to finalise and install a simply software within the computers of the MESP staff who is responsible to check and approve the corresponding applications. At this purpose, the relevant information that should be included electronically in such database are summarised by the following Tab. 3.1.1.

<table>
<thead>
<tr>
<th>Specific Information to be included in the Register (Database) of EIA applications (page 1/3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFORMATION ABOUT THE EVALUATORS</td>
</tr>
<tr>
<td><strong>Register Officer</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>KEPA Responsible for data</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>Member 1 of EIA Commission</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>Member 2 of EIA Commission</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>Member 3 of EIA Commission</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>Member 4 of EIA Commission</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>Member 5 of EIA Commission</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td><strong>Other External EIA Expert</strong></td>
</tr>
<tr>
<td>Name</td>
</tr>
</tbody>
</table>

Tab.3.1.1: Proposal for an EIA Register / Database (© Source G.Razza)
### Specific Information to be included in the Register (Database) of EIA applications (page 2/3)

#### SCREENING - MESP QUESTIONNAIRE

**GENERAL INFORMATION OF THE APPLICANT**

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Status</td>
<td></td>
</tr>
<tr>
<td>Fiscal Number</td>
<td></td>
</tr>
<tr>
<td>Registration Number</td>
<td></td>
</tr>
<tr>
<td>Legal Address</td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

**GENERAL INFORMATION OF THE PROJECT REQUIRING THE AUTHORISATION**

| Project title |  |
| Kind of Project (new, modification) |  |
| Project sector (see Annex I EIA Law) |  |
| Project characteristic (Ann.III EIA Law) |  |
| Size of project |  |
| Environmental combined impact |  |
| Use of natural resources |  |
| Production of waste |  |
| Pollution and nuisances |  |
| Risk of accidents |  |

| Project Location |  |
| Municipality |  |
| Address |  |
| Latitude and Longitude |  |
| Existing land use |  |
| Abundance and quality of natural resources |  |
| Absorption capacity of natural environment |  |
| Wetlands |  |
| Mountain and forest areas |  |
| Nature reserves and parks |  |
| Special protection areas |  |
| Areas where the quality standards exceed |  |
| Densely populated areas |  |
| Historical, cultural or archeological landscapes |  |

**Brief description of potential impacts**

| Impacts on Soil |  |
| Impacts on Water |  |
| Impacts on Air |  |
| GHG emission/year |  |

#### CHECK OF THE APPLICATION

**PRELIMINAR CHECK OF THE REGISTER OFFICER (within 10 days from the date of delivering of the application)**

| Date of delivering of the Application |  |
| MESP protocol number |  |
| Number assigned in the Register |  |

| Is the questionnaire fulfilled? | Yes | No |
| Kind of authorisation (Annex II EIA Law) | EIA | IPPC | Municipal Consent | No permits |
| Is the application completed? | Yes | No |

| Deadlines for the next steps |  |

---

Tab.3.1.1: Proposal for an EIA Register / Database (© Source G.Razza)
### Specific Information to be included in the Register (Database) of EIA applications (page 3/3)

**EIA SCOPING (within 30 days from the Application)**

<table>
<thead>
<tr>
<th>Date of Issuing of Scoping Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of presentation of a Scoping Report</td>
</tr>
<tr>
<td>Presentation of a Scoping Report (3 pag.)</td>
</tr>
<tr>
<td>Description of possible alternatives</td>
</tr>
<tr>
<td>Description of significant impacts</td>
</tr>
<tr>
<td>Reasons for identifying these impacts</td>
</tr>
<tr>
<td>Description of protection measures</td>
</tr>
</tbody>
</table>

**EIA REVIEW (within 30 days from the Application)**

| Date of presentation of an EIA |
| Licensed Person signing the EIA |
| Name |
| Number of Authorisation |
| Legal Address |
| Phone Number |
| Email |
| Number of EIA copies delivered |
| N. Electronic copies |
| N. Hard copies |

**Opinions of EIA Technical Commission**

| Project Description and Alternatives |
| Identification of Environmental Impacts |
| Mitigation Measures |
| Monitoring Schemes |
| Other criterias |

**Eventual opinions of External Experts**

**Brief summary of recommendations**

**Date of issuing of draft Decision on EIA**

**Date of delivering of draft Decision to A**

**PUBLIC DEBATE**

| Public Consultation Plan |
| Date of Delivering of the PCP |
| Location of the Public Consultation |
| Date of Public Debate |
| Mechanisms and times to inform the public |
| Location where display the EIA summary |
| Medias where the information is announced |
| Date of MESP approval of PCP |

**Opinions collected in the Public Debate**

**PROPOSAL-DECISION (within 70 days from the receipt of the EIA report)**

| Remarks considered in the EIA review |
| Date of MESP request to A for changes |
| Date of delivering of the EIA reviews |
| Have the EIA been reviewed by the A |
| Yes | No |
| Date of delivering of the EIA reviews |
| RO drafting of the EIA proposal-decision |
| Is the Environmental Consent issued? |
| Yes | No |
| Number of Environmental Consent |
| Eventual recommendations/prescriptions |
| Date of issuing of Environmental Consent |
| Date of publication of the Permit |
| Place of publication of the Permit |

Tab.3.1.1: Proposal for a EIA Register / Database (© Source G.Razza)
2.2 Set of procedures for the administration of SEA

2.2.1 The SEA procedures defined by the Kosovan legislation

In compliance with 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 Environmental Impact Assessment Law (Law No.03/L-214), 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 following Fig.3.1.3. In the same Figure are also underlined (in blue and yellow colours) the activities that are under the responsibility of MESP officials.

At this purpose, we must emphasise 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, which means that the role of the MESP is limited to the following tasks:

- 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 criterias 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 to 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.
- 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.
Fig 3.3.1: Legal Procedures for the approval of a SEA in Kosovo (© Source G. Razza)
2.2.2 Proposal for a set of SEA procedures

Despite the SEAs procedures are well defined by the Law No.03/L-230 “On Strategic Environmental Assessment”, the identification of a clear set of procedures to be adopted by MESP to monitor appropriately the inclusion of such SEAs in the main sectoral plans and programmes in Kosovo is still missing.

Therefore, the main recommendations are the following:

1. It is recommended that MESP, and not the responsible authority, determines whether the plans or programmes that are likely to have significant environmental effects require a SEA.

2. The appointment of a Register Officer to manage a SEA register is recommended. The Register Officer should be the Responsible of the SEA Unit, within the Environmental Protection Division of the EPD/MESP.

3. It is recommended that a database of the SEAs to be considered by all the sectoral plans and programmes defined by Kosovan laws is finalised, with a clear indication of the deadlines for the SEAs’ finalisation.

4. It is recommended that the RO constantly check the finalisation of the expected SEAs, informing the Director of the EPD in MESP in the case some SEAs are missing.

5. The responsible body should indicate and the RO should verify if the SEA contains any Confidential information in order to avoid the diffusion of such information to a wider public.

6. A specific electronic database including all relevant information regarding the SEA should be prepared and managed by the RO in a specific SEA register.
Annexes

Annex A: Kosovan Laws affecting EIA procedures

Law No.03/L-214 “on Environmental Impact Assessment”

Repablika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

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 into account the environmental report and the results of consultations in decision-making, determination of the
method to prevent, avoid, mitigate or rehabilitate the adverse impacts on environment and human health, and provision of information on the decision.

1.7. **EIA Report** - the report presenting the results of an environmental impact assessment.

1.8. **Screening** - the process for determining whether an EIA will be required for certain projects or not.

1.9. **Screening decision** - a decision whether EIA for a particular project is needed or not;

1.10. **Scoping** - the process of identifying the minimum information to be required in the EIA report on the likely significant environmental impacts of a proposed project based on information about the project, and on the site and its surroundings.

1.11. **Scoping Direction** - a written statement issued by the Ministry, containing an opinion on the information about expected impacts to be submitted in the EIA Report.

1.12. **Non-Technical Summary** - a short, stand-alone document, which presents the important results of an EIA Report, in an accessible and easy-to-read format for public debates.

1.13. **Public** - one or more natural or legal persons, and their associations, organizations or groups.

1.14. **Public concerned** - the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in this Law. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed as organizations to have an interest.

1.15. **Day** - working day.

1.16. **By local advertisement** - a publication of the notice in a newspaper circulating in the locality in which the proposed project is to be situated, on the website of the municipality in which the proposed project is to be situated; and on the website of the Ministry.

### Article 3

**Scope**

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:
   1.1. human beings, flora and fauna;
   1.2. soil, water, air, climate and the landscape;
   1.3. material assets and the cultural heritage;
   1.4. 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 can not 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;
   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 archeological 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 sub-paragraph 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.
Set of Procedures for the Administration of EIA and SEA

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).

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 ASSESMENT
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. Factories for roasting and sintering of non-metallic minerals with a production capacity of thirty (30) 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, nitrates, 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 of 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 ton/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 m$^3$/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 m$^3$/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 m$^3$.

    37. Installations for production of paper and board exceeding one hundred thousand (100,000) m$^2$/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) m$^3$/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 identified 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 carburants;
   3.6. Industrial briquetting of coal and lignite;
   3.7. Installations for the processing and storage of radioactive waste (unless included in Annex 1);
   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 1);

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;
   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. Packing and canning of animal and vegetables 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 transshipment 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).

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 1);
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.
ANNEX 3
CRITERIA FOR SCREENING

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.
The Government of Kosovo,
On the base of Article 20, paragraphs 4, 5 and 6 of the Law on Environmental Protection (Law No. 2002/8, and joint Regulation UNMIK 2003/9) issues:

Administrative Instruction Nr. 9/2004
“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.

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.

* 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
Set of Procedures for the Administration of EIA and SEA

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
ENVIRONMENTAL 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. 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

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.

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

3. 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
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 a n 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);
Set of Procedures for the Administration of EIA and SEA

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 consultees
   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.
Set of Procedures for the Administration of EIA and SEA

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;
   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;
Set of Procedures for the Administration of EIA and SEA

- Changes to water quality and quantity;
  - 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;
  - Effects from closure of access or reduction in access;
  - 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;
  - 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;
  - Effects from closure of access or reduction in access;
  - Effects resulting from traffic (road, rail, air, water) in connection with development;
  - 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
Annex B: Kosovan Laws affecting SEA procedures

Law No.03/L-0230 “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 Parliameni 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 the 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 defense 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 to 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 of 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:
   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.
**Set of Procedures for the Administration of EIA and SEA**

**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.

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 consultees 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 consultees 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 consultees, 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; 16
   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.
Set of Procedures for the Administration of EIA and SEA
The project is implemented by

Giuseppe RAZZA
Strada per Basovizza, 54
34128 Trieste
Italy
Tel.: +39-342-9005131
Email: giuseppe.razza@yahoo.it

The project is supported by the

UNDP-Support for Low Emission Development (SLED) project
Address:
Zagrebi 39, Arberia
10000 Pristina
Kosovo