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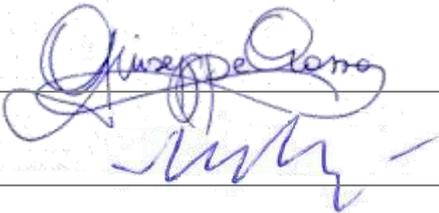
Booklet on the EIA process

(5 November 2014)

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Disclaimer

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

* References to Kosovo shall be understood to be in the context of Security Council Resolution 1244 (1999)

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GLOSSARY OF ABBREVIATIONS

Acronyms	Meaning
AI	Administrative Instruction
ADA	Austrian Development Agency
ADC	Austrian Development Cooperation
AoK	Assembly of Kosovo
BAT	Best Available Technology
BC	Beneficiary Country
CA	Competent Authority
CAA	Competent Administrative Authority
CAFRDESP	Parliamentary Committee on Agriculture, Forestry, Rural Development, Env. and Spatial Plan.
CCS	Carbon capture and geological storage
CECIS	Common Emergency Communication and Information System
CLP	Classification Labelling and Packaging
CPR	Construction Products Regulation
CPD	Construction Product Directive
DB	Database
DEP	Department for Environmental Protection
DHC	Department for Housing and Construction
DoP	Declaration of Performance
DSIP	Directive Specific Implementation Plan
DW	Drinking Water
DUPCE	Directorate for Urban Planning, Cadastre and Environment (within the Kosovan Municipalities)
EA	Environmental Audit
EAS	Environmental Approximation Strategy
EC	European Commission
ECENA	Environmental Compliance and Enforcement Network for Accession
EE	Energy Efficiency
EEA	European Environmental Agency
EED	Energy Efficiency Directive
EHS	Environmental, Health and Safety
EIA	Environmental Impact Assessment
EIONET	European Environment Information and Observation Network
ELV	Emission Limit Values
EMEP	European Monitoring and Evaluation Programme
EP	Environmental Protection
EPA	Environmental Protection Agency
EPD	Environmental Protection Department
EQS	Environmental Quality Standards
ETA	European Technical Assessment
ETS	Emission Trading System
EU	European Union
EULEX	EU Rule of Law Mission in Kosovo
EUO	European Union Office
EUPs	Energy Using Products
EWC	European Waste Catalogue
FIA	Financial Impact Assessment
FD	Flood Directive
GO	Governmental Order
GoK	Government of Kosovo
HEN	Harmonised standard
HMI	Hydro-Meteorological Institute
ICO	International Civilian Office
IFC	International Finance Corporation
IFI	International Financial Institution
IMPEL	EU Network for the Implementation and Enforcement of Environmental Law
INEP	Institute of Nature and Environment Protection
INSPIRE	Infrastructure for Spatial Information in the European Community

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

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 15th June 2014 (contract signature) to 15th December 2014, the following main tasks and sub-tasks identified in the ToR should be implemented and the corresponding deliverables produced:

N.	Tasks	N.	Sub Tasks	Deliverable	Deadline
1	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)	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.	“ <i>Assessment Report</i> ”	15.08.2014
		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.	“ <i>Set of Procedures for the administration of EIA and SEA</i> ”	15.10.2014
		1.3	Develop an operational system for carrying out the screening and scoping procedures while implementing the EIA and SEA directives	“ <i>Handbook on screening and scoping</i> ”	15.10.2014
		1.4	Prepare a handbook for officials at central and local level on how to carry out screening and scoping		
		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	“ <i>Booklet on the EIA process</i> ”	05.11.2014
		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);	“ <i>Methods to assess the impact on habitat/species</i> ”	15.09.2014
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, and if the projects consider climate change and biodiversity issues (15 w/days)	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	3 “ <i>MESP opinions about the EIA</i> ”	15.10.2014
		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;		
		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)	“ <i>Communication and Cooperation Procedures</i> ”	15.11.2014
3	Training (10 w/days)	3.1	Prepare training course material for the training sessions on the implementation of the EIA/SEA for the personnel of the public administration	“ <i>Training Material for public officials</i> ”	25.11.2014
		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	“ <i>Training Programme for public officials</i> ”	15.11.2014
		3.3	Prepare and implement a training programme for EIA/SEA developers	“ <i>Training Programme for developers</i> ”	15.11.2014

In accordance with the above mentioned ToR and project organisation, this fourth report entitled “*Booklet on the EIA process*” is a specific deliverable related to the Sub-Task 1.5 of the assignment, describing the related activities implemented during a 2.5 months period of the assignment (15th August 2014–5th November 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 1.1, 1.2, 1.3, 1.4, 1.6, 2.1 and 2.2 were implemented and the corresponding deliverables finalised and included in other reports. It must be also mentioned that this fourth Report, like all the other reports of the assignment, has been constantly updated with further versions completed within 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 happened during the implementation of the other assigned tasks. In compliance with the ToR and contract requirements of the assignment, this report includes:

- The Preparation of a booklet providing in a clear and concise format the information related to the EIA process. The booklet contains 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 (see § 2).

Such booklet has been finalised by the Individual Expert taking into consideration the background information (legislative framework, relevant guidelines, set of procedures, methodologies, etc.) already collected during the first four months of the assignment and included in the following other reports: “*Assessment Report*”; “*Set of Procedures for the Administration of EIA and SEA*”; “*Handbook on Screening and Scoping for an EIA*” and “*Methods to assess the Impacts on Habitat/Species while conductin an EIA/SEA Procedure*”. In accordance with the ToR and the above mentioned background information, this report has been organised in the following main Chapters:

- ✓ **1-BACKGROUND INFORMATION:** presenting the relevant background, information, documents and purpose specifically referred to the Terms of Reference and to the reports already finalised (“*Assessment Report*”; “*Set of Procedures for the Administration of EIA and SEA*”; “*Handbook on Screening and Scoping for an EIA*” and “*Methods to assess the Impacts on Habitat/Species while conductin an EIA/SEA Procedure*”) that are relevant for this report.
- ✓ **2-BOOKLET ON THE EIA PROCESS:** defined on the base of the above mentioned background information and considering the following information: (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. In addition to these information required by the ToR, also the (v) EIA cycle and (vi) the EIA and EA contents have been analysed in this section.

This booklet have been also adopted by the UNDP Expert as a test tools on practical cases through the assistance to MESP in writing its opinion to the EIA delivered to MESP to receive the corresponding permit. This further assistance has been described in another report named “*MESP opinions about the EIAs*”. In addition, the booklet 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 Kosovan 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-GJURGJALI (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;
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;
3. **Task 3:** Training.

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

1.5 Prepare a booklet providing in a clear and concise format the information related to the EIA process; the booklet contains 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 is a “Booklet on the EIA process”.

In accordance with the ToR requirements, this report describes the activities implemented and the results achieved within the above mentioned Sub-Task 1.5, 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 analyses have been produced:
 - An assessment of needs for training in relation to the procedural requirements of EIA and SEA.
 - An assessment of the needs for equipment in relation to these requirements.The related deliverable 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.
- 1.2 Design a coherent set of procedures for the administration of EIA and SEA in Kosovo according to the legislation. The international consultant designed and proposed both interim procedures and final procedures. Therefore, the expected deliverable produced at the conclusion of this task is a report named: “*Set of procedures for the administration of EIA in Kosovo according to the legislation prepared (interim procedures and final procedures)*”.
- 1.3 Develop an “*Operational system for carrying out the screening and scoping procedures while implementing the EIA and SEA directives*”.
- 1.4 Prepare a “*Handbook for officials at central and local level on how to carry out screening and scoping*”.
- 1.6 Propose “*Methods to assess the impact on habitats/species while conducting the EIA and SEA procedure*”. This task and related deliverable have been performed in close cooperation with the MESP officials and international consultants on habitats and species.

1.2 The other reports

During the first 4 months from the contract signature (15 June 2014 ÷ 15 October 2014) the UNDP Individual Expert finalised the following other reports that have been taken into consideration for the finalisation of this Report n.4:

- “*Assessment Report*” (Report n.1) 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 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; (2) an assessment of the needs for equipment in relation to these requirements; (3) a description of the relevant legislation (Kosovan and Communitarian) affecting the EIA and SEA and the related procedures; (4) an assessment of the institutional framework; (5) an assessment of the relevant guidelines adopted by the main international donors to check the EIAs and SEAs.
- “*Set of procedures for the administration of EIA*” (Report n.2) in Kosovo according to the legislation prepared (interim procedures and final procedures);
- “*Handbook for officials on screening and scoping*” (Report n.3) including an operational system for carrying out the screening and scoping procedures while implementing the EIA and SEA directives;
- “*Methods to assess the impact on habitats/species while conducting the EIA and SEA procedure*” (Report n.5), including the methodologies to be adopted identified in close cooperation with the MESP officials and international consultants on habitat and species.

It is immediately clear that the contents of these reports have been summarised and included in this booklet, which aims to represent an easy and practical tools for the MESP officials involved in the EIA/SEA process.

In addition to these reports, it is recommended to analyse the technical reports prepared by MESP and KEPA and published in their respective official website. These reports can be an useful tools to analyse and check the data to be used in the compilation, assessment and audit of the EIA.

2 Booklet on the EIA Process

2.1 Circumstances under which an EIA is required

In compliance with the EU Directives and 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. Therefore, an EIA is required for any kind of the following new or renovated installation as defined by the Annex I to the Law No.03/L-214:

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 50 KJ per hammer, while the power input exceeds 20 KW;
 - 3.2. Application of protective fused mixed metal coats with an input which exceeds 1 tones/hour of steel gross;
 - 3.3. Foundries for production of ferrous metals with capacity higher than 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 1 ton/day for lead and cadmium or 10 tons/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 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 100 tons/year.
7. Production and processing of alloys from non-ferrous metals which contain arsenic, mercury and lead, with a capacity higher than 1,000 tons/year.

2. Mineral Industry

8. Cement factories containing rotating kilns (baking and drying) with production capacity higher than 300 ton/day or lime producing factories with rotating limekilns with a production capacity of 30 tons/day or more, or containing other types of kilns with production capacity of 30 tons/day or more.
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 10 tons/day or more.
11. Foundries for smelting of mineral substances, including production of mineral fibres, with a production capacity of 10 tons/day or more.
12. Factories for production of ceramic products, by firing, especially production of bricks, tiles, refractory bricks, stoneware and porcelain, with a production capacity of 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 5,000 tons of finished products; for friction material, with annual production of more than 50 tons of finished products; and for other uses of asbestos, utilization of more than 200 tons/year.
14. Factories for roasting and sintering of non-metallic minerals with a production capacity of 30 tons/day or more.

3. Extractive Industry

15. Quarries and open-cast mining of clay where the surface of the site exceeds 5 ha, or peat extraction, where the surface of the site exceeds 10 ha or involves the extraction of 15,000 tons or more/annum.
16. Extraction and processing (except liquefaction and gasification) of coal, lignite and bituminous minerals with a production capacity of 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, nitrites, 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 50 MW or more.
19. Centrals of Nuclear Energy.
20. Installation of electric lines of high voltage with minimum of two hundred and 220 kV and with length longer than 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 100,000 tons/year or more.
22. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 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 2,100 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 5 km or more in continuous length.
26. Pipelines with a diameter of 500 mm or more and a length of 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 800 mm or more and a length of 40 km for the transport carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations.

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 30 tons/day;
 - 28.2. Raw materials of plant origin where production capacity of final product, exceeds 250 tons/day (average based on the quarterly value);
 - 28.3. Milk products, where the amount of treated milk exceeds one 100 tons/day (average based on annual amount);

8. Waste and Wastewater Treatment and Disposal

29. Installations for incineration, recovery, chemical treatment, or land filling of hazardous waste.
30. Facilities for municipal waste incineration, with an input of 1 tone/hour or more.
31. Landfills for non-hazardous waste, with an input of 30 tons/day or more.
32. Plants for treatment of municipal wastewater with a capacity exceeding 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 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 30 million m³/year.
 - 35.2. In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 600 million m³/year and where the amount transferred exceeds 5% of this flow. In both cases transfers of piped drinking water are excluded.
36. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 5 million m³.

10. Paper, Wood, Textile and Leather Industries

37. Installations for production of paper and board exceeding 100,000 m²/year.
38. Industrial plants for the:
 - 38.1. Production of pulp from timber or similar fibrous materials;
 - 38.2. Production of paper and board with a production capacity exceeding 50 tons/day.
39. Furniture production with an input of wood or other basic material greater than 10,000 m³/year.
40. Factories for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles.
41. Factories for tanning of hides and skins.

11. Intensive Agriculture

42. Installations for intensive rearing of poultry, pigs or livestock with more than:
 - 42.1. 10,000 poultry;
 - 42.2. 500 pigs;
 - 42.3. 100 cattle; and
 - 42.4. 1,000 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.

In addition to these projects, also the following installations listed in Annex II to the Law No.03/L-214 shall be examined, case by case, in order to determine whether they must require an EIA:

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 conversion 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 I of Law No.03/L-214);

- 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 not included in Annex I of the Law No.03/L-214);

3. Energy Industry

- 3.1. Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I of the Law No.03/L-214);
- 3.2. Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I of the Law No.03/L-214);
- 3.3. Surface storage of natural gas;
- 3.4. Underground storage of combustible gases;
- 3.5. Surface and underground storage of fluid combustible materials (projects not included in Annex I of the Law No.03/L-214) 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 I of the Law No.03/L-214);
- 3.8. Installations for hydroelectric energy production (projects not included in Annex I of the Law No.03/L-214);
- 3.9. Installations for harnessing of wind power for energy production; 3.9.continuous radiate resources (ionizing and non-ionizing).
- 3.10. Installations for the capture of CO2 streams for the purposes of geological storage (installations not covered by Annex I of the Law No.03/L-214);

4. Production and processing of metals

- 4.1. Installations for the production of pig iron or steel with continuous casting;
- 4.2. Installations for the processing of ferrous metals (projects not included in Annex I of the Law No.03/L-214);
- 4.3. Ferrous metal foundries (projects not included in Annex I of the Law No.03/L-214);
- 4.4. Installations for the smelting, including the alloyage, of non-ferrous metals, including reclaimed products (refining, foundry casting etc.), (projects not included in Annex I of the Law No.03/L-214);
- 4.5. Installations for surface treatment of metals and plastic materials (projects not included in Annex I of the Law No.03/L-214);
- 4.6. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
- 4.7. Installations for the roasting and sintering of metallic ores;
- 4.8. Installations for building and repairing airplanes;
- 4.9. Production of railway equipment;
- 4.10. Disintegration with explosive

5. Mineral industry

- 5.1. Coke ovens (dry coal distillation);
- 5.2. Installations for the manufacture of cement (projects not included in Annex I of the Law No.03/L-214);
- 5.3. Installations for the production of asbestos and the manufacture of asbestos- products (projects not included in Annex I);
- 5.4. Installations for production of glass including glass fibre (projects not included in Annex I of the Law No.03/L-214);
- 5.5. Installation for smelting mineral substances including production of mineral fibres (projects not included in Annex I of the Law No.03/L-214);
- 5.6. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (projects not included in Annex I of the Law No.03/L-214);
- 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 I of the Law No.03/L-214);
- 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 I);
- 7.2. Packing and canning of animal and vegetables products;
- 7.3. Manufacture of dairy products (projects not included in Annex I of the Law No.03/L-214);
- 7.4. Brewing of beer (projects not included in Annex I of the Law No.03/L-214);

- 7.5. Confectionery and syrup manufacture (projects not included in Annex I of the Law No.03/L-214);
- 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 I of the Law No.03/L-214).

8. Textile, leather, wood and paper industry

- 8.1. Factories for the production of paper and board (projects not included in Annex I);
- 8.2. Plants for pre-treatment (washing, bleaching, mercerization) or dyeing of fibres or textiles (projects not included in Annex I of the Law No.03/L-214);
- 8.3. Plants for the tanning of hides and skins.
- 8.4. Cellulose-processing and production installations.

9. Rubber Industry

- 9.1. Manufacture and treatment of elastomer-based products.

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 I of the Law No.03/L-214);
- 10.4. Constructions for airports and airfields (projects not included in Annex I of the Law No.03/L-214);
- 10.5. Construction of roads (projects not included in Annex I of the Law No.03/L-214);
- 10.6. Inland waterway construction or modification;
- 10.7. Flood prevention projects including modifications to river channels (projects not included in Annex I of the Law No.03/L-214);
- 10.8. Dams or other installations designed to hold water or store it on long-term basis (projects not included in Annex I of the Law No.03/L-214);
- 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 of the Law No.03/L-214).
- 10.11. Groundwater abstractions and artificial groundwater recharge schemes (projects not included in Annex I of the Law No.03/L-214);
- 10.12. Works for the transfer of water resources between river basins (projects not included in Annex I of the Law No.03/L-214).

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 I of the Law No.03/L-214);
- 12.3. Waste- water treatment plants (projects not included in Annex I of the Law No.03/L-214);
- 12.4. Sludge deposition sites (projects not included in Annex I of the Law No.03/L-214);
- 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 I of the Law No.03/L-214);
- 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 I of the Law No.03/L-214);
- 12.10. Food industries (projects not included in Annex I of the Law No.03/L-214 or under section 7 above).
- 12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I of the Law No.03/L-214);
- 12.12. Projects in Annex I of the Law No.03/L-214, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than 2 years.

2.2 The EIA and EA cycles

2.2.1 The EIA cycle

The EIA follows the project but it has its own requirements. **Figure 2.2.1** shows the EIA cycle and its conception. Chapter 3 proposes a precise description of each phase of an EIA for a pulp and paper project.

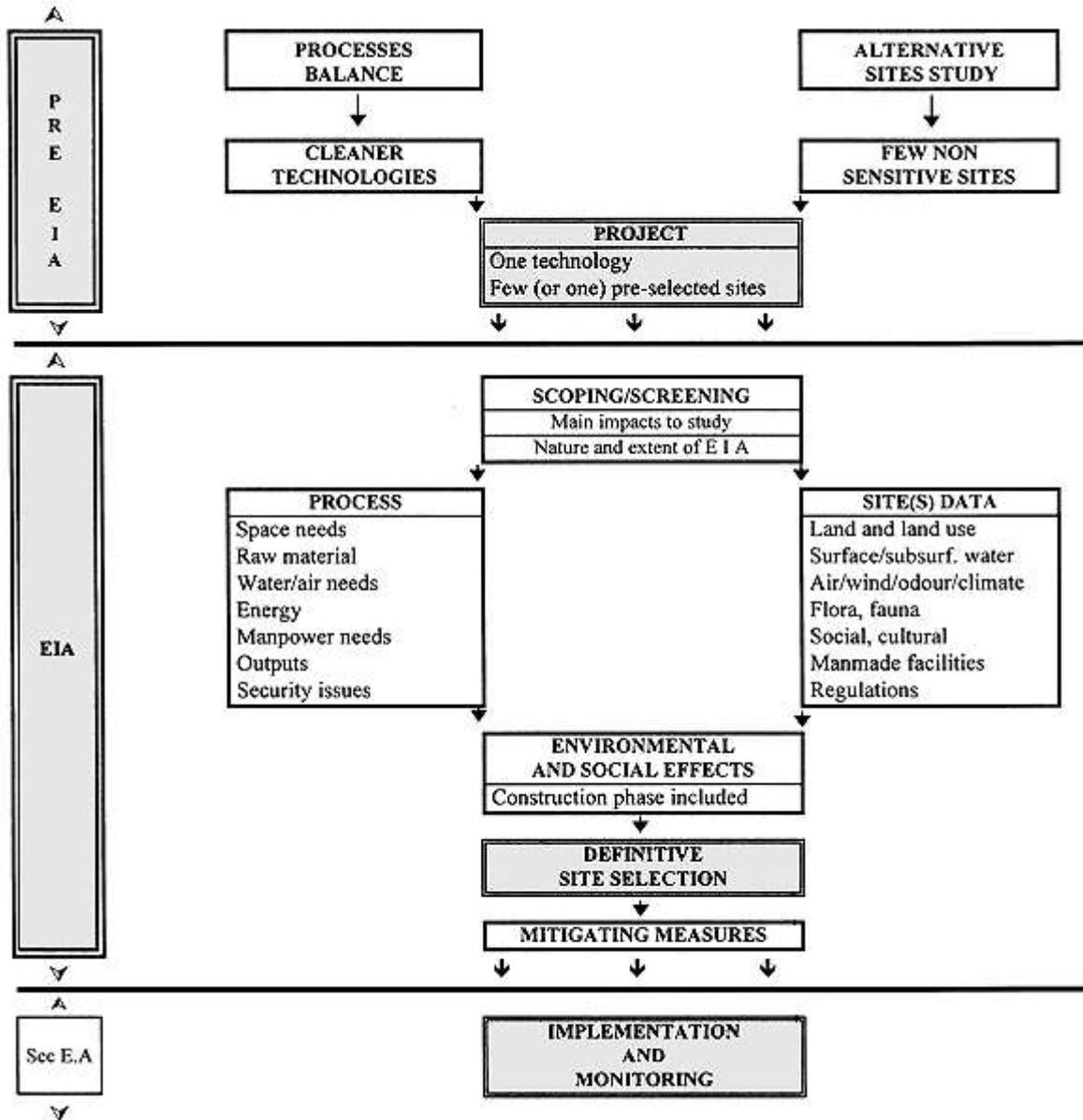


Figure 2.2.1 - Environmental Impact Assessment cycle (Source BRECHE)

2.2.1 The Environmental Auditing (EA) cycle

This chapter will show the organization of environmental management in any industry. The first cycle (Figure 2.2.2) to consider is the cycle of the relationship between industry and environment, and between environmental management and industry.

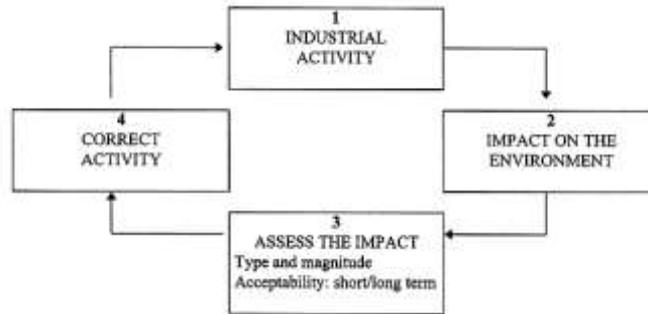


Figure 5 - Industry and environment relationship. (Source: Environmental auditing at Ciba Geigy)

Environmental Auditing takes place in the third phase of the cycle and leads to the fourth phase to adapt the activity to environmental requirements. According to the International Chamber of Commerce EA can have many benefits such as:

- Facilitating comparison and interchange of information between operation or plants,
- Increasing employee awareness of environmental policies and responsibilities,
- Identifying cost-savings including those resulting from waste minimization,
- Evaluating training programmes and providing data to assist in training personnel,
- Providing an information base for use in emergency response arrangements,
- Assuring an adequate, up-to-date environmental database for internal management awareness and decision making in relation to plant modifications, new plans, etc.,
- Enabling management to give credit for good environmental performance,
- Helping to assist relations with authorities by convincing them that complete and effective audits are being undertaken, by informing them of the type of procedure adopted,
- Facilitating the obtaining of insurance coverage for environmental impairment liability.

To lead to those benefits a precise methodology has to be followed. In Figure 2.2.3 is shown the proposed methodology of the International Chamber of Commerce in the technical report of UNEP/IEO: “Environmental Auditing”.

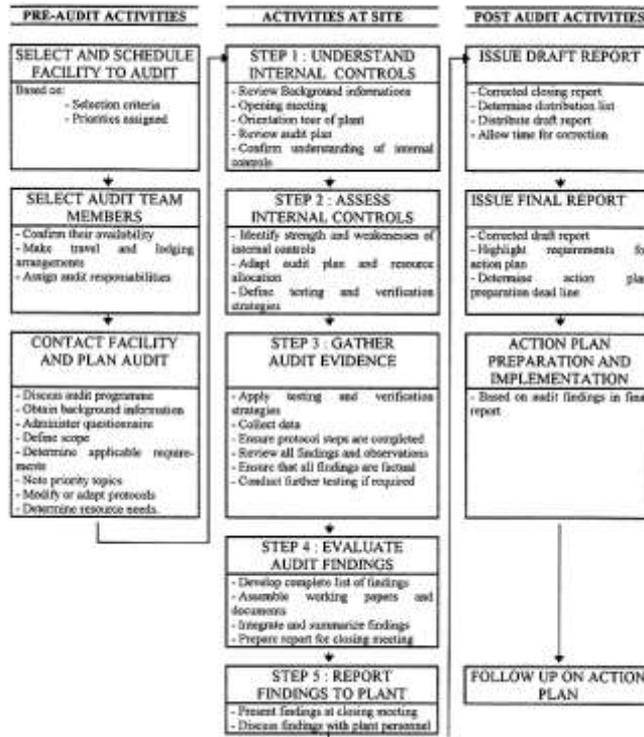


Figure 2.2.3 - Basic steps of an environmental auditing (Source International Chamber of Commerce in UNEP/IEO technical report)

EA can also be integrated in an overall environmental management system (EMS). Figure **Figure 2.2.4** synthesises the EMS proposed by European Union.

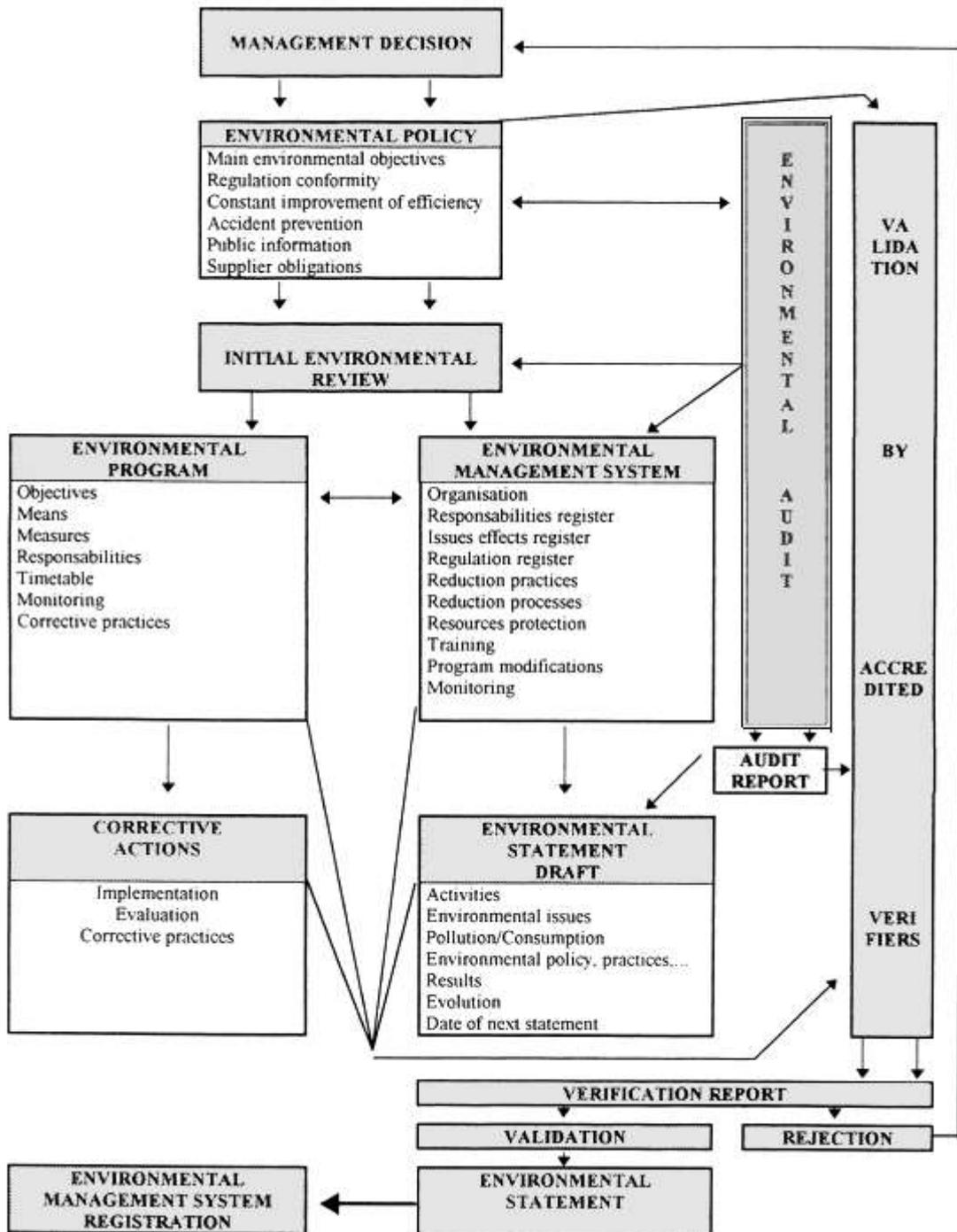


Fig. 2.2.4 - Environmental Management System (Source: Method European Union, Drawing Breche)

2.3 Contents of an EIA and EA

2.3.1 Contents of an EIA

In compliance with the requirements of the Article 15 of the Law No.03/L-214 “on Environmental Impact Assessment”, an EIA should contain:

1. A description of the project, including in particular:
 - 1.1. Description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
 - 1.2. Description of the main characteristics of the production processes;
 - 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;
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;
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;
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:
 - 4.1. The existence of the project;
 - 4.2. The use of natural resources;
 - 4.3. The emission of pollutants, the creation of nuisances and the elimination of waste; and
 - 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.
5. A description of how the proposed project could affect or be affected by the geological storage of CO₂ in storage sites;
6. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse impact on the environment;
7. A non- technical summary of the information provided under the above headings;
8. An indication of any difficulties -technical deficiencies or lack of know-how encountered by the applicant in compiling the required information.

In addition to this request, the Article 28 of the Administrative Instruction No.09/2004 “on EIA” prescribes that a full EIA Report shall contain, as determined by the scoping report or scoping notification, the 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 for selection of a project site, and description of at least two other possibilities for project locations;
- b) Direct and indirect environmental impact of the project (including direct and indirect effects short term, medium term and long term effects, temporary and permanent effects and positive or negative effects of the project) as listed under paragraphs (c)-(j) of this article;
- c) Effects upon humans, human health, structures created by man arising from *inter alia*:
 - Population changes resulting from development, and important environment effects;
 - Effects of development on landscape and areas used for recreation;
 - Level and effect of emissions to air, water and soil during normal and abnormal operations;
 - Levels and effects from noise and vibration;
 - Levels and effects from ionising and non-ionising radiation;
 - Effects from development of local roads and transport;
- d) Effects upon flora and fauna, nature heritage and geology arising from *inter alia*:
 - Loss or damage of habitats, plants and animal species;
 - Loss or damage of geological, paleontological and physiographic attributes;
 - Air quality and microclimatic changes;
 - Changes to water quality and quantity;
- e) Effects upon soil, natural resources and land users arising from *inter alia*:

- Physical effects of development, e.g. changes to the local topography, effects on land stability, soil erosion etc.;
 - Effects of deposition (stored) chemical emissions in soil and the surrounding area;
- f) Effects from closure of access or reduction in access;
- g) Effects on livelihoods of land loss e.g. owned agricultural land and/or resources used in common for specific economic purposes, from changes in quality and amounts of available agricultural land or resources and sterilisation of mineral resources;
- h) Effects upon water quality and quantity arising from *inter alia*:
- Effects of hydrological changes such as drainage system alterations;
 - Effects upon the water quality caused by emissions; and
 - Effects caused by increased surface run-off;
- i) Effects upon air and micro-climate arising from *inter alia*:
- Levels and concentration of emissions;
 - Levels and concentration of particulates; and
 - Levels and concentration of odours;
- j) Induced or secondary effects of the project:
- Effects resulting from traffic (road, rail, air, water) in connection with development;
 - 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.

Taking into consideration the above mentioned legal obligations, these EIA contents have been integrated with the recommendations included in the main guidelines, criteria and methodologies adopted by the international donors and financing institutions. Therefore, the following table of contents is recommended for a complete EIA to be delivered to MESP for approval:

Executive summary (Scoping Report)

In a few pages (maximum 3 pages) it allows anyone (specialist or not) to understand the different repercussions of the project (on the environment, human well-being and safety) and to be informed of the alternatives chosen and the mitigating measures that have to be implemented. This Executive Summary can be also considered as a Non-Technical Summary and as a Scoping Report following the requests of the MESP outlining the limits of the EIA, in time, space and the type of impact to be addressed (as well as the way of evaluating them), and identify the alternatives. This summary should also include, if possible, an indication of any difficulties -technical deficiencies or lack of know-how encountered by the applicant in compiling the required information.

1. Project description, and legal and administrative framework

A brief description of the project is necessary with all off-site extensions and their interaction with natural and social components. All the regulations implemented within the EIA must be detailed here. Therefore, the following sub-sections are recommended:

- 1.1.1. Description of legal requirements and obligations;
- 1.1.2. Description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
- 1.1.3. Description of the main characteristics of the production processes;
- 1.1.4. 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;

2. Description of the existing environment

Precise data relevant to the site is required, describing: intended uses, quality, physical, biological, social, and economic conditions. This description must include other existing or proposed developments. In addition, the description of the environmental aspects likely to be significantly affected by the proposed project shall be considered, 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. The use of maps, graphs, drawings... is very important for a better understanding of the situation. Key data gaps and uncertainties must be identified here.

3. **Analysis of alternatives and basis for the selection of the alternative proposed**

The project description (see paragraph 1 above) is completed by the definition of the procedure and reasons for selection of a project site, and a precise description of the different choices concerning processes, site and all alternatives that the investor has examined for a better protection of the environment and populations concerned. A comparison (outline) of these different alternatives, in term of their potential impact and cost/benefit analysis, is required from the applicant (developer). The basis (main reasons) on which each alternative is chosen must be stated taking into account the environmental effects

4. **Environmental impacts and issues**

Once the project is defined and all alternatives thoroughly studied, this section presents the environmental issues around the final project. Each area of positive or negative impact must be defined in terms of its magnitude, reversibility, period of occurrence and nature (primary, secondary...). At this stage it is important to outline in detail the different phases of the project and to address all the environmental repercussions linked with each phase. All the drastically negative repercussions that cannot be eliminated must be identified and mitigating measures must be proposed in the next chapter. Therefore, this chapter shall include 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:

- 4.1. The existence of the project;
- 4.2. The population changes resulting from development;
- 4.3. The physical effects of development on landscape and areas used for recreation effects of development, e.g. changes to the local topography, effects on land stability, soil erosion etc.
- 4.4. The use of natural resources and the effects upon flora and fauna, nature heritage and geology arising from *inter alia*: (i) loss or damage of habitats, plants and animal species; (ii) loss or damage of geological, paleontological and physiographic attributes; (iii) air quality and microclimatic changes; (iv) changes to water quality and quantity.
- 4.5. The emission, level and effect of emission of pollutants in air, water and soil during normal and abnormal operations, the creation of nuisances / vibration, the ionising and non-ionising radiation and the elimination of waste;
- 4.6. The effects resulting from traffic from development of local roads and transport including the effects from closure of access or reduction in access;
- 4.7. The 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;
- 4.8. The description of how the proposed project could affect or be affected by the geological storage of CO₂ in storage sites;
- 4.9. The description by the applicant of the cumulative effects and 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.

5. **Mitigating measures**

For all remaining negative repercussions, mitigating measures have to be proposed (and must be undertaken as soon as the project starts) to prevent, reduce and where possible offset any significant adverse impact on the environment. These measures must be realistic both technically and economically. The efficiency of each measure in reducing significant negative effects to an acceptable level must be assessed. An estimation of the required investment is necessary at this stage to verify the feasibility of the proposed measures.

6. **Environmental management and training and environmental monitoring plan**

In order to try and prevent environmental accidents, it is necessary to prepare a document to define the role of each person or group in the environmental management team of the future company and the monitoring and training procedures undertaken to enhance the capabilities of the staff and workers. These documents will naturally be updated once the plant is built.

7. **Appendices**

All documents needed for understanding the chosen methodology, the references, the meetings with ministries, scientists, managers, affected groups, the names and qualifications of the authors of the study, need to appear under this heading.

2.3.2 Contents of an EA

There are many kinds of audit which can be conducted alone or not. The audit can be concentrated on organisation, emission, compliance with standards and regulation, maintenance, security, material balance, training, outside contractor. The International Chamber of Commerce presents the different steps of an EA as follows:

1. **Pre-audit activities:** which include:
 - Selection and scheduling of facility to audit,
 - Selection of audit team,
 - Contact with facility and planning of the audit.
2. **Site activities:** which are divided into 5 steps:
 - First understanding of internal controls,
 - Assessment of internal controls,
 - Gathering of audit evidence,
 - Evaluation of audit findings,
 - Report of findings to facility.
3. **Post audit activities:** which include:
 - Production of a draft report,
 - Production of a final report,
 - Preparation and implementation of an action plan,
 - Monitoring of action plan.

The **Figure 2.3.1** shows the details of each step. It is important to notice that the audit system is a cycle. Its periodicity has to be defined previously and the site control phase periodicity must not exceed 3 years.

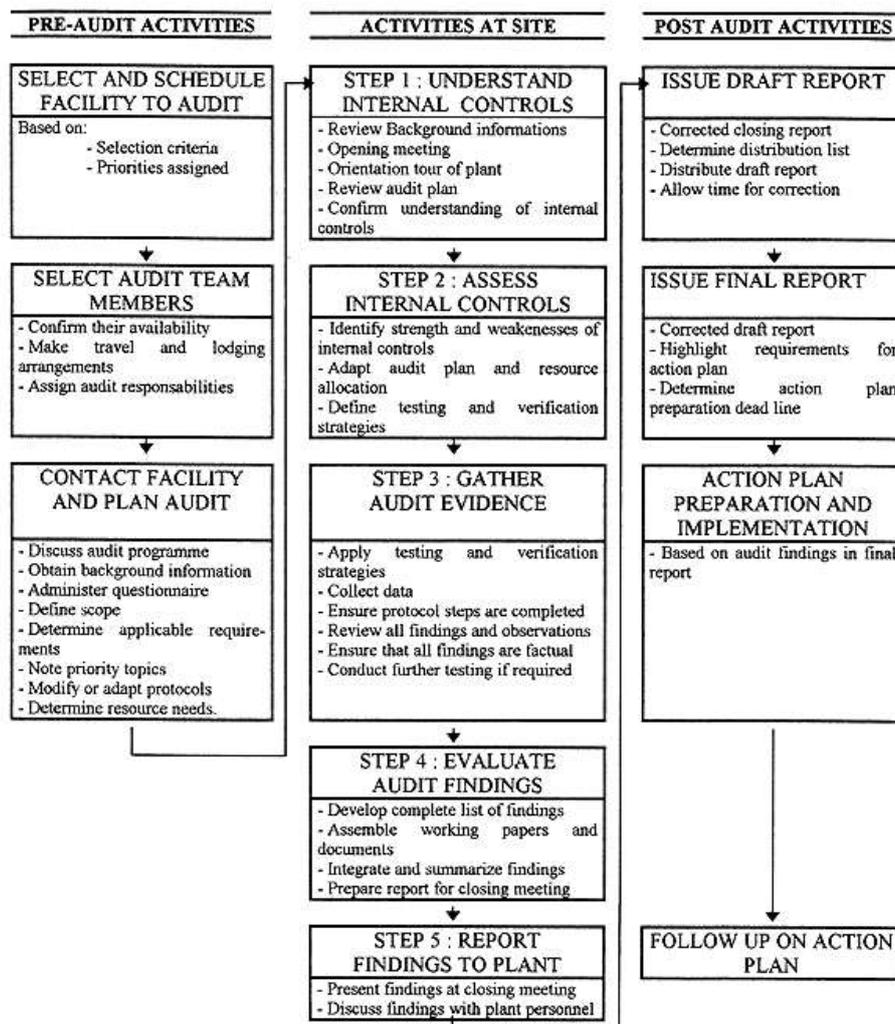


Fig.2.3.1 - Basic steps of an environmental auditing (source international chamber of commerce in UNEP/IEO technical report)

2.3.3 Places of the EIA and EA in the Project Cycle

The EIA takes place as soon as possible in the project development and at the latest during the feasibility study. The different development possibilities and the EIA become more and more precise as the project proceeds. When the project design is complete the EIA can be produced and submitted in its final version. The EA is conducted only in operating sites. **Figure 2.3.2** shows the place of each “tool” in the project cycle.

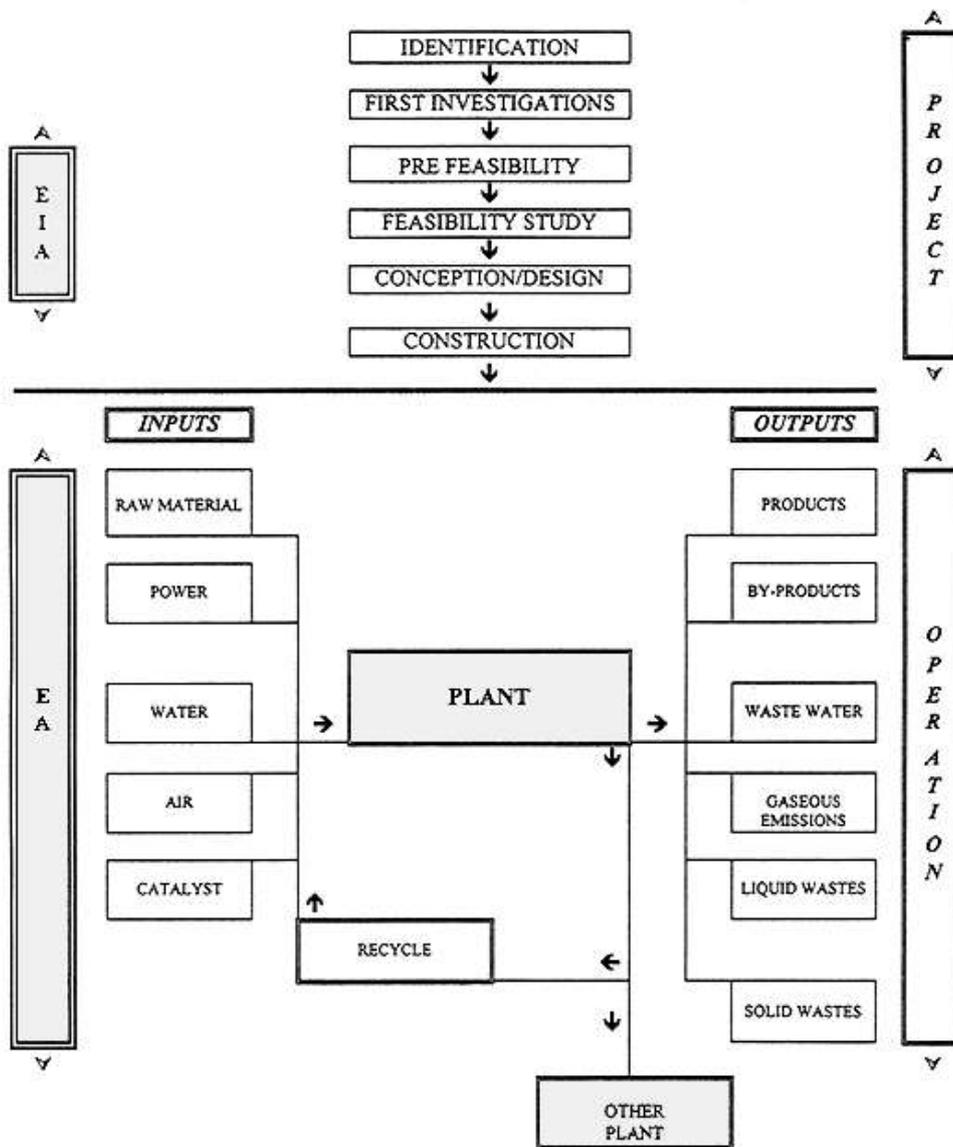


Figure 2: Project cycle and timing of the EIA and EA (Source: BRÈCHE)

2.4 Determination of the scope of an EIA

The responsible MESP officer (Register Officer, Head of EIA Unit within the Industrial Pollution Management Division in the Environmental Protection Department) will determine the scope of the EIA through the following steps:

- **ISSUING A SCOPING NOTIFICATION:** if the Application is accepted, the responsible officer of MESP issues a Scoping Notification to the Applicant 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, not exceeding 3 pages in length, which shall be included in the EIA report being also considered as its executive summary.

In the following **Table 2.4.1** the information to be checked during the scoping procedures are summarised.

Specific Information to be included in the Register (Database) of EIA applications	
EIA SCOPING (within 30 days from the Application)	
Date of Issuing of Scoping Notification	
Date of presentation of a Scoping Report	
Presentation of a Scoping Report (3 pag.)	
Description of possible alternatives	
Description of significant impacts	
Reasons for identifying these impacts	
Description of protection measures	

Tab.2.4.1: Information regarding the scoping procedures to be eventually included in an EIA Register / Database (© Source G.Razza)

2.5 Steps for conducting an EIA

The steps and procedures for conducting an EIA are well detailed in the report “Steps of procedures for the Administration of EIA and SEA”.

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, approval has been considered by the same Law and are briefly summarized by the **Fig. 2.5.1** 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 environmental impacts.

- **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 1 (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 and detailed in the § 2.5. 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*". For what concern the methodologies to be used to predict the impacts in the EIA, no specific guidelines and administrative instructions have been issued in Kosovo. Nevertheless, in the report "*Methods to assess the impacts on habitat and species*" three of these methods have been analysed and recommended: (1) the matrix method; (2) the check-list method; (3) the Battelle environmental evaluation system.
- **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 in consideration results of consults 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).

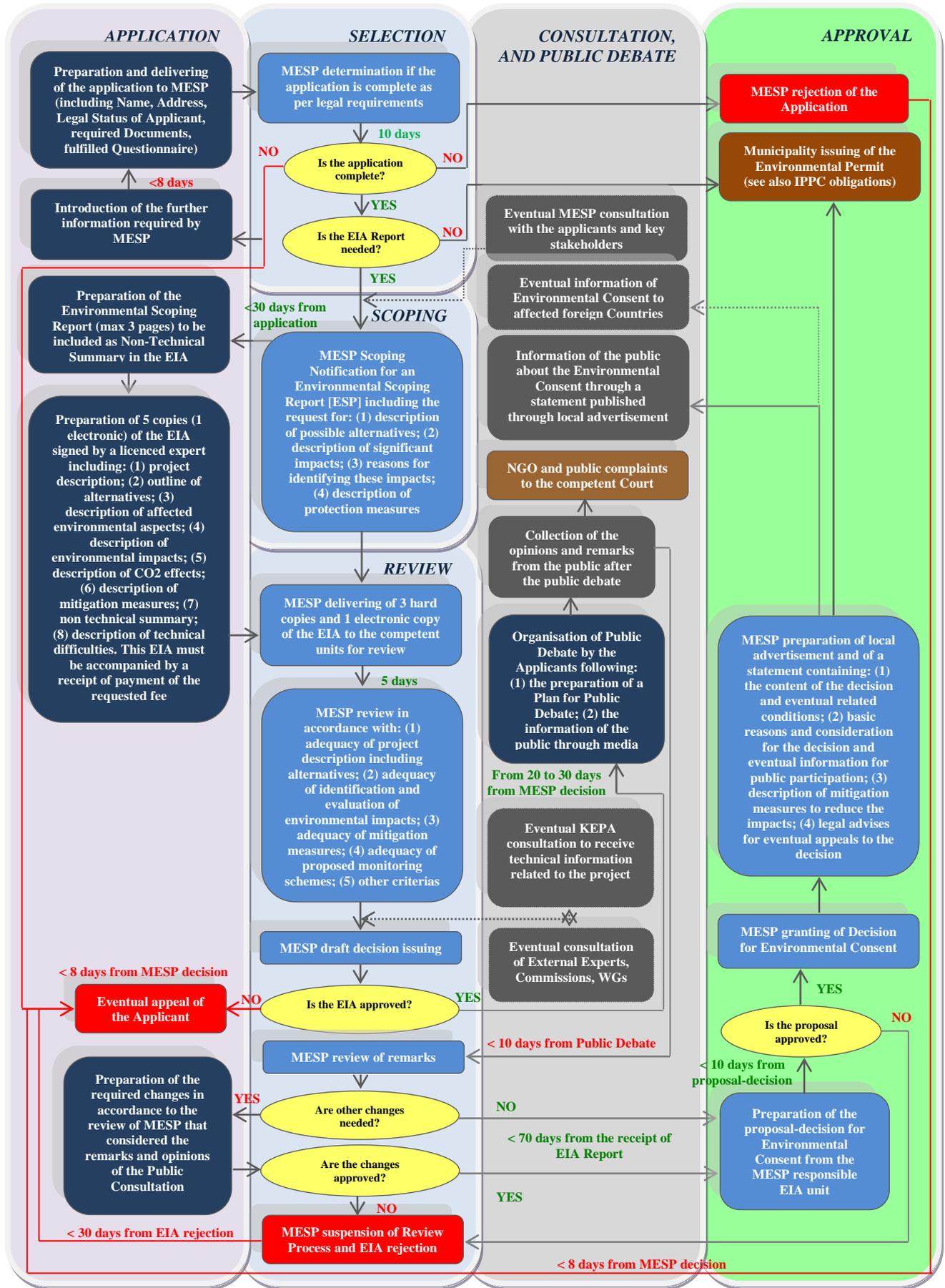


Fig.2.5.1: Procedures to approve an EIA and to release an Environmental Permit in accordance with Kosovan law (© Source G.Razza)

- **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.
- **EVENTUAL APPEAL OF THE APPLICANT AGAINST MESP DECISION**. The applicant shall be entitled to file an appeal with the competent Court against the complaint decision, in accordance with the Law, within 30 days of the date of publication of the Decision for Environmental Consent. The MESP is obliged to make available the documentation concerning the EIA procedure to the applicant, if so requested in writing. The information so requested shall be made available within 8 days from the day of receipt of the request.
- **EVENTUAL ACCESS TO JUSTICE OF PUBLIC AGAINST MESP DECISION**. Members of the public concerned who have a sufficient interest shall have access to a review procedure before a competent Court to challenge the substantive or procedural legality of decisions, acts or omission of act subject to the public participation in accordance with provisions of the EIA Law. At this purpose, any non-governmental organisation promoting environmental protection and meeting any legal requirements according to enforced law shall be considered to have a sufficient interest. Applications to challenge any decision, act or omission in the EIA procedure may be made after the Environmental Consent has been granted and within 30 days of the date of that grant. Such complains shall be made in the MESP and to the Competent Court for challenging administrative decisions. Any such procedure should be equal, fair, in time and not so expensive as to block its exercise.

2.6 Responsibilities during the EIA process

These responsibilities are summarized in the § 2.5 and related Fig. 2.5.1

2.7 Additional sources of information

These are included in the reports listed in § 1.2



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