

The European Union's Instrument for Pre-Accession Assistance (IPA)

# Regional Environmental Network for Accession (RENA)

*TRANSBOUNDARY EIA  
(INCLUDING CONSULTATION AND  
INTERPRETATION OF  
TRANSBOUNDARY IMPACTS)*

*WG 3.3 EIA/SEA*

*Tirana, Albania  
(12-14 December 2012)*



This project is funded by  
the European Union



A project implemented by a  
Consortium led by Hulla & Co.  
Human Dynamics KG



## RENA Working Group 3: Cross-border Cooperation and Multilateral Agreements

### Sub-group 3.3: Environmental Impact Assessment (EIA) / Strategic Environmental Assessment (SEA)

#### FIFTH TRAINING OF THE EIA/SEA SUB-GROUP

#### Transboundary EIA (including consultation and interpretation of transboundary impacts)

*12-14 December 2012, Tirana, Albania*

#### Background

Activity on EIA/SEA is one of 19 RENA activities and one of four activities under the WG3. All activities under WG3 are related and focus on cross-border cooperation.

Most of RENA countries share common water and nature resources. Also implementation of various infrastructure projects are and will go beyond one country, therefore successful cooperation on EIA and SEA cross-border issues becomes a necessity.

The training plan is aimed at providing information and knowledge to be used when practically applying SEA and EIA in a transboundary context. It is based on a series of group work following usual steps in SEA and EIA.

Four pilots are selected for the training: Case study on SEA on the Operational Programmes; Neretva/Trebisnjica river basin management with focus on upper horizon (cross-border countries – Croatia and BiH); Four HPPs on Moraca river (cross border countries – Montenegro and Albania); and Motorway Morinë – Merdar. Available data on those pilot sites is used for practical exercises.

During the RENA project implementation in 2011 and 2012 the training includes five two/three-days workshops.

Cross border cooperation is a very important topic in the European Union, with the aim to open national borders for people and trade. Borders are very often barriers for a balanced socioeconomic development of the transboundary regions including management of environmental resources. In principle, environmental consequences of human activities “do not respect” administrative borders and implementing certain programme or project in one country quite often might result in effects to the air, water etc. in another country. The same holds true for Balkan countries and Turkey. Sustainable management of cross-border water resources and/or nature areas usually is missing. Even if neighbouring countries may have relatively good economic growth rates, good status of environmental resources and high level of their protection, transboundary regions can very often be characterised by low levels of cooperation. Thus, transboundary EIA becomes a very important cross-border cooperation tool. Transboundary EIA analyses many components, such as political, economic, social, legal and procedural. It minimizes misunderstandings among stakeholders, increases cooperation between countries and local communities and helps to increase public awareness.

This training will focus on the cross-border procedures for the EIA. Pilot case study “Motorway Morinë – Merdar (cross border countries – Kosovo\* and Albania)” will be used for the training.

Moreover, the draft Guide to Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities is prepared and will be discussed and analysed during the workshop.





### **Objectives of the Training Workshop:**

Wider Objective: Create a forum of officials from the candidate and potential candidate countries to exchange experience on issues of transboundary relevance including transposition, implementation and enforcement of EU legislation on EIA and SEA.

Specific Objective: Strengthen knowledge and cooperation on cross-border EIA. Discuss brief Guide on Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities.

### **Expected Results of the Training Workshop**

- Familiarity with procedures for cross-border EIA.
- Ability to coordinate transboundary consultations within the EIA process.
- The draft Guide on Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities discussed.
- Exchange of experience on EIA in EU MSs, Western Balkan countries and Turkey.





## Agenda

### DAY 1: 12 December 2012 (Wednesday)

Topic: Main transboundary EIA features

Co-chairs: Martin Smutny and Daiva Semėnienė

Venue: Tirana International Hotel, Scanderbeg Square, Build. 8 , Entr. 1 Street, Tirana, Albania

Start	Finish	Topic	Speaker	Sub topic/Content
09:00	09:30	<b>Registration, coffee</b>		
09:30	10:00	Welcome. Introduction. Objectives of the workshop.	Fatos Bundo, RENA focal point in Albania Daiva Semėnienė, Key expert, RENA Martin Smutny, Senior EIA/SEA expert, RENA	
10:00	11:00	Brief introduction to the main principles of transboundary assessment and consultations	Martin Smutny, Senior EIA/SEA expert, RENA	<ul style="list-style-type: none"><li>• Relevant requirements of EU EIA Directive</li><li>• Other main documents on transboundary EIA</li><li>• Usual problems and challenges</li></ul>
11:00	11:30	<b>Coffee break</b>		
11:30	12:30	Application of transboundary EIA in the candidate and pre-candidate countries	All participants	<ul style="list-style-type: none"><li>• Existing practice and examples</li><li>• Main problems and challenges</li></ul>
12:30	13:30	<b>Lunch</b>		





13:30	14:30	Introduction to the pilot case: Motorway Morinë – Merdar	Representatives of Albania and Kosovo*	<ul style="list-style-type: none"> <li>• Purpose of the project, its history and evolution</li> <li>• Key issues related to the project – main problems from technical perspective, main likely environmental impacts, likely effects</li> <li>• Current status of the project, related permitting process</li> <li>• Stakeholders involvement in the project</li> <li>• Likely transboundary impacts</li> <li>• Transboundary consultation and its results</li> </ul>
14:30	15:00	Quality of EIA	Martin Smutny, Senior EIA/SEA expert, RENA	<ul style="list-style-type: none"> <li>• Main quality aspects, basic preconditions for good EIA</li> </ul>
15:00	15:30	<b>Coffee break</b>		
15:30	16:30	Challenges in application of the EIA Directive for infrastructure projects financed by the IFIs	Joanna Fiedler, representative of IFIs coordination office	<ul style="list-style-type: none"> <li>• Environmental Assessments for IFIs financed projects and challenges of application of the EIAs in the Western Balkan region</li> <li>• Lessons learned from the work on EIAs in the region</li> </ul>
16:30	17:00	Wrap-up discussion	Daiva Semėnienė, Key expert, RENA	<ul style="list-style-type: none"> <li>• Reflection of Day 1</li> <li>• Questions and issues to be addressed further in the training</li> </ul>
19:00	<b>Dinner</b>			

**DAY 2: 13 December 2012 (Thursday)**

**Topic: Pilot case study and meeting with key actors**

**Co-chairs: Martin Smutny and Daiva Semėnienė**

**Venue: Regional Environmental Agency and Tirana International Hotel, Scanderbeg Square, Build. 8, Entr. 1 Street, Tirana, Albania**

Start	Finish	Topic	Speaker	Sub topic/Content
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09:00	10:30	Site visit to Regional Environmental Agency and meeting with key stakeholders	Representatives of key stakeholders	<ul style="list-style-type: none"> <li>Meeting with the key stakeholders: planners, EIA team, environmental authority responsible for EIA coordination, other environmental and/or health authorities, NGOs etc.</li> </ul>
10:30	11:00	<b>Coffee break</b>		
11:00	12:30	Site visit to Regional Environmental Agency and meeting with key stakeholders continued		<ul style="list-style-type: none"> <li>Meeting with the key stakeholders: planners, EIA team, environmental authority responsible for EIA coordination, other environmental and/or health authorities, NGOs etc.</li> </ul>
12:30	13:30	<b>Lunch</b>		
13:30	15:00	Group work on the pilot case study. Quality review of the EIA case	Martin Smutny, Senior EIA/SEA expert, RENA	<ul style="list-style-type: none"> <li>Introduction of the case</li> <li>Participants work in groups on quality review</li> </ul>
15:00	15:30	<b>Coffee break</b>		
15:30	16:30	Group work on the pilot case study. Quality review of the EIA case	Martin Smutny, Senior EIA/SEA expert, RENA	<ul style="list-style-type: none"> <li>Participants work in groups on quality review</li> </ul>
19:00		<b>Dinner</b>		

### DAY 3: 14 December 2012 (Friday)

**Topic : EU initiatives on EIA and Draft Guide on Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities**

**Co-chairs: Martin Smutny and Daiva Semėnienė**

**Venue: Tirana International Hotel, Scanderbeg Square, Build. 8 , Entr. 1 Street, Tirana, Albania**

Start	Finish	Topic	Speaker	Sub topic/Content
09:00	9:30	Reflection of Day 2 – main aspects of EIA quality	RENA experts + JASPERS + All participants	<ul style="list-style-type: none"> <li>Facilitated discussion</li> </ul>
9:30	10:30	Draft Guide: presentation and discussion	Martin Smutny, all participants	<ul style="list-style-type: none"> <li>Presentation of the proposed draft Guide and discussion</li> </ul>
10:30	11:00	<b>Coffee break</b>		
11:00	12:30	Discussion on issues, hot and urgent for RENA beneficiaries	Martin Smutny and beneficiaries	<ul style="list-style-type: none"> <li>Discussion on EIA/SEA topics, currently important for beneficiaries</li> </ul>
12:30	13:30	<b>Lunch</b>		





13:30	15:00	Closing session continued, if needed	Daiva Semėnienė, Martin Smutny and beneficiaries	<ul style="list-style-type: none"><li>• Concluding discussion on all topics addressed within workshop; workshop evaluation</li></ul>
15:00	15:30	<b>Coffee</b>		
19:00		<b>Dinner</b>		



RENA EIA/SEA sub-group

**TRANSBOUNDARY EIA**  
**(including consultation and interpretation**  
**of transboundary impacts)**

Tirana, 12-14 December 2012



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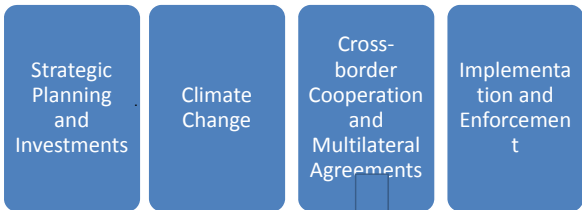
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**Four RENA Working Groups:**



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**WG 3 - Cross-border Cooperation and**  
**Multilateral Environmental Agreements:**

1. Nature Protection
2. Water Management
3. Environmental Impact Assessment / Strategic Environmental Assessment (EIA/SEA)
4. Multilateral Environmental Agreements – gap assessment



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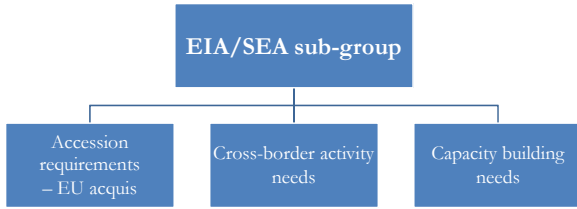
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Capacity building programme is based on



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Selected pilot cases

1. Case study on SEA on the Operational Programmes for 2012-2013 (IPA III);
2. Neretva/Trebišnjica river basin management with focus on upper horizon (cross-border countries – Croatia and BiH);
3. Four HPPs on Moraca river (cross border countries – Montenegro and Albania);
4. Motorway Morinë – Merdar (cross border countries – Albania and Kosovo);



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Trainings and pilot cases

1. Approaches to transposition of EIA/SEA directives.	No pilot case needed	6-8 June 2011, Istanbul
2. SEA for IPA programmes, combined with annual meeting of the sub-group	Operational Programmes	8-10 November 2011, Dubrovnik
3. EIA/SEA differences and common features	Neretva/Trebišnjica river basin management with focus on upper horizon	24-26 April 2012, Mostar
4. SEA cross-border procedures, including consultation and interpretation of cross-border impacts	Four HPPs on Moraca river	25-27 September 2012, Budva
5. EIA cross-border procedures, including consultation and interpretation of cross-border impacts. 3rd Annual Meeting	Motorway Morinë – Merdar	12-14 December 2012, Tirana

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### Training materials

- Power-point presentations from training workshops and three annual meetings ([www.renainetwork.org](http://www.renainetwork.org)).
- Training workshop reports including description of examples, used during the training.
- As per request by BiH, CD or memory stick with all relevant documents on EIA/SEA, produced so far – better on the RENA website
- Quality review of prepared EIA/SEA documents, to be submitted by BiH representatives.
- Guide to transboundary consultations process: steps, activities to be carried out and responsibilities.
- + ToR for SEA



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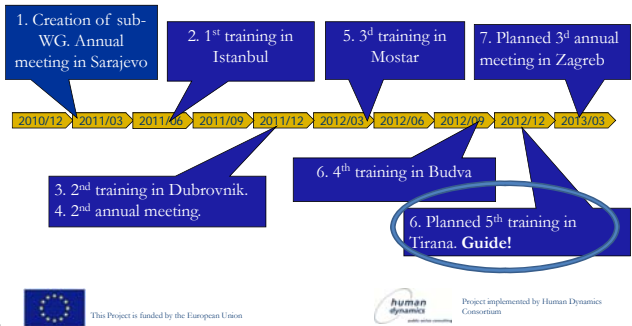
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### WG 3.3 / Sub-group on EIA/SEA. Meetings/trainings



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### Objectives and results of today's workshop:

- Familiarise with procedures for cross-border EIA.
- Increase ability to coordinate transboundary consultations within the EIA process.
- Draft Guide on Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities discussed
- Exchange experience on transboundary EIA in EU MSs, Western Balkan countries and Turkey.



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## AGENDA for today

09:30 – 10:00	Welcome, introduction, objectives of the workshop
10:00 – 11:00	Brief introduction to the main principles of transboundary assessment and consultations
11:00 – 11:30	Coffee
11:30 – 12:30	Application of transboundary EIA in the candidate and pre-candidate countries
12:30 – 13:30	Lunch
13:30 – 14:30	Introduction to the pilot case: Motorway Morinë – Merdar
14:30 – 15:00	Quality of EIA
15:00 – 15:30	Coffee
15:30 – 16:30	Challenges in application of the EIA Directive for infrastructure projects financed by the IFIs
16:30 – 17:00	Wrap-up discussion



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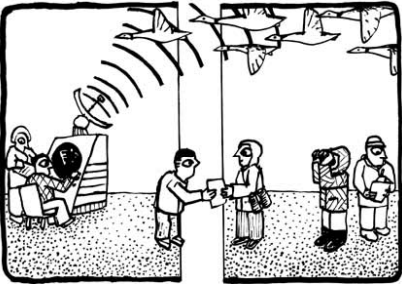
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Thank you!



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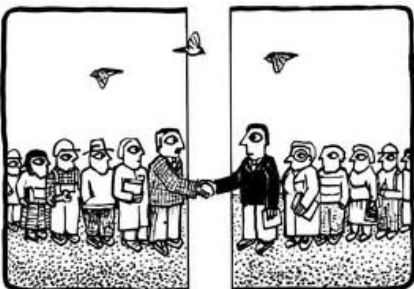
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And good luck!



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# Transboundary EIA

by Martin Smutny, Senior expert of RENA

Tirana, December 12 – 14, 2012



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## Case examples

- EIA for NPP Temelin (Czech Republic)
- EIA for modernization of coal power plant Prunéřov (Czech Republic)



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## NPP Temelin

- NNP Temelin original planned in 1970-80 (altogether 4 reactors)
- Construction permit issued in 1986 for four reactors
- In early 1990 decision was made to construct only two reactors
- NPP launched in 2000 – 2003 (in full operation – 2 x 1,000 MW)
- There was a strong disagreement from Austria (in accordance with “no nuclear energy” national policy)
- Negotiations at the governmental level already from early 1980’
- In 1994 Austria requested EIA: Czech reaction “...it is covered by studies from 1980’...”
- 1998: indications that NPP case will be discussed during accession to EU



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 Regional Environmental Network for Accession

### EIA for NPP Temelin

- Certain environmental analyses were carried out in 1980' (as a part of permitting process)
- EIA was initiated only in 2000 in accordance with existing Czech legislation (not in full compliance with EU EIA Directive)
  - Primarily focused on changes of the project, approved after 1992, especially regarding capacity, technology or a way of operation
  - For certain issues the entire NPP was considered in the EIA
- EIA report submitted in 2000
  - Confirming results of original studies that the entire NPP will have no significant effects on the environment
  - Concluding that changes of the project will lead to "minor" improvements


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 Regional Environmental Network for Accession

### EIA for NPP Temelin

- In 2000, negotiations were held between prime ministers and ministers (foreign affairs, environment, industry and economy)
- Discussions resulted in governmental agreement (Protocol from Melk) stipulating also requirements on EIA
  - Widening the scope of EIA in accordance with EU standards ("*...on a comprehensive and full-scope EIA of the Temelin NPP guided by the EIA Directive...in particular with regard to the participation of neighbouring countries*").
- Establishing joint EIA commission (Czech experts + observers from Austria, Germany and EC)
- EIA Commission prepared the report on detailed measures to be considered in EIA and project design


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## Detailed measures from Melk Protocol

- To establish a system for continuous informing of wide public both on (i) current values of the factors affecting the environment as a consequence of the Temelín NPP operation, (ii) and on development of time sequence of selected parameters of the environmental impacts monitoring
- To permanently monitor the impacts of the Temelín NPP cooling towers on climate even in wider region
- To ensure determination of radioactive substances in surface water, underground water and drinking water resources as well as in the food basket elements
- To discuss revitalisation of the area around the Temelín NPP as a compensation for impacts on the Temelín NPP area surroundings during its construction



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## EIA for NPP Temelin

- **Jan 2001** a joint ministerial agreement was made between Austria and Czech Republic on further EIA process (Melk)
- **May 2001** EIA commission published the measures to EIA
- **Jul 2001** public hearing in Vienna as well as in the Czech Republic (České Budějovice)
- **April 2002** MoE issued final EIA statement (positive with a number of requirements reflecting Melk Protocol)



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## But the story continues.....



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## EIA for two new reactors in NPP Temelin

- 2005: Czech Government decides on 2 new reactors in NPP Temelin
- 2009: EIA notification submitted and scoping conducted
  - Notification submitted to the MoE and published
  - It provides that "...likely transboundary impacts can be excluded from further assessment, since they would be marginal (also in case of accident)"
  - Neighboring countries were approached and asked about opinion
  - All expressed intention to further participate in EIA and sent extensive comments
  - Scoping statement stipulated a number of detailed requirements



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## EIA for two new reactors in NPP Temelin

- 2010 – 2011: EIA report preparation
- Main conclusions
  - Territory to be likely significantly affected is limited to the NPP site and close-by area....and doesn't interfere with the territory of other countries
  - ...however, this statement is valid under conditions when appropriate level of nuclear safety of the NPP is ensured !!!
  - EIA provides overview of environmental risks during accidents (but rather general)



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## EIA for two new reactors in NPP Temelin

- 2012:
  - EIA review
  - Public consultations (including transboundary) – June 2006
    - In Czech language with interpretation to Polish and German
    - Lasted over 17 hours !!!
  - Main objections – type of reactor, risk management, management of accidents, **there is no need for the project**
  - The MoE received more than 30,000 comments



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## EIA for two new reactors in NPP Temelin

- Strong disagreement from Austria
- A number of comments from Germany and Poland
- Additional costs for translation and interpreting
- Again, political interests play an important role
  
- Final EIA statement ???

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## Conclusions on transboundary EIA

- ☺ The opportunities were provided to a wide spectrum of stakeholders
- ☺ Transboundary consultations led to improved EIA quality
- ☺ Transboundary consultations contributed to
  - Better project design
  - More transparent operation of the NPP
  
- ☺ Transboundary consultations were heavily affected by policy interests
- ☺ Transboundary EIAs prolonged the process and brought additional costs
- ☺ 1<sup>st</sup> EIA was finalized almost during NPP operation

**??? Win-win solution ???**

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## EIA for two new reactors in NPP Temelin

- In your opinion, are there any significant transboundary impacts?
  
- If so, which are the most important ones?
  
- Do you think that scope of transboundary consultations was sufficient?
  
- If not, what would be your suggestions?

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## EIA Prunéřov

- Coal power plant Prunéřov
- June 2006 – March 2010
- Main issues
  - Energy efficiency: BAT – yes or no? (original EE 32%, proposed 38%, requested by MoE and NGOs 42%)
  - CO<sub>2</sub> emissions
- No objections from neighboring countries .....
- ..... but one disagreeing opinion received - ???



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## EIA Prunéřov

- Federative States of Micronesia (western Pacific)
  - Too high CO<sub>2</sub> emissions will contribute to sea level increase and thus the technology not meeting BAT may **"significantly affect"** islands in Pacific
  - Referencing one of the studies within EIA (power plant represents 0,0161% of global CO<sub>2</sub> emissions)
  - Asking for transboundary consultations
- MoE: request for transboundary consultations was sent too late
- Special study had been assigned to DNV (Norway) which found certain deviations of proposed technology from BAT



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## EIA Prunéřov

- In your opinion, are there any significant transboundary impacts?
- If so, which are the most important ones?
- Do you think that scope of transboundary consultations was sufficient?
- If not, what would be your suggestions?



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## Transboundary effects

- **Effects to the air, water, biodiversity, landscape, human health etc. don't always respect national borders!**
- Likely transboundary effects should be identified within scoping (usually required by relevant legislation)
- Based on scoping further analyses and consultations have to be conducted



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## Usual transboundary impacts / projects

- Water – changes of water regime, water pollution (water dams, channeling, dredging, agriculture production, deforestation, industrial production, urban development)
- Air – emissions to the air (energy production, industrial facilities, transport)
- Risk of accidents – industrial production, nuclear power
- Landscape – wind power, transport infrastructure
- **Compare to SEA, usually EIA enables to better specify likely transboundary impacts and define territory to be affected**



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## Transboundary assessment

- Stockholm, 1972: Conference on the Human Environment – states have to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction
- Helsinki, 1975: Conference on Security and Cooperation in Europe calls for follow up on the concept of EIA in transboundary context
- Since early 80': EIA in place in many EU countries and need for transboundary mechanisms increases
- 1985: EIA Directive
- 1987: UNEP Group of Experts on Environmental Law elaborated the concept of EIA in a transboundary context
- 1991: Espoo Convention adopted



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## EIA Dir – Transboundary consultations i.

1. In case of likely **significant effects on the environment in another MS** (if it is considered by a MS where the project is to be prepared or if potentially or if likely affected MS request so)
2. MS in whose territory the project is intended to be carried out shall send to the affected MS **as soon as possible and no later than when informing its own public**:
  - a description of the project, together with any available information on its possible transboundary impact;
  - information on the nature of the decision which may be taken, and shall give the other Member State a reasonable time in which to indicate whether it wishes to participate in the environmental decision-making procedures



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## Transboundary consultations ii.

4. If potentially affected **MS intends to participate** the MS in whose territory the project is intended to be carried out shall **send to the affected MS the information on the project** (submitted by developer)
5. Public (concerned) and relevant authorities in potentially affected MS have to be **informed and given an opportunity to forward their opinion** on the information supplied.



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### Transboundary consultations iii.

- The MSs concerned shall enter into consultations regarding the **transboundary effects** and the **measures** envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.
- The detailed arrangements for transboundary consultations may be determined by the MSs concerned and shall be such as **to enable the public concerned in the territory of the affected MS to participate effectively** in the environmental decision-making procedures.

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### Espoo Convention

- UNECE, 1991
- Stipulates key principles for transboundary consultations in EIA
- Twice amended (not yet in force)
  - 1<sup>st</sup> (2001): Opens convention to non-UNECE states
  - 2<sup>nd</sup> (2004):
    - **Allows, as appropriate, affected Parties to participate in scoping**
    - Requires reviews of compliance
    - Revises the Appendix I (list of activities)
    - Makes other minor changes

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### Espoo Convention

1. Notification on the project (Art. 3)
  - Shall be sent by the country of origin to likely affected country(ies)
  - Likely affected country shall indicate intention to participate in EIA
  - Country of origin shall provide further information on the project and EIA (including transboundary impacts)
  - Public in the likely affected country shall be informed and be allowed to express comments or objections
2. Preparation of EIA documentation (Art. 4)
  - Content as stipulated by Appendix II
  - EIA documentation shall be provided to the affected country

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## Espoo Convention

3. Consultations on EIA documentation (Art. 5)
  - Between country of origin and affected country
  - Focus on alternatives, mitigations and monitoring
4. Final decision (Art. 6)
  - Shall take into account EIA documentation and consultations
  - Shall be provided to the affected country along with the reasons and considerations on which it was based
5. Post project analysis (Art. 7)
  - Has to address also transboundary impacts



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## Espoo Convention

### APPENDIX V: POST-PROJECT ANALYSIS

Objectives include:

- (a) Monitoring compliance with the conditions as set out in the authorization or approval of the activity and the effectiveness of mitigation measures;
- (b) Review of an impact for proper management and in order to cope with uncertainties;
- (c) Verification of past predictions in order to transfer experience to future activities of the same type.



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## Espoo Convention – 2<sup>nd</sup> amendment

In Article 2, after paragraph 10, insert a new paragraph reading

11. If the Party of origin intends to carry out a procedure for the purposes of **determining the content of the environmental impact assessment documentation**, the affected Party should to the extent appropriate be given the opportunity to participate in this procedure.



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## Other important documents – Bucharest agreement

- Multilateral agreement among the countries of South-Eastern Europe for implementation of the Espoo Convention
  - Focused on EIA
  - Criteria for impacts significance
  - Developing guidelines for transboundary procedure
  - Establishing working groups for joint activities
  - Using English for notification (and response)
  - Number of environmental report copies



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## Main challenges and problems

- Different legal procedures
- Transboundary consultations involve “unusual” (for EIA/SEA) governmental agencies (e.g. Ministry of Foreign Affairs)
- In some cases it can be difficult to find relevant formal partner (national ministry or regional authority?)
- Transboundary consultations prolong EIA/SEA process and mean higher costs (translations, travel arrangements, organizing public hearing)
- There can be different views on likely impacts and their significance

***First transboundary consultation process is usually the most demanding!***

***Bilateral agreement can clarify majority of issues!***

***Early informal consultations are very important!***



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## Thank you for your attention!

[martin.smutny@integracons.com](mailto:martin.smutny@integracons.com)



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FIFTH TRAINING OF THE EIA/SEA SUB-GROUP  
TRANSBOUNDARY EIA  
Pilot Case study "Motorway Morinë-Merdar (cross border countries  
Kosovo and Albania)  
Ministry of Environment and Spatial Planning of Kosovo  
Presented by: Flutra Pula Morina

Tirana, Albania  
12 -14 December 2012



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PURPOSE OF THE PROJECT, ITS HISTORY AND EVOLUTION

- On 12 April 2010, the Government of the Republic of Kosovo, who are represented by the Ministry of Transport and Communication (MTC), signed a contract with Bechtel-Enka for the construction of the 102 kilometre (km) Route 7 motorway from Morinë to North Prishtina Junction.
- This west-east motorway will serve as centerpiece of Kosovo's national transport system.
- The project consist of constructing a four lane motorway from Morinë (on the Albania and Kosovo border) to North Prishtina(Kosovo's Capital City).
- The Motorway will pass through both country and private land and it is anticipated that this vital new motorway will greatly reduce travel time across the country, improve road safety and act as an economic engine to increase investment and development in the country.



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KOSOVO 7 ROUTE MAP



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## ENVIRONMENTAL IMPACTS

The Environmental Social Impact Assessment, supplemental report consists of:

- Volume A Non Technical Summary (NTS)
- Volume B ESIA Report; and
- Volume C Supporting Appendices.

**Sections Four, Five and Seven are the subject of a separate, but complementary, ESIA.**

The Non Technical Summary (Volume A) includes a summary of key questions and answers regarding the planned motorway and how environmental and social issues will be addressed by the project proponent (GoK represented by MTC) during the construction and future operation of the motorway.

The full Environmental Report (Volume B and C) contains information:

- that supplements previous studies;
- fills previously identified gaps;
- assesses compliance with Kosovo legislation; and
- includes references to international best practices and how these may need to be addressed in future infrastructure projects as Kosovo moves forward with its development challenges.



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## WHAT ARE THE KOSOVA LEGAL AND INSTITUTIONAL PROCESS AND REQUIREMENTS FOR ESIA?

- The Republic of Kosovo Law No. 03/L-024 **ON ENVIRONMENTAL IMPACT ASSESSMENT** aims to prevent or mitigate the adverse impacts of the proposed projects by an applicant. (amended Law No.03/L-214)
- This Law regulates procedures for the identification, assessment, reporting and administration of the environmental impacts of a proposed project, in order that during the decision making process by the Ministry of Environment and Spatial Planning (MESP) for issuing the **Environmental Consent**, to provide all relevant information regarding the environment.
- There are requirements under the Kosovan Republic Law No. 03/L-139 on the Expropriation of Immovable Property which provide the key rationale, processes, roles and responsibilities of expropriation for infrastructure development and private projects undertaken for the overall benefit and public good. This law has been applied.



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## LEGAL BASIS FOR THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (EISA)

- The ESIA is a supplemental report to the GoK approved COWI Feasibility Study for the road network in Kosovo and the EIA carried out in 2005 (Jakko Poyry Infra 2005). A review of the Jakko 2005 report found there were deficiencies in its content.
- The ESIA is produced in accordance with the requirements of Law 03/L-0214 and is **approved by the Ministry of Environment and Spatial Planning (MESP)** for this Morinë- Merdare Motorway, prior to the commencement of the Contract. The aim of this Law is to prevent or mitigate the adverse impacts of the proposed projects by an applicant. This Law regulates procedures of identification, assessment, reporting and administration of environmental impacts of a proposed projects.



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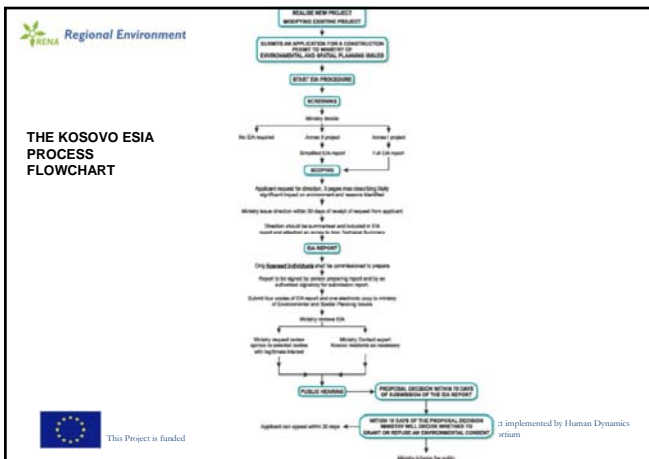
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**Regional Environmental Network for Accession**

### PURPOSE OF ESIA REPORT

- **Environmental and Social Impact Assessment-ESIA**, means identification and assessment of the possible impacts of the project and determination of the method to prevent, avoid, mitigate or rehabilitate the adverse impacts on environment and human health.
- The ESIA has been considering all relevant EU Council Directives and the UN/ECE Convention on Trans-boundary EIA and Convention on Access to Information, Public Participation in Decision – Making and Access to Justice in Environmental Matters.
- **ESIA Report** means the report, presenting the results of an environmental and social impact assessment.
- ESIA shall identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect effect of project on:
  - Human beings, flora and fauna;
  - Soil, water, air, climate and the landscape; and
  - Material assets, natural and cultural heritage.
 and the interaction between above.

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**Regional Environmental Network for Accession**

### SCOPE AND CONTENT OF ESIA REPORT

**The ESIA Report contains:**

- A description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases and;
- An estimate, by type and quantity of expected residues and emissions (water, air and soil pollution, noise, etc.) resulting from operation of the proposed project.
- Stakeholders consultations
- An outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account environmental effects
- A description of the aspects of the environmental likely to be significantly affected by the proposed project, including in particular
  - Population
  - Flora, fauna;
  - Soil;
  - Water
  - Air, climate factors;
  - Material assets, including the architectural and archeologically heritage
  - Landscape and inter-relations between the above factors

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## EXISTING ENVIRONMENT CONTEXT

- **Water**

The proposed route crosses a large number of streams and rivers, all of which flow in a westerly direction towards the Drini i Bardhë (White Drin). The Drini i Bardhë is one of four major river basins within Kosovo that provides an essential supply of water to major towns and cities throughout the region.

-Construction work has the potential to influence on both surface and underground waters: e.g. rain run-off from construction areas during storms and heavy rain events, improperly stored materials and accidental leakages from machines used in the construction works or with transportation. These are monitored on a regular basis and the potential impact will be temporary during construction.

- **Protected area**

-No Natura 2000 sites, no national parks and no nature reservations will be crossed by the motorway section.

- **Cultural Heritage**

In order to assemble the cultural heritage baseline data for this report, consultations were undertaken with the governmental institutions in Kosovo affiliated with the Ministry of Culture, Youth and Sport (MoCYS). These comprise: Archaeological Institute of Kosovo; Institute for the Protection of Cultural Monuments; the Museum of Kosovo; Regional Archaeological Museum of Prizren; and the Kosovo Council for Cultural Heritage. Contact was also made with the international non-governmental organization Cultural Heritage without Borders



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## EXISTING ENVIRONMENT CONTEXT

- **Air**

-The number of operating equipment will be changing during different stages of the construction programme, thus expected emissions of pollutants like dust, sulphur dioxide, nitrogen oxides and heavy metals will vary significantly over time. The impact on local buildings, plants and agricultural crops should be temporary and reversible.

-Golder has undertaken 3 months measurement of NO, NO2 and dust at 5 locations.

-Within the EIA the detailed modeling of air pollutants dispersion was performed in respect of years 2010 and 2020. The main issue identified for the motorway's operational phase may be an exceeding of nitrogen oxides along sections of the motorway. However, it is expected that construction of the motorway will reduce the air pollution risk experienced on roads currently being used, due to a reduction in traffic as a substantial proportion transfers to the motorway.

- **Noise**

During the construction period, there will be noise impacts on the sections of road which are under construction, due to earthworks that involve heavy machinery and which generate noise emissions. Impacted areas will, however, be limited and nuisance will have a temporary character. Increased impact can be expected in some locations during the construction of bridges, flyovers, crossings and interchanges located close to people living near the planned motorway. These impacts will also have temporary character.



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## EXISTING ENVIRONMENT CONTEXT

### Natural habitats and wildlife

-A motorway project requires a significant amount of land take. Opportunities to reduce the impact on identified natural habitats and wildlife are taken whilst the road design is being finalized by the design engineers. This process has been implemented on this project; however some impact, though limited, cannot be avoided, for example:

- Loss of habitat; and
- Disturbance of animals.

### Cultural Heritage

The prevention of potential impacts at source is the best option for minimizing impacts on Cultural Heritage and can be achieved by design, through changes to the vertical or horizontal alignment. This process has been implemented on this project; however some primary impacts cannot be avoided, for example those related to:

- Graves; and
- Archaeological sites.

### Human health and quality of life

-The impact of motorway is connected mainly with the following areas:

- Changes to the ambient air quality and its potential health impact;
- Changes to the noise climate potentially impacting on residents amenity; and
- Changes to water quality.



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**MEASURES TO REDUCE, MITIGATE AND/OR PREVENT IMPACTS ON THE ENVIRONMENT**

- The construction of the motorway will introduce changes over a large area taken for the construction of the motorway and in adjacent areas which cannot be reversed. A range of measures that could reduce the expected impacts are defined in the ESIA Reports (Volume B).
- Many of these mitigation measures are considered to be implemented and are normal best practices which can be expected to be employed by experienced international contractors.
- **A summary of the mitigation measures proposed for the construction period include:**
  - Issue Area- Proposed Mitigation**
  - During Construction**
    - Proper organization of construction area and works;
    - Keep construction impacts a minimum; locate project facilities like camps non-residential areas and prevent unnecessary damage to vegetation;
    - Minimize impact on air, noise and ecological habitat during construction operations; and
    - Areas where construction has impacted an area outside the alignment, implement a restoration plan.
  - Soil Geology**
    - Consider developing a monitoring programme with the aim to meet international best practice;
    - Appropriate drainage design standards and good practice to mitigate soil erosion and suspended solids; and
    - Pollution prevention techniques, good practice construction techniques and appropriate waste disposal.



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**MEASURES TO REDUCE, MITIGATE AND/OR PREVENT IMPACTS ON THE ENVIRONMENT**

- Issue Area- Proposed Mitigation -Hydrology**
  - External drainage will be collected into segregated drainage systems and diverted away from the road;
  - River crossings will be appropriately designed to ensure average daily base flows within the streams are not obstructed by the road; and
  - Runoff from the road will be dealt with via sustainable drainage techniques with a consideration for both open and closed drainage, depending on site conditions.
- Noise**
  - Good road design;
  - As applicable, look at noise protection embankments and provision for walls (acoustic barriers) in the design if needed at a later stage;
  - Cuttings and embankments; and
  - As necessary, install windows with increased sound insulation in inhabited residences if required.
- Ecology**
  - Ensure that all Kosovan legal requirements are met with respect to legally protected species;
  - Application of best practice construction guidelines to reduce dust deposition; and
  - Consider wider compensation opportunities such as off site habitat provision for important Species and Important Hab.



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**MEASURES TO REDUCE, MITIGATE AND/OR PREVENT IMPACTS ON THE ENVIRONMENT**

- Issue Area- Mitigation-Cultural Heritage**
  - Where information is available, minimize impact on archaeological areas through design optimization;
  - Any areas identified as having archaeological potential should be subject to a 'strip, map and record' exercise in accordance with Kosovo legislation;
  - Archaeological remains that are encountered will be excavated and recorded to a level commensurate with their importance in such a manner so as to minimize delays to construction; and
  - Through design optimization and other measures, minimize relocation of cemeteries in part or whole.
- Socio-Economic**
  - Appoint an expropriation lead that liaises with respective GoK, contractor and other entities to understand and track the process;
  - Develop an expropriation plan/procedure that complies with Kosovo law and where applicable and appropriate, meets international best practice; and
  - Socio-economic management plan for expropriated properties.
- Landscape**
  - Where possible, protect existing mature trees or valuable grasslands on the edge of the highway boundary by temporary
  - Native trees and shrubs may be planted in some areas such as waste areas to help minimize erosion.



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### STAKEHOLDERS INVOLMENT IN THIS PROJECT

- Consultations have been undertaken throughout the long design development phase of this project. Being sensitive and responsive to local communities is also important to the way the KMP will be executed.
- Supporting MTC's commitment to working with communities, the KMP has developed an approach that involves these stakeholders throughout the life of the project. The project maintains an ongoing community, engagement programme that listens to and understands issues and concerns of local communities in Sections One, Two and Three and develops a plan that addresses issues while supporting construction operations.



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### HAVE ANY ROUTING ALTERNATIVES BEEN CONSIDERED? WHO IS RESPONSIBLE FOR THE LAND EXPROPRIATION PROCESS AND WHAT IS THE STATUS OF ITS PURCHASE?

- Yes, several alignment/location alternatives were considered, discussed and examined during many years of developing the motorway from concept to permitting process.
- The GoK is responsible for the process of land expropriation. The process is completed during this year.



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### PERMITTING PROCESS

- Environmental approval was given based on environment assessment carried out in 2005 (Jakko Poyry Infra, 2005) for Sections One to Three and by COWI A/S in December 2006.
- This Environmental and Social Impact Assessment (ESIA) report is a supplemental report to these assessment report.
- The Environmental and Social Impact Assessment (ESIA) is submitted in December 2010, and is approved by the Ministry of Environment and Spatial Planning.



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### MONITORING WHAT MONITORING WILL BE REQUIRED?

- Monitoring will be conducted, as required by Kosovo legislation, and may include Kosovan NGOs and/or other specialists. Details of the future monitoring for the project will be negotiated between MESP and MTC, as well as other relevant GoK entities, following the submission of the ESIA report.
- Any monitoring will help to assess the efficiency of implemented solutions and their effectiveness to limit impacts on environment and human health.

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### ACCESS TO THE INFORMATION

Further information on the Project, as well as copies of environmental impact assessments can be found in the MTC and MESP.

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### THANK YOU FOR YOUR ATTENTION

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## Challenges in application of the EIA Directive for infrastructure projects

Joanna Fiedler, Senior Expert Environment

RENA EIA workshop  
Tirana, December 2012

Support to IFI Coordination in the Western Balkans and Turkey

EU Funded Project



Implemented by



2012

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### Content

- IFI Coordination Office
- Why EIA is a priority topic?
- Our approach to providing assistance
- Identified challenges
- Lessons learnt
- Way forward

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### Need for regional cooperation for environmental investments

- Need for Investments for compliance with EU environmental legislation;
- Diverse donors priorities and assistance;
- Dynamic situation with national systems for financing environmental investments;
- Common understanding of priorities and needs;
- Harmonised project preparation

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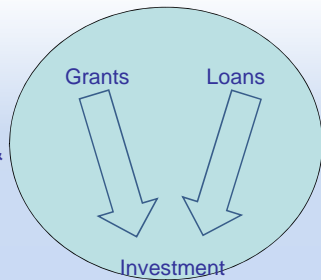
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## Western Balkan Investment Framework

WBIF aims to:

- Coordinate support from external financiers EC, IFIs & donors
- Expedite priority investments that are in line with regional & national strategies
- Leverage loans with grants (blending mechanism)
- Priority given to regional impact



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## Western Balkan Investment Framework Geographical Coverage and Stakeholders

### Key Players

1. Beneficiaries (Albania, Bosnia Herzegovina, Croatia, Kosovo under UNSCR 1244/99, the former Yugoslav Republic of Macedonia, Montenegro & Serbia)
1. European Commission
1. International Financial Institutions (Council of Europe Development Bank, EBRD, EIB) World Bank an associate IFI since June 2011
1. Bilateral financial institutions e.g. KfW, and bilateral donors, including many EU Member States

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## Western Balkans Investment Framework 2 Key Components: grants and loans

### Joint Grant Facility (JGF):

- EC Resources IPA: IPF > EUR 100 million
- IFI Contribution: EIB, EBRD and CEB 3 X EUR10 million
- European Western Balkan Joint Fund > EUR 20 million

### Joint Lending Facility (JLF):

IFIs > EUR 6 billion

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## IFI Coordination Office

- Improving communication and coordination of environment related investment flows;
- Enhancing implementation of environmental acquis in the region;
- Speeding up preparation of environmental infrastructure projects;
- Coordinating with other related projects and initiatives
- Focus on key sectors: energy, environment, transport, social policy and infrastructure & private sector development

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## IFI Coordination Office – Environment sector

- Focus on EIA in 2012;
- Stocktaking of climate change initiatives in the region;
- Implications of climate change agenda for the WBIF;
- Prioritisation in the water sector (RBMPs);
- Working group meeting (informal discussions of IFIs/ EC on hot issues for the WB environment)

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## EIA work

### Background paper

Key issues in application of the EIA/Nature directives by the IFIs for projects in the WBs (November 2011)

### Initial Discussions

Initial discussions (IFIs and EC) on the key issues and messages to be passed to the region (November 2011)

### Regional Workshop

Workshop with the beneficiaries in June 2012

### Follow up work

Upgrade of the website  
Development of country profiles (July – October 2012)

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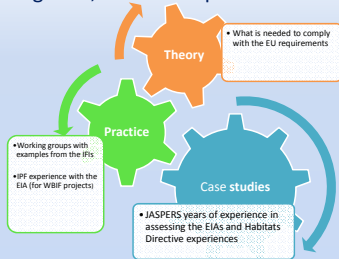
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## Regional Workshop on EIA

- All Western Balkan representatives (EIA and Nature departments);
- IFIs, EC Delegation, JASPERS experts.



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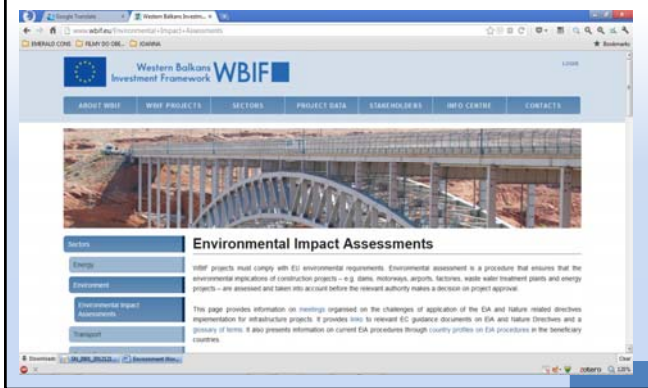
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## www.wbif.eu



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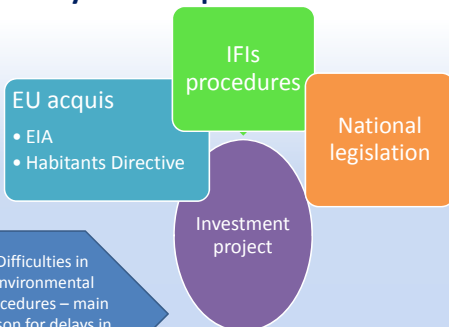
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## Why EIA is important for WBIF?



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### Main findings

- Appropriate Assessments: Very little knowledge and experience with Appropriate Assessments (under Habitats Directive) in the region;
- How to implement the EIA procedure for trans-boundary projects; (Espoo)
- Linkages between EIA and SEA;
- How to monitor the EIA conditions (clarity of roles and responsibilities, role of inspectorates etc)

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### Main findings – main reasons for delays of approval of EU grants (from EIA perspective)

- Misinterpretation of Annex I and Annex II projects;
- Lack of understanding of the development consent concept;
- Scope and scale of quality of information made public and quality of the consultation process;
- Salami slicing of proposed investments to avoid or reduce scope of EIA;
- Quality of the NTS.

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### Main findings – main reasons for delays of approval of EU grants (from EIA perspective)

- EIA procedure – a multi stage process (not finished with the approval of the EIA);
- Thresholds assist in taking decision, but do not replace the screening procedure'
- Need for capacity building on methodologies for the Appropriate Assessments and cumulative effects;
- Difficulties in finding baseline data and accessing the sources of baseline data.
- Need for early consideration of environmental issues for transport projects.

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## Way forward

- Creation of a new sub-page on [www.wbif.eu/environment](http://www.wbif.eu/environment)
- Development of country profiles (procedure overview and steps)
- Further assistance under WBIF;
- Further assistance under ECRAN;

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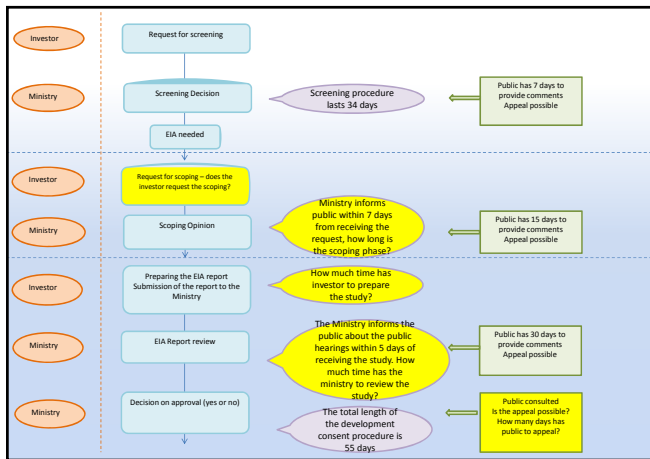
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Please see [www.wbif.eu](http://www.wbif.eu)

Thank You!

2012

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## Quality of EIA

Tirana, December 12 – 14, 2012



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## Quality

- The qualities of something depends on the criteria being applied to ...
- EIA is good (of a high quality) if it meets its purposes i.e.
  - Provides information for decision-making on the environmental consequences of proposed actions
  - Identifies appropriate enhancement and mitigation measures
  - Considers stakeholders' views



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## Quality of SEA/EIA

- Quality of SEA/EIA system
  - Legal framework, guidance, scope of SEA/EIA application, personal / expert capacities (authorities, experts)
- Quality of specific SEA/EIA process
  - Links to the planning / project preparation process, public involvement, consultations with relevant authorities, integration of the assessment results in the decision-making
- Quality of SEA/EIA report
  - All key issues covered, alternatives evaluated, findings clearly defined etc.



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## Usual problems with quality in EIA

- Not well focused i.e. addressing unimportant issues while missing details on important ones
- Impacts evaluation is not properly substantiated by data
- Late consultations with public resulting in only formal consideration of comments
- Biased reports
- Information not adequate for decision



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## EIA quality review

- Quality review is often formalized step in EIA process – after the EIA report is drafted
- Both EIA report and the quality review report are usually a subject of the public consultations
- Objectives of EIA quality review
  - Assess adequacy and quality of EIA report
  - Take into account public comments
  - Determine if the information is sufficient for final decision
  - Identify deficiencies to be addressed before finally submitting the EIA report for the decision



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## Various approaches

- Responsibility for review – in principle it is an external check of "self-assessment" ensured by the developer
  - Environmental authorities
  - EIA panels or committees
  - Special institutions
- Arrangements for public consultations
  - Public hearing
  - Written comments
- Preliminary internal quality check by developers
- Internal / external review



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## Systematic approach

- Rigorous guidelines and criteria are needed
  - Can be defined by the legislation
  - Can be derived from good international practice
- Specific criteria for a particular EIA process can be developed, however systematic application using "standardized criteria" shall enhance overall EIA quality in the country / sector
- **EIA quality review is qualitative!**
- **Verbal description of evaluation is always needed!**



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## Key issues to be considered

- Does the report address the ToR (and scoping statement)?
- Is the necessary information provided for each major component of the EIA report?
- Is the information correct and technically sound?
- Have the views and concerns of affected and interested parties taken into account?
- Is the statement on the key findings complete and satisfactory (e.g. for significant impacts, mitigation measures)?
- Is the information clearly presented and understandable by decision-makers and public?
- **Is the information relevant and sufficient for purpose of decision-making and conditions setting?**



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## Examples of review procedures

- National EIA commission (Netherlands)
- Review by planning agency using governmental guidelines (UK, New Zealand)
- EIA certified experts (Czech Republic)
- EIA advisory committees (Croatia)
- EIA committees of governmental officials (Italy, Poland)
- Environmental agency (Australia)



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### Steps in EIA review

- Set scale / depth of review (considering time and resources available)
- Identify review criteria and aspects to be considered
  - EIA legal framework
  - Environmental legal framework
  - International good practice
- Select reviewers
  - ad-hoc
  - list of certified experts etc.



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### Steps in EIA review

- Use inputs from public involvement
- Carry out the review
  - Comparing EIA report with ToR and legal requirements
  - Evaluating appropriateness of methods
  - Clarity of conclusions etc.
- Determine how to remedy deficiencies identified
- Report the findings – can be stipulated by legislation



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### Results of EIA review

- Report on quality of a given EIA report
- Conclusions on acceptability of the proposal
- Recommendations for further actions
- Can also result in the draft final EIA statement



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Thank you for your  
attention!

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