

Questionnaire for the report of [NAME OF COUNTRY] on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

Information on the focal point for the Protocol

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Information on the point of contact for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name): Law no. 91/2013 "on Strategic Environmental assessment"

(b) SEA provisions are transposed into another law(s) (please specify):

(c) Regulation (please indicate number/year/name):

Decision no. 219, dated 11.03.2015 "On establishing the rules and procedures for consultation with stakeholders and the public, and public hearing during the process of strategic environmental assessment";
Decision no. 620, dated 07.07.2015 "On approval of rules, responsibilities and procedures detailed strategic environmental assessment in a transboundary context";

Decision of Council of Ministers No. 507 of 10.06.2015 "For a detailed list of plans or programs with important negative consequences on the environment that will be subject to the SEA process";

(d) Administrative rule (please indicate number/year/name): Guideline Nr. 6, dated 22.12.2016 "On the Approval of the National Strategic Environmental Assessment Methodology"

(e) Other (please specify):

Your comments:

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

To strategic environmental assessment are subject:

- a) drafting of all plans and programs for agriculture, forestry, fisheries, energy, industry, mineral industry, transport, waste management, water management, telecommunication, tourism, national and local plans on the rural and urban territory planning, including also the landscape protection, land use, which set the approval framework, in the future, of the projects listed under Annexes 1 and 2 of law no 10 440, date 7.7.2011 "On environmental impact assessment";

- b) reviews, amendments or modifications of plans or programs, according to the fields of letter “a” of this article, which shall be approved, are subject to strategic environmental assessment, according to the procedure requested by this law;
- c) for plans or programs, which, despite the fact that they are not subject of point 2 of this chapter, it is found out that they might have significant negative effects in an area protected by law, shall be applied the procedures, according to the provision of letter “b” of point 1 of this article.

The detailed list of plans and programs with significant negative effects to the environment, according to letter “a”, which shall be subject to SEA law requirement, has been adopted by the Decision of Council of Ministers No. 507 of 10.06.2015 “For a detailed list of plans or programs with important negative consequences on the environment that will be subject to the SEA process”;

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2): all plans and programs which set the approval framework, in the future, of the projects listed under Annexes 1 and 2 of law no 10 440, date 7.7.2011 “On environmental impact assessment”;

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

“Plans and programs” means plans and programs, the drafting of which is requested by legal, regulatory and administrative provisions, which are prepared by state planning authorities, at national, local or sub local level, and before the approval of their implementation, they shall be approved through a specific legal procedure.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

“Position, for the necessity or not of SEA, of an amendment or modification of the existing plan or program” means, an official position of the ministry, due to the significant environmental effects; the proposal for review, amendment or modification of an existing plan or program shall be subject to SEA procedure, according to the procedure defined by the SEA law.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

for plans or programs, which, despite the fact that they are not listed in the SEA law or in the Decision of Council of Ministers No. 507 of 10.06.2015 “For a detailed list of plans or programs with important negative consequences on the environment that will be subject to the SEA process”, it is found out that

they might have significant negative effects in an area protected by law, shall be applied the SEA procedures.

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

No

Yes (please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments: Decision no. 219, dated 11.03.2015 "On establishing the rules and procedures for consultation with stakeholders and the public, and public hearing during the process of strategic environmental assessment";

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

The report of the SEA addresses the following issues:

- a) description of the purpose and main objectives of the plan or program and his compliance with other plans and programs relating to it, the stage of decision-making and clarifications if some issues are assessed or shall be assessed in other planning levels or processes.
- b) description of the methodology implemented on the drafting of SEA report, including the problems faced during its preparation, and existing information resources, which are used for the purposes of drafting the report;
- c) use of alternatives considered during the drafting, revision, amendment or modification of the proposed plan or program, including even the non-planning alternative (zero alternative) so as the relevant justifications.
- d) c) environment protection objectives, established at international level, national, regional or local level, which are related with the plan or program and the way in which these objectives are taken in consideration in the proposal;
- e) description of environment mediums in the expansion area of the proposed plan or program;
- f) description of the environmental elements quality, in the area of the proposed plan or program, which may be affected by the implementation of the proposed plan or program;
- g) potential interactions with the environment, of the proposed plan or program, including in particular, the problems associated with areas of particular environmental importance, such as protected areas;

- h) potential negative consequences on the environment, including impacts on biodiversity, human health, land, water, air, climatic factors, cultural and archaeological heritage, landscape or the interaction among these factors;
- i) potential adverse consequences of transboundary environment, in case of application of Article 17 of this Law;
- j) the measures envisaged to prevent or mitigate, as much as possible, the consequences of impacts on the environment, during the implementation of the plan or program;
- k) identifying investments or environmental infrastructure, necessary, within the framework of the proposed plan or program;
- l) a description of the measures envisaged for monitoring the effects on the environment during the implementation of the proposal;
- m) summary in a non-technical language of the preliminary report of the SEA.

Article 7 Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: Guideline Nr. 6, dated 22.12.2016 "On the Approval of the National Strategic Environmental Assessment Methodology"

Article 8 Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices
- (b) Through electronic media
- (c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means (please specify):

Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By providing answers to a questionnaire
- (c) Orally
- (d) By taking part in a public hearing
- (e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition):
- (d) Other (please specify):

Your comments:

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.19. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Your comments:

I.20. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2

(b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

I.21. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

(a) No

(b) Yes (please indicate how long): It should not be more than 2 (two) months

Your comments:

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify): Decision no. 620, dated 07.07.2015 "On approval of rules, responsibilities and procedures detailed strategic environmental assessment in a transboundary context";

Your comments:

When the affected party shows interest to participate in the SEA procedure in transboundary context, the ministry invites the Party to participate in the SEA procedures, as follows:

a) consultation on issues that should address the SEA report (scoping);

b) the rule of the public consultations according to the procedures of Chapter III of the Law no. 91/2013, dated 28.02.2013, "On strategic environmental assessment", as well as detailed procedures in force, approved by the Council of Ministers;

c) Decision-making regarding the environmental declaration

Article 11 Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

(b) Mitigation measures

(c) Comments received in accordance with articles 8 to 10

Your comments:

The competent authority, for final approval of the plan or program, ensures that before taking the decision to adopt them or not, shall be met the requirements of SEA law and the proposer has received the minister's declaration, according to Article 12 of the SEA Law, or in the case of review, amendment or modification shall possess the respective position, where the ministry states that the proposal does not need to be subject to SEA.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? The Authority for the adoption publishes, the final decision, in a register and sends to the ministry a copy of the approved plan or program.

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify): Through diplomatic via

Your comments:

The Ministry responsible for environment, within 20 (twenty) working days from the date of receipt of the notification format and accompanying documentation, launches the practice at the Ministry of Foreign Affairs of the Republic of Albania to notify the affected party of the proposed plan or program be subject to the SEA process in a cross-border context and invite them to participate in the relevant procedure. The notification is accompanied by the notification format of the neighboring country and the documentation required in it.

The Ministry of Foreign Affairs of the Republic of Albania transmits to the affected party the practice, through its subsidiaries bodies, within 15 (fifteen) working days from the date of its receipt.

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

Article V.2, of the Decision no. 620, dated 07.07.2015 "On approval of rules, responsibilities and procedures detailed strategic environmental assessment in a transboundary context"; The Ministry responsible for the environment, within 30 (thirty) days of the date of the final decision on the development of the plan or program in the transboundary area, notifies it to the affected party by giving the justifications on which it relied to make the decision, and the conditions set out therein.

(b) Other (please specify):

Your comments:

Article 12 Monitoring

I.27. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

Environmental monitoring program, during the implementation of the plan and program, aims to collect data on the concrete effects and environmental consequences of their enforcement, as well as verification of the impacts of additional mitigation measures that shall be implemented to ensure the protection of environment.

The proposing authority, which implements or supervises the implementation of the plan or program, drafts an annual report, on measures taken to protect the environment during application, which is submitted to the ministry not later than the last week of November.

Part two

Practical application during the period 2016–2018

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

- (a) Yes
- (b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)? Not yet

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

- (i) No
- (ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

We didn't have any transboundary procedure

(a) What difficulties has your country experienced and what solutions has it found?

- (i) Translation and interpretation
- (ii) Other issues

(b) What does your country usually translate as a Party of origin? Format of notification and documentation required to be sent to the affected party, in English, and the translation costs are covered by the proposing authority.

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

- (i) No
- (ii) Yes (please indicate how):

(d) What has been your country's experience of the effectiveness of public participation? no experience yet

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

- (i) No
- (ii) Yes (please describe):

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

The Ministry responsible for the environment bases the final decision for the proposed plan or program in the transboundary strategic environmental assessment on the documentation and report on measures to prevent, mitigate or alleviate the negative consequences identified in the environmental report, public comments, and the results of consultations with the affected party.

The Ministry responsible for the environment during the review phase should undertake consultations with the responsible authority of the affected party regarding the measures to minimize or eliminate the potential negative transboundary impact from the proposed plan or program. Consultations at this stage cannot last longer than 4 (four) months.

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

- (a) No:
- (b) Part of it (Please specify):
- (c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

- (a) No:
- (b) Yes Please describe how your country intends to improve application of the Protocol: by awareness of the authority responsible for drafting the plans and programs of the importance of the SEA process and also involving NGOs and civil society

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved: no suggestions

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.