

# **Questionnaire for the report of Albania on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018**

## **Information on the focal point for the Convention**

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## **Information on the point of contact for the Convention**

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# Part one

## Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

### Article 1 Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments: in our legislation we have the following definitions which are the same with the EU Directive on EIA:

“*Environmental Impact Assessment (EIA)*” means the process carried out for the general assessment of significant negative impacts, direct or indirect, to the environment, from proposed private or public projects.

“*Significant environmental impact*” means the impact, of an activity or project, to the environment, which causes direct and irreversible damages to it and which, even after taking the mitigation measures, the negative impact cannot be prevented, controlled or eliminated completely.

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments: in our legislation we have the following definition which is the same with the EU Directive on EIA:

“Transboundary environmental impacts assessment” means the EIA process, development for projects or activities, defined under Annex I of the United Nation Convention (ESPOO) “On Environmental Impact Assessment in a Transboundary Context”, which, on basis of their location and technology, may have significant negative impacts on the neighboring countries or our country's environment.

I.3. Please specify how major change is defined in your national legislation:

On the Law No 10440 of 7.07.2011 “On environmental impact assessment”, as amended “Project” means:

- a) the implementation of construction or installations work or other schemes;
- b) other interventions in the environment or natural landscapes, including the interventions related with mineral extraction.

Any change or addition to the projects listed under Annex I or Annex II, with a prior licensing, which can cause significant negative environmental effects must be subject of the screening procedure (preliminary EIA procedure as defined in the Albanian Legislation).

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments:

## Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

(a) Law on EIA: Law on EIA: Law No 10440 of 7.07.2011 “On environmental impact assessment”, as amended

(b) EIA provisions are transposed into another law(s) (please specify): Law no. 10431 of 9.6.2011 “on the Protection of Environment”

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

Decision of the Council of Ministers No. 247 of 30.10.2014 “On the determination of the rules and requirements of the procedures for information and the involvement of the public in environmental decision making”.

Decision of Council of Ministers No. 598 of 01.07.2015 “On rules and procedures for EIA in transboundary context”.

Decision of the Council of Ministers No. 686 of 29.07.2015 “On approval of rules, responsibilities and deadlines for the development of the procedure of environmental impact assessment (EIA)”.

In order to achieve a good quality for the EIA procedure, The National Methodology of Environmental Impact Assessment has been adopted by the Council of Ministers in November 2015.

(d) Administrative (please indicate number/year/name):

(e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly  (please specify):

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities:
- (d) There is no single authority responsible for the entire EIA procedure:

Your comments: Ministry of Tourism and Environment, National Environmental Agency and Regional Environmental Agencies

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes  (please specify): Ministry of Tourism and Environment

Your comments:

I.9. How does your country, As a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

Decision of Council of Ministers No. 598 of 01.07.2015 "On rules and procedures for EIA in transboundary context".

The Ministry, in cooperation with the developer, organizing public hearings under the procedures applicable to information legislation and public participation in environmental decision-making, where the affected party is invited to participate in these hearings. Expenses in this case are covered by the developer.

The Ministry and the developer should participate in the public hearings organized by the affected party regarding consultation and review of the EIA report. Consultation at this stage cannot last more than two months from the date of receipt of the EIA report by the affected party. Costs are covered by the developer.

### Article 3 Notification

I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format  (please attach a copy)
- (c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments:

The project developer completes notification format and required documentation, in Albanian and English, at his own expense.

The Ministry within 20 (twenty) working days from submission of the notification format and accompanying documentation, transmit the practice of the Ministry of Foreign Affairs of the Republic of Albania to notify the affected party for the proposed project will be subject of EIA process 's in the context of transboundary and invites itto participate in procedures. The announcement followed the format of the notification of the neighboring state and required documentation in English.

The Ministry of Foreign Affairs of the Republic of Albania sends practice affected party within 20 (twenty) days from the date of its receipt.

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, "within the time specified in the notification")? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation  (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

If the affected party stated that there is no interest to participate in the procedure of EIA in transboundary context or does not respond within the time specified in the notification of the ministry and the notification format, which cannot be more than 6 (six ) weeks, continues the EIA procedure without the involvement of the affected party, in accordance with procedures of legislation on EIA.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

Your comments:

The project developer completes notification format and documentation required, in Albanian and English, at his own expense.

The Ministry, within 20 (twenty) working days from submission of the notification format and accompanying documentation, transmit the practice of the Ministry of Foreign Affairs of the Republic of Albania to notify the affected party for the proposed project which will be subject to the process of EIA in a transboundary context, and invites to participate in procedures.

The Ministry of Foreign Affairs of the Republic of Albania forwards the practice to the affected party within 20 (twenty) days from the date of its receipt.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of the public of the affected Party

(d) Other (please specify):

Your comments:

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments:

When the affected party shows interest to participate in the EIA procedure in transboundary context, the ministry invites him to participate in the EIA procedure, as follows:

<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

a) Consultation should be carried out to address the issues to be covered in the EIA report; (scoping)

b) The process of informing the public, according to the procedures of the national legislation of the party of origin on the rules, requirements and procedures for informing and involving the public in environmental decision-making, as well as the procedures specified in the legislation of the affected party;

## Articles 3.8 and 4.2

### Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As a Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

*As an affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments:

The Ministry and the developer should participate in public hearings organized by the affected party regarding the consultation and review of the EIA report. Consultations at this stage may not last more than two months from the date of receipt of the EIA report by the affected party. Expenses are covered by the developer.

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments: it depends from the project and its impact, but the procedures as affected party are not specified in our legislation.

## Article 4

### Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II 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: The EIA Report in a Transboundary Context, in addition to national methodology, defining methodologies and requirements for preparation of the EIA reports, the information submitted by the affected party and the information submitted by the institutions consulted in the EIA process, shall include the information required in Annex 3 attached to this decision. (which is the same as the appendix II of the convention)

I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments:

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

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

Your comments:

## Article 5

### Consultations on the basis of the environmental impact assessment documentation

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that

(c) It is optional  (please specify):

Your comments:

## Article 6 Final decision

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:

- (a) Yes
- (b) No

Your comments:

The Environmental Declaration for the proposed project is based on documentation and assessment report on transboundary environmental impact, the results of the consultations conducted with the affected party, in the comments / suggestions from institutions consulted, as well as public comments.

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes  (please specify):

Your comments:

If the Ministry, without starting the operation the project receives new information for negative impacts on transboundary environmental issues which may occur, but that was not known at the time when it issued the environmental declaration and that may have influenced its content, it officially informs the affected party.

If the affected party request to be consult on the review of The environmental declaration, the ministry shall enter into consultations on the need for its revision or not.

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes
- (b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments:

Declaration on the project’s environmental impact”, as follows, “Environmental Declaration”, means the official document issued by the ministry of environment, for the project’s environmental assessment, which is subject to the profound assessment on the environmental impact, and serves as an suggestive document for the planning authority and/or any other responsible authority in the decision-making process, for a development permit or a certain permit

The planning authority or the authority responsible for licensing, when considering, the granting or not, of a development permit/license related to a project, or setting conditions for the developer, takes into account the decision and the environmental declaration on environmental impacts of the proposed project.

The planning authority or the authority responsible for licensing, before the decision of granting or not, the development permit or relevant license for a proposed project, makes sure that the project was subject to the requirements of EIA law.

If the authority responsible, for development/licensing of the project, decides for the development/licensing or not of the project, inconsistent with the suggestion of the environmental declaration, then authority should provide the relevant arguments for its decision.

## Article 7

### Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

If the competent authority of the affected party requests that analysis for transboundary environmental impacts after the project became operational, the ministry started the consultations with the affected party if to perform this analysis or not, as well as issues to be addressed to.

## Article 8

### Bilateral and multilateral cooperation

#### (a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- (a) No
- (b) Yes  Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

**(b) Procedural steps required by national legislation**

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

Decision of Council of Ministers No. 598 of 01.07.2015 "On rules and procedures for EIA in transboundary context":

Steps of the Transboundary procedure:

- Notification by the developer and decision-making by the ministry if the project should be subject to a transboundary EIA procedure.
- Notification by the ministry of the affected party.
- Consultations with the affected party in the scoping stage.
- Submission of the EIA report to the affected party for consultations and suggestions.
- Decision by the Ministry regarding the Environmental Declaration.
- Analysis of the project during operation.

Decision of the Council of Ministers No. 686 of 29.07.2015 "On approval of rules, responsibilities and deadlines for the development of the procedure of environmental impact assessment (EIA)":

- Screening
- Scoping
- Drafting the EIA report
- Public consultations
- Finalizing the EIA report
- Decision by the Ministry regarding the Environmental Declaration
- Impact monitoring during the project implementation

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

- (a) No
- (b) Yes  (please specify):
- (i) Special provisions:
  - (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

- (a) No
- (b) Yes  (please specify):
- (i) Special provisions:
  - (ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

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

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

##### Cases during the period 2016–2018

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.							
2.							
3.							
4.							
...							

Your comments: no procedures has been conducted as Party of Origin

Please share with other Parties your country's experience of using the Convention in practice. 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.

II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation? The project developer completes the format of the notice and the documentation required in it, in Albanian and English, at his own expense.

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found? all documents should be translated in English and all consultations should be in English. Translation of the materials from the language of the affected party in English will be done by the developers of the project.

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin:

(ii) As an affected Party:

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin: all the required documents, notification, EIA report and the technical report of the project

(ii) As an affected Party:

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

We don't have bilateral agreements

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English X

(ii) The affected Party's language

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) English X

(ii) Language of the Party of origin

(iii) Other (please, specify)

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

we didn't have recently any procedures

(i) As a Party of origin:

Experience with public participation we didnt have recently
Experience with consultations under article 5 we didnt have recently

(ii) As an affected Party:

Experience with public participation we didnt have recently
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Experience with consultations under article 5 we didnt have recently
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- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin: X
- (iii) By the affected Party:
- (iv) Shared by both Parties concerned:
- (v) Developer:
- (vi) Other, please specify

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of

timing, language and the need for additional information: we didn't have recently any procedures

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice: we didn't have recently any procedures

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

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

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

## 2. Experience in using the guidance in 2016–2018

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

### 3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes  (please indicate which provisions and how they are unclear):

### 4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved. No suggestions