



Netherlands Commission for  
Environmental Assessment

# Capacity gap assessment on SEA in Albania

## By: Secretariat of the Netherlands Commission for EIA

Memorandum by the NCEA

30 June 2006



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# Advice of the Secretariat Netherlands EIA Commission

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**To** Ministry of Environment, Forests and Water Administration,  
Albania, and World Bank  
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**CC** Mrs. Drita Dade  
**From** Mrs. Ineke Steinhauer (Technical Secretary - Netherlands  
Commission for Environmental Impact Assessment)  
**Date** 30 June 2006  
**Subject** Capacity gap assessment on SEA in Albania By: Secretariat of the  
Netherlands Commission for EIA  
Advice DGIS-0607

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# Capacity Gap Assessment on SEA in Albania

Second draft 30 June 2006

## 1. INTRODUCTION

With the assistance of the Netherlands Government under the Bank Netherlands Partnership Programme, the World Bank supports the Government of Albania and Montenegro with capacity building in the area of Strategic Environmental Assessment (SEA). The World Bank has approached the Netherlands Commission for Environmental Impact Assessment (NCEIA) to provide its expertise and services in SEA. The Terms of Reference for the expected assistance of the NCEIA are provided in appendix 1 (September 2005).

The objective of the NCEIAs intervention can be summarized as designing and initiating the implementation of a coherent medium term (up to five years) programme for SEA capacity building in Albania and Montenegro with specific emphasis on processes/activities that contribute to sustainable coastal zone management of their Adriatic coast.

Specific activities within this overall objective can be summarized as:

- Carry out an SEA capacity gap assessment and assist the government in drafting a multi year SEA capacity building programme.
- Design and provide an SEA training course to the government and other stakeholders.
- Provide independent guidance on the implementation of a pilot SEA.
- Develop a dissemination strategy and materials, including the technical support for the organization of a regional SEA workshop.

To initiate these activities and establish first contacts with relevant stakeholders, the NCEIA visited Albania and Montenegro from 31 October till 4 November 2005. A mission-report reflecting the findings of the visit to Albania was sent on 10 November 2005 to stakeholders met.

A second visit of the NCEIA took place from 15-20 January 2006 in the framework of a specific pilot SEA to familiarise both government and other stakeholders with SEA. For Albania, the so-called Coastal Development Study and Plan was identified as a suitable plan for such a pilot SEA. An interim advisory review by the NCEIA of this SEA was published on 3 March 2006. A final quality review of the SEA report is expected to take place in August/September.

On 16 and 17 March 2006 a training took place by NCEIA for the eight members of the technical working group set up by the government to review the formulation of the Coastal Development Study and Plan. The purpose of the training was to expose the members of this working group to the environmental issues that they need to watch when performing the review of

the development/land-use plan. The training also introduced the participants to the key principles of SEA and to a case study from the Netherlands where the SEA indeed made a difference on the spatial plan.

On the basis of these visits, a capacity gap assessment is undertaken through the present report, including a draft multi-year SEA programme.

## **2. FINDINGS OF SEA CAPACITY GAP ASSESSMENT**

In accordance with the ToR, the capacity assessment started with an analysis of existing studies undertaken<sup>1</sup> and discussions with representatives of the government, WB and other donor agencies, university and non governmental organizations. This assessment was limited to national level only. In the framework of the multi-year SEA program, regional and local levels should be included as well to complement this first assessment.

### **2.1 Legal background of SEA**

#### **2.1.1 General**

In the framework of the ESPOO convention, Albania has signed the SEA protocol (Kiev) in 2004, which is now being ratified by Albanian parliament.

SEA has a legal basis in Albania since January 2003, but implementation is difficult because guidelines, checklists and tools are still lacking. The SEA regulation is not fully in line with the EU Directive 2001/42/EC, 'on the assessment of the effects of certain plans and programmes on the environment'. Article 5.3 of the Albanian EIA law e.g. stipulates that 'procedures, deadlines and parties obligations in all phases of the SEA process shall be the same as for projects requiring full EIA'. This implies for instance that for an SEA report exactly the same information requirements apply as for EIA reports. This is not very effective, as it asks for instance for 'a detailed description of all installations that are part of the proposal or will be used during its implementation'. This kind of detailed information is generally not required at a strategic level.

Appendix 2 gives an overview of the SEA system in Albania (elaborated by REC 2004-2005<sup>2</sup>). It also gives some remarks on the emerging SEA practice in Albania, which can be summarized as:

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<sup>1</sup> 'Priority Assessment Study and SEA as a tool in Coastal management in Albania'. prepared by a group of experts engaged by PAP/RAC, October 2004.

Overview of the EIA/SEA system in Albania, initially elaborated by REC in 2004 (Regional Environmental Centre), then updated early 2005.

<sup>2</sup> It is necessary to mention that the Ministry of Environment, Forests and Water Administration has been involved in the preparation of the National EIA Overview in 2003 (Alma Bako Director of EIA Directorate, Ministry of Environment, Elvana Çani Executive Director, Urban Integration Foundation, Entela Çobani Teaching Assistant, Department of Environmental Engineering), under Capacity-Building for Environmental Assessment in South East Europe Project 1.4 of the Regional Environmental Reconstruction Programme for South Eastern Europe (REReP) under the support of REC. At the same time, all other related information, for updating the SEA/EIA overview is provided through EIA Department.

- Elaboration of SEA reports (and use of their recommendations) has not yet become an integral part of the planning processes although it is legally required. This may be due to the lack of a legal requirement for notification of the Ministry of Environment, Forests and Water Administration (MoEFW)/Regional Environmental Authority (REA) about the start of the planning process.
- SEA reports produced so far are of insufficient quality, thus setting misleading precedents for future practice.

In appendix 2 these problems are further analysed (and will therefore not be repeated here). The NCEIA shares the concerns mentioned and is of the opinion that this problem analysis forms a good starting point for actions for improvement.

On the basis of its two visits, the NCEIA has the following additional remarks in relation to the Albanian SEA legislation:

- The Albanian SEA procedure prescribes that the Minister of Environment has to issue an environmental declaration before a strategy, plan or programme is adopted. This gives SEA in principle a strong and clear position in the Albanian planning process, and potentially a wide scope of application. The legislation contains a list of plans and programmes to which SEA applies.
- Article 10 states that the REA should carry out an initial review of the SEA report for the proposal. This may not be effective/necessary if the plan at hand is e.g. a National Plan for Electricity Supply. Initial review by the REAs is in that case not a logical step, as this implies decision-making at national level.
- Depending on how the SEA procedure is applied under the Albanian system, the plan process and SEA process could become quite separate processes. Especially since different steps of the process are to be executed by separate persons or teams. International experiences, including those in The Netherlands, have shown that an integration of the SEA and Plan process lead to more effective SEA.

### **2.1.2 Conclusions and recommendations**

Overall, the Albanian system has the advantage of having a legal basis for SEA, which helps to make SEA effective. There are however some elements which do not conform with international best practice in this field.

In the experience of the NCEIA, a legal basis helps to make SEA effective but experience shows it is not a necessary condition. There are good examples of effective voluntary SEA systems. Internationally, there is a big discussion among SEA practitioners whether SEA legislation is something to start with as first priority or something you should only design 'tailor-made' based on practical experience gained during a couple of years. There is no consensus on the best approach.

An interim solution may be worth to consider in which a legal basis could include a preliminary period of for example three years in which a country focuses most of its energy in introducing and applying SEA concepts, processes and methods in priority economic sectors which will be having the greatest impact of the country's economic, social and environmental future. The preliminary period could also consider capacity building and learning. At the end of the three years, a more permanent legal basis can be designed based on the wealth of experience and lessons learnt during this period.

The NCEIA has also experienced that commitment of the authorities involved is much more important for effective implementation of SEA in the initial stages than appropriate legislation.

One of the main priorities of the MoEFW has been the strengthening of the legislative framework for environmental protection and at the same time the improvement of the environmental enforcement. The need for legislative development is considered necessary to complete the environmental legal framework not only to fill the identified gaps but at the same time aiming to incorporate the standards of the relevant EU Directives.

A considerable number of laws and bylaws are approved and are effective since 2002. At the same time a considerable number of other documents such as guidelines, orders, regulations etc. are available. Strengthening the coordination between MoEFW, line ministries and local authorities, effective sectoral integration, ensuring public participation in environmental decision making, are the strongest recommendations of the EU and one of the priorities of the Ministry. SEA can play an important role in these priorities, as strengthening of stakeholder coordination, sectoral integration and public participation in decision making are main components of any SEA.

The SEA legal background part needs more in-depth analysis, also to find out what is being done with the assistance of EU on this respect, since they were supposed to assist the Ministry in the harmonization of the environment legal framework. However, it is very difficult to do this a part of a first 'quick-scan' SEA gap assessment. That is why this component needs to be part of the proposal for the multi-year SEA programme (see Chapter 3 and further).

The NCEIA suggests that the MoEFW just 'takes-off' on basis of the recommendations below. This will probably highlight the main problems with SEA implementation and enforcement soon. This can be done with the help of a consultant, who can suggest improvements to the SEA law and who can draft by-laws (if needed) etc. This analyzing, testing, refining, improving of SEA legislation may well take some time.

**Recommendations:**

- make an inventory of planning practices of Ministries and agencies in Albania and establish a list of proposed strategies, plans and programs on the near future agenda within the Ministries, to see which of these should/could be subject to SEA. This will probably highlight the need for a legal requirement for notification of the MoEFW/REA on the start of planning processes (including the need for a formal screening decision);
- focus SEA on limited number of priority spatial plans and economic sectors first, where the most added value of SEA is expected. Start with a carefully selected number of national, regional and local plans and programmes with Ministries/agencies that are interested to be involved in SEA (e.g. Energy and Transport);
- start developing scoping requirements, in terms of contents and include these as a separate step in the SEA regulation: repair the minimum requirements of an SEA report (should not be a copy of EIA report requirements), consider also the possibility of widening the scope of SEA, i.e. not only assessment of environmental impacts, but also of socio-economic impacts. Include the development and assessment of alternatives;

- also start developing scoping requirements in terms of process: eg. issues like the design of the SEA and the link to the planning process. A successful SEA requires a thorough analysis of the planning process (eg. type of plan, time and data availability, when in the planning process are decisions taken which have environmental implications, who are stakeholders and when to involve them, is public participation required at the scoping stage etc.). The may prevent the current situation when SEA reports are only available when the plan process is almost finished.

## 2.2 Available staff and institutional capacity in relation to SEA

### 2.2.1 General

#### **Ministry for Environment, Forests and Water Administration**

According to Albanian environmental legal framework, the MoEFW is the competent authority responsible for SEA/EIA in the country. Strategies, plans and programs for the development of the economy and its branches at national, regional or local level, should ensure the integrated environmental management, according to the national environmental strategy. The Ministry as well as the regional environmental agencies, play a pivotal role in the SEA system. Consequently, the MoEFW can exercise significant influence in the planning processes of other ministries and authorities. Such a system will only work well if the MoEFWs position is generally respected and their expertise well recognised. This will put extra demands and pressure on the staff of MoEFW and REAs, which are at the moment small in numbers and lack specific SEA expertise. At the moment, the EIA department of the MoEFW has only 3 people (1 director, 2 staff). At district level there are regional offices (about 40 staff in total, involved in EIA but mainly in inspection tasks). So the capacity is very limited in relation to the huge amount of tasks.

As the MoEFW is responsible for implementation of SEA regulation, capacity should be created within this Ministry to 1) adapt SEA regulation (see 2.1) 2) act as helpdesk, both in general (manuals and guidance) and as reviewer in specific SEAs 3) become ambassador for SEA and 4) make sure SEAs of sufficient quality are actually carried out in the country.

#### **Consultants**

The Albanian EIA system has clearly influenced the design of the SEA system. The latter incorporates a similar structure of assigning the assessment itself to certified experts. It seems that certification to undertake EIA also qualifies an expert to undertake SEA tasks. This could be both a strength and a weakness in practice. On one hand, EIA experience is certainly relevant to SEA, under the EU directives both follow similar steps. On the other hand, SEA is not EIA. SEA addresses effects at a more strategic level, on a larger scale and longer timeframe. This requires a different set of skills and methods, and particularly a good understanding of the dynamics of planning processes and the ability to think strategically. Therefore consultants should definitively be part of future SEA training.

#### **Lead agencies for sector plans and spatial plans**

The state bodies charged by the law with the management of environmental constituents, in the national or local sector policies like transport, energy, agriculture, tourism, industry, services, territory planning and economical and social development in general, have to ensure that the economical and social development is in harmony with the environmental protection and improvement of the quality of life. Article 5.2 requests each state organ or natural/legal person that submits a proposal for strategies and action plans in key sectors and for national and regional plans for territorial adjustment that require SEA, to compile an SEA report and to ask for its evaluation by the MoEFW. This requires therefore understanding of SEA by sector Ministries. One of the key principles of SEA good practice is that these assessments should be the direct responsibility of the 'owners' of the policies, plans and programs for which the SEA is carried out. These institutions therefore should have sufficient knowledge, skills and capacity to conduct the SEA process. One way of building such capacity is to install 'environment units' in the key departments and train the staff of these units. Actually under the new administrative arrangement, an environmental unit has been created within the Ministry of Public Works, Transport and Telecommunications. Another opportunity is to arrange support<sup>3</sup> by SEA experts of the MoEFW.

#### **Other key players in SEA in Albania**

According to Environmental Protection act, all interested parties, especially local governmental bodies, public and NGOs, are part of the SEA/EIA process. Mores specifically, the SEA legislation states that during review of the SEA report, the Minister of Environment has to consult the key public authorities regarding conformity of the proposal (plan, programme) with national and regional development programmes and plans and regarding the expected level of environmental impact. The following authorities are mentioned:

- a) Central organs covering the field of proposal objective
- b) Urban and tourism development organs
- c) Local government organs or the area where the proposal will be implemented
- d) Specialized institutions in the forecast of impact on environment.

All these authorities are not yet very familiar with SEA.

Other key player are the universities/academics and the court system.

### **2.2.2**

#### **Conclusions and recommendations**

The (governmental) institutional capacity on SEA in Albania is limited in various ways: 1) human resources, 2) financial resources and 3) SEA knowledge and experience. The EIA department has some theoretical knowledge but no practical experience in Albania so far. SEA capacity in other ministries is absent. The same applies to decentralized government structures. SEA will only be effective if staff involved is properly paid, if consultants have enough budget to prepare solid assessments, the costs of stakeholder involvement can be dealt with and funding for the actual implementation of a policy or plan has been secured.

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<sup>3</sup> like guidance to sectoral Ministries in undertaking the SEA: for instance, alerting them that they should undertake SEA, providing them with minimum requirements for contents, providing names of consultants, providing assistance in how to link the SEA to the planning process etc.

Regarding the institutional capacity for SEA, a distinction can be made in: (i) how to organize the undertaking of an SEA for a specific plan or programme and who is responsible and (ii) who would be responsible for the co-ordination of effective SEA implementation in the coming years (so apart from specific SEA's, also taking care of organizing SEA training and awareness raising, improving legislation, designing the institutional framework etc.) The latter refers to how the multi-year SEA programme could be managed and is dealt with in Chapter 5.

Successful SEA introduction requires a careful design of the institutional framework. Several models are possible, for example an SEA secretariat within the MoEFW, combined with SEA 'units' in the sectors at ministerial and decentralised levels. The pros and cons of the various options need further analysis in the Albanian context.

There is experience where standing environmental units within sector Ministries are rarely effective and rarely maintained for long. Usually, a few staff are assigned to be members of such a unit in addition to their usual duties, and since they are already overworked they can't do much about this.

Also there are examples where Ministries, where there is likely to be a large numbers of SEA for which the Ministry is responsible (e.g. one involved in public infrastructure, or spatial planning), have one or two people responsible for ensuring that the SEA's get done, whereas the actual work would be carried out by external consultants. Apparently in Albania the Ministry of Public Works, Transport and Telecommunication has installed such an environmental unit, where SEA could be part of.

There are examples of SEA units in other than Environment Ministries working out well. For instance in Turkey, where the Ministry of Tourism created an SEA unit for their Tourism Master plan. In Ghana an SEA team was created for the SEA for the PRSP. This team consisted out of 3 members of the Environmental Protection Agency and 3 members of the National Development Planning Commission (under the Ministry of Economic Affairs). These were temporarily installed (for around 1,5 years) and stopped functioning when the SEA was finalized.

In the Netherlands there are separate SEA/EIA units (permanent) at the most important sector Ministries (Transport and Water, Energy, Economic Affairs, Agriculture), SEA/EIA units in each of the 11 provinces and also at the most important municipalities.

**Recommendations for 1 and 2)** (for 3) see next paragraph)

- The various options need more discussion and analysis with especially MoEFW, to find out which model would be the most realistic and feasible one. Therefore this component should be an important part of a multi-year SEA programme;
- In Albania, apart from MoEFW, it would be worthwhile looking into the possibility of installing some sort of SEA anchor/co-responsibility, within important Ministries, such as the Ministry of Public Works, Transport and Telecommunications, the Ministry of Economy and Trade (which deals with energy) and the Ministry of Agriculture.

## 2.3 Awareness raising and training requirements on SEA

### 2.3.1 General

#### **Training activities already undertaken in relation to SEA**

REC (regional office) has trained some experts: Albanian people have gone to training activities, workshops and seminars outside Albania (in the framework of ESPOO and Aarhus). REC also gave a regional SEA workshop for all Balkan countries (under the so-called Regional Environmental Reconstruction Programme, ReRep 1.4), but Albania did not participate.

The Faculty of Civil Engineering of the University gives a 10 week course on EIA (water and energy mainly), with case studies for students in the fifth year of environmental engineering (25 each year on average). SEA is only a very minor part of this.

A representative of the University, Faculty of Civil Engineering participated (as the only representative from Albania) in a two-day regional workshop by REC Szentendre on the presentation of the draft SEA manual for South Eastern Europe. A copy of the manual has been handed over to MoEFW. The manual is in the web-site of REC (Albania office) but not being used in Albania.

With support of METAP/World Bank, a training course on “Integrated Coastal Zone Management and Strategic Environmental Assessment” was organized in Tirana from 2 – 6 December 2002. This training course was organized in collaboration with Finish Environment Institute and PAP/RAC.

Under METAP, also, are organized a considerable number of training courses in different Mediterranean countries, where representatives from MoEFW, REAs, NGOs, EIA experts etc. have participated in<sup>4</sup>.

REC (Albania country office) has worked with national governmental level on legal issues mainly related to multilateral environmental agreements (international conventions: Aarhus and Barcelona). They did capacity building on EIA (mainly related to public participation in EIA), but nothing related to SEA. Some staff participated in regional SEA training.

REC has experience in capacity building. They have trained the Regional Environmental Inspectorates and the Ministries on Sustainable development issues, local authorities in LEAPs (local environmental action plans), NGOs in EIA/Aarhus/environmental education. REC could act and is interested in being a local partner in training activities, both providing training and taking care of logistical arrangements. When follow-up activities will take place, REC has a good candidate (a colleague that has been to Sweden for EIA and SEA training with SIDA/Ramboll).

REC is of the opinion that, in general, SEA knowledge is absent or very minor. Especially the REAs need urgent training. Other actors that would need SEA training with priority are the National Territorial Adjustment Board and the

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<sup>4</sup> It is not clear whether SEA was part of this

Regional Territorial Adjustment Boards. The National Territorial Adjustment Board has a representation of all Ministries. The approach at central level would need to be very different from the local level approach.

### **Target groups for SEA training and possible forms**

Key priority target groups for SEA training are:

#### **At national level:**

- Ministry of Environment, Forests and Water
- Ministry of Public Works, Transport and Telecommunications
- Ministry of Tourism, Youth, Culture and Sports
- Minister of Economy, Trade and Energy
- Ministry of Agriculture, Food and Consumers protection
- National Territorial Adjustment Board
- Cabinet? or environmental committees of parliament? Advisor to the Prime Minister for Aid coordination
- Universities or research or academic institutes
- Court of Justice (?)

#### **At regional and local level:**

- Regional Environmental Agencies
- Regional Territorial Adjustment Boards
- Regional universities or research or academic institutes

#### **Private level**

- Environmental (EIA) consultants
- Chamber of Commerce/Industry or the like

#### **Civil society**

- NGOs like Regional Environmental Centre (REC Albania), Milieukontakt Oost Europa (Albania office), Butrinti Foundation, Sustainable Economic Development Agency etc.

Awareness raising and training can take place in through workshops<sup>5</sup> and through pilot SEAs (on the job training, see next paragraph 2.4)

### **2.3.2 Conclusions and recommendations**

There has been some initial SEA training being done before in Albania. All interviewed persons expressed great interest in and need for training. For any future planning of training activities it is necessary to have a list of Ministries and staff that would need (or that would be interested in) SEA training. Within the ToR of the NCEIA (see appendix 1, item 2 under services sought), training design and course execution of a total of one classroom week was foreseen (both Albania and Montenegro). The NCEIA proposed originally that this training would have an introductory character and could have 30-40 participants of the most relevant Ministries, the above mentioned National Territorial Adjustment Board, University, NGOs, private sector (EIA consultancy firms), and Regional Environmental Authorities.

However, World Bank correctly stated that it would be unrealistic to have 30-40 participants from Albania and a similar number from Montenegro. At that scale it would not really be training, but more of an awareness workshop. Also, the available budget would not allow for accommodation and per diem for so many people. Moreover, the SEA capacity building project under BNPP

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<sup>5</sup> For a list of topics see appendix 3

was expected to at least include one significant joint training activity with Albania and Montenegro together.

Tentatively, October/November 2006 is scheduled for this joint SEA training. By then, Albania will have gained the practical experience from the SEA pilot on the South Coast Development Study and Plan and Montenegro is planning to finish its SEA for their National Spatial Plan.

In any SEA training, the involvement of MoEFW is imperative, and possibly REC could be involved as well, providing assistance both because of their experience in capacity building in environment related issues in Albania as well as because of their SEA knowledge (regional expertise, REC headquarters regional office).

### **Recommendations**

Apart from this major joint SEA training under the BNPP project, the development of a multi year training programme for different target groups, is needed, for instance through:

- a high level awareness raising meeting for decision makers and top level staff of involved ministries, preferably at the start of the programme to raise awareness and create commitment;
- on the job training is needed for both government staff and consultants who will draft SEA reports;
- in depth training of MoEFW and REA in guidance and scoping/review of SEA;
- curriculum development at universities to educate future SEA practitioners.

It is proposed to consider universities, private sector and the judiciary as a second priority category.

## 2.4 SEA pilots

### 2.4.1 General

#### **The SEA for the South Coast Development Study and Plan**

For Albania, the so-called South Coast Development Plan was identified as a suitable plan for a first pilot SEA. The idea of this pilot would be to use this as a model to show how to integrate SEA in plan development. The key Ministries involved in this SEA are the Ministry of Public Works, Transport and Telecommunications, the Ministry of Tourism, Culture, Youth and Sports and the Ministry of Environment, Forests and Water Administration.

The NCEIA is involved in this pilot to provide independent advice to both the government and its consultants on the implementation of the SEA process and to carry out an independent quality review of the final SEA report. This pilot gives the opportunity to have a 'hands-on' practical experience with and for main stakeholders on how to do good practice SEA and to establish first SEA experience to be used in future training workshops on SEA.

An interim advisory review has been issued early March 2006.

#### **Possibilities mentioned for other pilots**

Several other possibilities have been mentioned for SEA pilots:

- Spatial planning of greater Tirana.

- Trans-boundary areas of natural value: Shkodra lake (with Montenegro), Lake Ochrid, with Macedonia, Euronatura (Greece, Macedonia, Albania and ...). River delta.... in the Northern part of Albania (with Montenegro).
- Controversial projects like Thermal power plant (Min. of Energy vs. MoEFW).
- Energy planning
- The LEAPs (local environmental action plans).

In general it was recommended (opinion REC Albania) to avoid too complex pilots. Eg. all plans where land property is an issue, will end up with conflicts. Try to find simple SEAs, to show that it can work and use these as a model. Examples could be the agriculture sector or a local level medium and small scale industry or business development. At regional level (chark) SEA pilots would also be more difficult as these are seen by local government as of no benefit or competitors. Also national strategies, plans or programmes should be avoided as pilots, because these are generally lists with general visions, rather than priorities of needs. They are not very realistic in terms of financing or government capacity to implement them.

Preconditions for effective SEA pilots is to have MoEFW involved. But also: make sure to involve other Ministries than MoEFW, to ensure that a non-environmental ministry will experience the SEA process and would be able to report to other ministries with a perceived unbiased perspective on the lessons learned and added value of SEA.

#### **2.4.2 Conclusions and recommendations**

Until now, there is only very limited experience with SEA actually applied in Albania. A few SEA reports have been developed for urban plans, but these are of insufficient quality. Based on the experiences with the first SEA pilot, specific opportunities for other SEA pilots can be identified as part of the multi-year SEA capacity building programme. Some suggestions have been mentioned already (including some criteria for selection by REC) but will be determined in relation to the most pressing capacity gaps/institutional obstacles and have to be in line with the priorities of the authorities in Albania.

##### **Recommendation;**

- SEA pilots enable relevant decision makers and other stakeholders to become aware of the added value of SEA. Staff can be trained on the job. Selection of suitable plans or programmes greatly determines the success of SEA introduction.

## 2.5 Data management

Data requirements in SEA differ from those in EIA. In particular, Geographic Information Systems (GIS) have shown to be useful. The SEA programme could identify whether useful GIS data and systems exist in Albania and if so, the need to improve their accessibility to the relevant agencies.

## 2.6 Dissemination strategy and materials

A country specific manual to be used by the staff of the involved agencies could be drafted, including a strategy for dissemination. The generic SEA manual presently drafted by the Regional Environmental Centre-Szentendre in Czech Republic (draft is available since March 2005) can be used as starting point.

Guidance material should be made available in leaflets for specific target groups and on the website of the MoEFW.

## 3. PROPOSAL FOR MULTI-YEAR PROGRAM IN ALBANIA ON SEA

The items under 2.1 to 2.6 form the basis for a multi-year program on SEA. Below, the NCEIA gives an OUTLINE for a multi-year SEA capacity building programme. However, as the NCEIA is not a consultant (but an independent expert Commission), it cannot and is not allowed to elaborate this into a real project proposal, with concrete activities, log-frame, budget etc. This would be the responsibility of MoEFW and probably a consultant would be needed to provide assistance with that. However, the NCEIA is available and willing to do this together with MoEFW and such a consultant. The multi-year programme will need to (i) provide the framework for the planning and execution of all SEA activities in the period mid 2006-2009 (?) (ii) ensure effective resource allocation for donor supported SEA activities.

NB. The program is (in line with the ToR of the NCEIA) focused only on SEA. However, it can not be seen in isolation from EIA in Albania. Therefore, the EU funded 'ELPA-project', which is providing technical assistance to the MoEFW on harmonization of environmental legislation with those of the EU should be closely followed.

### **Ad (i) framework for activities**

A multi-year programme could be shaped according to the table below (next page):

### **Ad (ii) Donor support**

There are also a lot of other projects (finalized and ongoing) and collaborations to be mentioned, which aim the strengthening of the capacities regarding SEA/EIA in the country. The MoEFW mentioned the following examples:

- The conclusion of the ICZM/SEA training course in Albania, the idea of paying attention to the ICZM issues and SEA, was further elaborated and a project proposal regarding incorporation of Strategic Environmental Assessment in a land use plan for a coastal area (CARDS program) was prepared. This is part of the ongoing ELPA (Environmental Legislation and Planning, Albania) project, component 4 (Pilot Territorial Planning with overall objective: to strengthen the technical and administrative capacity of MoEFW and other key ministries and regional and local government related to planning control and the SEA process).

- Recently, the MoEFW signed the agreement for the Bilateral Programme in the field of Environment with the Swedish Environmental Protection Agency (Swedish EPA) for the period 2006-2009. The overall objective is to support a good environment and sustainable development in Albania. The specific objective is to support environmental authorities and institutions in Albania in developing an effective environmental management system, in order to fulfil national and international obligations, especially the EU-approximation. Regarding EIA/SEA, the focus is to support the establishment of a modern and efficient system for Environment Impact Assessments and Strategic Environmental Assessments, based on the obligations set out in the relevant EU Directives and other related international conventions.

It would be good to know more detailed contents and action plans to (i) see relations between these proposals and the multi-year SEA proposal below, (ii) to avoid overlap, and (iii) to see whether and how the NCEIA could possibly contribute.

There could be interest in the co-funding of a multi-year programme on SEA with SIDA and the Netherlands Embassy, as they have identified environment as a priority for the coming years (see also mission report November 2005).

#### **SEA introductory program for Albania, period 2006 – 2009**

<b>Main activities</b>	<b>1<sup>e</sup> year</b>	<b>2<sup>e</sup> year</b>	<b>3<sup>e</sup> year</b>	<b>4<sup>e</sup> year</b>
Define SEA programme base on final capacity gap assessment on SEA	xx			
Design institutional embedding, improve legislation/regulation and by-laws, procedures and manuals (draft and final)		xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Carry out pilot SEAs Carry out regular SEAs	xxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx xxxxxxxxxxx
Awareness raising & training				
- high level meetings	x		x	
- SEA teams responsible for pilots	x x x	x x x	x x	x x
- staff of lead agencies	x x	x x	x x	x x
- staff of MoEFW	x x	x x	x x	x x
- Albanian EIA consultants	x x	x x	x x	x x
- NGOs	x		x	x
Coaching of SEA team/secretariat, by international SEA experts	x x x x x x x	x x x x x x x	x x x x x x x	x x x x x x x
Data management	xxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Regional activities (to share experiences with neighbouring countries, in particular Montenegro)		x		x
Evaluation (mid-term and final)			x	x

#### **4. EXPECTED OUTPUT OF THE PROGRAM**

- Program for the introduction of SEA for the period 2006-2009, agreed by MoEFW and (inter-ministerial committee?) other relevant ministers;

- Institutional embedding established (SEA responsibilities clearly defined, both horizontally (between MoEFW and other lead agencies) and vertically (national versus regional level) to implement SEA);
- Legal and regulatory framework in place to guarantee effective SEA in line with the EU directive on SEA (implementable and enforceable);
- Awareness raised and commitment created at high level in Albania for SEA;
- Key actors in the SEA system trained for their specific tasks and roles (MoEFW, other sector Ministries, consultants (companies/experts));
- Practical experience with pilot SEAs amongst stakeholders;
- Informed national NGOs;
- Guidance material in place.

## 5. PROGRAM MANAGEMENT

The Government of Albania will have to lead and co-ordinate the process and is primarily responsible for the execution of the activities. The Ministry of Environment, Forests and Water Administration (most likely but not necessarily) the owner of the SEA capacity building program. Other relevant ministries will have to be committed to this program.

Support by different parties to carry out the program will be needed, such as national and international consultants and NGOs.

In practical terms, a kind of Task Force/Steering Committee is needed, that sees to it that the introduction and development of SEA in Albania will be internalized at sectoral and decentralized levels. The Task Force should guarantee that SEA is not only an environmental policy, but also a formalized policy of Albanian government (at executive and legislative level). Therefore such a Taskforce should have a broad and high level composition, in which ministries but also for instance private sector could be represented. The idea would be to have some kind of guaranteed political commitment through this Task Force or Steering Committee. How this in practice could be organized has to be discussed still: frequency of meetings, number and level of members, their tasks and mandate etc.

Apart from this Task Force, it is proposed to have an SEA team or secretariat: responsible for the day-to-day work in executing the multi-year SEA program (operational work). The SEA team/secretariat:

- could eventually turn into the trainers for other staff and would become the ambassadors for SEA in and outside the government.
- can be done coached by an organisation with international SEA experience (e.g. NCEIA or REC) during the entire process. The SEA team/secretariat members will be (partly?) paid during the first years (out of the budget proposed for the multi-year program). In the end, the team/secretariat should become institutionalized (and paid for by Albania government).
- therefore mechanisms would have to be developed and established to guarantee the financial self-sustainability of the SEA system.

Again, the feasibility of an SEA team has to be discussed with MoEFW in relation to how many staff are likely to be dedicated to working on SEA (full time, part time, with other responsibilities). The NCEIA has experience in e.g.

Romania and Georgia<sup>6</sup>, where such SEA teams are operational, which can serve as an example to be discussed.

The NCEIA is willing to provide its assistance in the implementation of the SEA programme, via contribution to:

- training and coaching of the SEA team/secretariat
- training and awareness raising through presentations and short workshops on SEA
- advice on improvement and/or implementation of SEA legislation (and/or by-laws), procedures, manuals
- assistance and quality review in pilots
- quality review of the SEA system once in place (in 2009).

## 6. PROPOSED TENTATIVE BUDGET

The program is not elaborated into concrete activities and therefore it is not possible to provide a detailed budget.

PM: Under the BNPP funds, the NCEIA will carry out two tasks (as is in the ToR), which do not form part of the budget hereunder and will be completed before the start of the programme. These are:

- quality review of the SEA for the Coastal Development Study and Plan
- joint regional training on SEA for Albania and Montenegro

Main activities 2006 – 2009	NCEIA		Consultant	Gov. of Albania	Budget
	#	##			
Multi year SEA program developed	5000		10,000	5,000	20,000
Adapting SEA legislation & procedures		5,000	20,000	10,000	35,000
Carry out pilot SEAs 1e SEA 2e SEA 3e SEA 4e SEA	10,000	20,000	120,000	80,000	230,000
Coaching SEA taskforce	5,000	5,000	50,000		60,000

<sup>6</sup> E.g. in Georgia the SEA team consists of a chair (State secretary Ministry of Env.), a coordinator, 3 heads of departments, 2 SEA specialists (1 from NGO sector, 1 from private sector) and an independent legislation specialist. All are involved according to a different amount of days and a different amount of payment. Terms of Reference for this SEA team and ToR for each individual team member are available as an example.

Financial support SEA team				50,000	50,000
Awareness raising and training -high level meetings -lead ministries -consultants -NGOs	5,000	15,000	40,000	20,000	80,000
Guidance material			20,000	20,000	40,000
Data management			10,000	10,000	20,000
Regional activities	5,000	5,000	10,000	10,000	30,000
<b>Total</b>	<b>30,000</b>	<b>50,000</b>	<b>280,000</b>	<b>205,000</b>	<b>565,000</b>

For any SEA capacity building programme, a realistic assessment of the resources that the governments can be expected to provide for implementation, including their own budgetary resources and external assistance is of utmost importance.

Of course these are tentative figures. The idea would be that this multi-annual SEA program would be undertaken with donor support. The contribution of the Albanian government would be (in the proposed budget) 205.000.

The contribution of NCEIA is free of charge, as Albania is eligible for support out of the NCEIAs budget.

# = Support provided by the secretariat of the NCEIA, professional fee for staff involved in these activities are funded by NCEIA budget, including costs for visits to Albania (travel costs, hotel costs and DSA).

## = Funding of experts of the Commission, professional fee of €1000,- per day and costs for travel to Albania (travel costs, hotel costs and DSA).

This is a very rough estimate and this can be reduced of course. A next step would be to agree first with MoEFW on whether they think this gap assessment correctly reflects the current situation, and whether they agree with the proposed recommendations. Based on that, and their wishes and priorities, a more realistic budget can be developed.

## **APPENDIX 1**

### **Terms of Reference for the expected assistance of the Netherlands EIA Commission**

## **SEA CAPACITY-BUILDING IN ALBANIA AND MONTENEGRO, WITHIN A BROADER CONTEXT OF SUSTAINABLE COASTAL ZONE MANAGEMENT ALONG THE ADRIATIC COAST TERMS OF REFERENCE**

### **1. Background**

With the assistance of the Government of the Netherlands under the BNPP, the World Bank will support the Governments of Albania and Montenegro (GOA, GOM) with capacity-building in the area of Strategic Environmental Assessment. The initiative compliments efforts to strengthen the countries' capacity for implementation of their respective poverty reduction strategies as well as to provide upstream analytical input to Bank operations. In addition, it will directly support priority Bank programmatic lending operations in both countries:

- Albania has already initiated large-scale coastal development planning program in parallel with concerted implementation efforts entailing substantial infrastructure investments, including as part of Bank supported Albania Coastal Zone Management and Clean-Up Program (ACZMCP). A centrepiece to this work is the preparation of the South Coastal Region Development Plan and associated SEA work. The BNPP-supported work will leverage and seamlessly integrate with that work to 1) independently assure its quality and 2) build upon it to develop and operationalize a structured approach to strengthen the GOA's institutional capacity for SEA.
  
- Similarly to Albania, the BNPP support will set in place a structured program for SEA capacity-building in Montenegro. The coastal zone of Montenegro is ecologically closely linked with that of Albania, and the GOM is planning to intensify tourism in coastal areas substantially over the next decade, with assistance from the World Bank among others (e.g., proposed IDA and GEF-financed Tourism Development Project currently under preparation). Therefore, it is expected that the SEA capacity-building initiative in Montenegro will focus initially on tourism and related development in the coastal region. However, the GOM may identify additional priority focal areas for SEA capacity building.

## **2. Objectives**

The long-term objective of the project is the practical implementation of SEA in Albania and Montenegro in order to:

- Contribute to improved decision-making by integrating environmental concerns and sustainable development principles into the development planning (plans and programs);
- Structure public and governmental debate in policy preparation and planning processes; and
- Guarantee public participation, transparency and quality of information.

To this end, the World Bank initiative aims at designing and initiating the implementation of a coherent medium-term (up to five years) programme for SEA capacity building in Albania and Montenegro with specific emphasis on processes/activities that contribute to the sustainable coastal zone management of their Adriatic coast. It is intended to both draw-upon and compliment existing and planned Bank operations in Albania and Montenegro and provide a framework for the selection and implementation of on-going and future (capacity-building) SEA activities not only by the Bank but also by other Donors active the area.

## **3. Services sought from the Netherlands EIA Commission for the period 2005-2006.**

In meeting the above objective, the World Bank intends to enter with the Netherlands EIA Commission in a partnership arrangement and engage its expertise and services to perform the following activities:

- 1) Undertake capacity gap assessment and assist the governments in drafting a multi year SEA capacity-building programme (Albania and Montenegro). The capacity assessment should be based on both the analysis of existing studies and fieldwork with the representatives of the respective governments (at central and local levels) as well as relevant private sector and NGO representatives. The multi-year program should be based on a realistic assessment of the resources that the respective governments can be expected to provide for implementation, including their own budgetary resources and external assistance after the close of the present activity. The program This should result in programmes that:
  - i) identify and target one or more sector/activity –specific opportunities for SEA pilot work per country that will also address the identified most pressing capacity gaps/institutional obstacles;
  - ii) link closely with on-going and planned Bank operations; and
  - iii) are approved and adopted by the respective governments.

- 2) Design and provide SEA training courses to the government and other stakeholders. (Albania and Montenegro) to be carried out with support from the grant (and other funding as appropriate). The training should both relate to and support Bank-assisted SEA pilot activities already under way (Albania) or expected to be initiated under this initiative (Montenegro).
  
- 3) Provide independent guidance on the implementation of two pilot SEA activities, as follows:
  - i) Guidance to the Albania ICZMCP-supported South Coast Development Plan SEA, including:
    - (1) providing advice to both the government and its consultants on the implantation of SEA process, and
    - (2) quality review of the final SEA report.
  
  - ii) Following identification of the Montenegro pilot SEA (to be defined under 1 above), provide support and guidance for implementation, including:
    - (1) identification of scope of the activity
    - (2) designing the pilot SEA and assisting the Bank with Terms of Reference and selection of consultants to carry out the assignment;
    - (3) providing advice to both the consultants and their government counterparts on the implantation of SEA process and
    - (4) quality review of the final SEA report design.
  
- 4) In the context of the basis of the above training and pilot activities, develop dissemination strategy and materials, including the technical support for the organization of a regional SEA workshop.

#### **4. Approach for an effective introduction of SEA**

The approach to drafting a five-year SEA introductory programme should be such as to raise ownership for SEA by the respective governments. The implementation of specific pilot SEA to familiarise both government and other stakeholders with SEA is further expected to contribute to this process. As part of the dissemination strategy and based upon practical experiences with the pilot SEAs, the respective governments could be assisted with the drafting of country specific SEA procedures and guidelines (including guidance on new SEA legislation in line with the EU SEA directive, if necessary). If there is sufficient government buy-in, inter-ministerial SEA taskforces could become the driving force responsible for the implementation of the programmes. Finally, the program for introduction of SEA will include a coherent program for training of key stakeholders, aimed at ensuring that SEA processes are well understood, transparent and participatory.

**Appendix 2: SEA system in Albania**  
**Review: August 2004, made by REC**

**1. Legal basis for SEA in Albania**

Scope of application

Albania adopted its first EIA law (No.8990) on 23 January 2003. The law prescribes both EIA and SEA process in the following manner:

- a.) Two-tier EIA system is set for projects. Article 4 stipulates that all projects described in appendixes 1 and 2 of the law, shall undergo EIA prior to approval by relevant organs. Projects in Appendix 1 and those proposed in protected areas or in the marine environment have to undergo a detailed EIA. Projects in Appendix 2 and changes or rehabilitations of projects in Appendix 1 need to undergo preliminary EIA. If projects in Appendix 2 are deemed to have possible significant environmental effects, the regional environmental agency or Ministry of Environment may on the basis of criteria defined in Appendix 3 request their assessment through detailed EIA.
- b.) Article 5.1 requires SEA for strategies and action plans in key sectors (energy, mines, industry, transport, agriculture, forests, on natural resources and mining properties management and on waste management) and for variety of national and regional plans for territorial adjustment (of urban and rural centers, industrial areas, coastal areas, tourism areas, protected areas and highly pollution and damage sensible areas).

Linkage of SEA to decision-making

Article 5.2 requests each state organ or natural/legal person that submits a proposal for strategies and action plans in key sectors and for national and regional plans for territorial adjustment that require SEA to:

- a.) compile SEA Report and
- b.) ask for its evaluation by the Minister of Environment prior to its adoption by relevant organs. Comments by the Minister of Environment Assessment are given through environmental declaration which needs to be published.

The specific procedure, deadlines and consulted parties for SEA are the same as for the detailed EIA. The text below outlines key obligations in detailed EIA that are relevant to the SEA process.

SEA Report

Article 7.2 stipulates that SEA Report can be compiled only by licensed natural and juridical persons that is selected, contracted and paid by the proponent. Experts that elaborated the report are liable for accuracy of data and their recommendations in accordance with laws in power.

Article 9 (with references to Art. 8) defines the key information to be provided in the detailed EIA Report. The key requirements that are deemed applicable also for SEA Report include:

- a.) Objective of the proposal
- b.) Detailed description of the proposal;
- c.) Present state of environment in the area and its vicinity where the proposal is to be implemented;
- d.) Detailed description of all installations that are part of the proposal or will be used during its implementation;
- e.) Construction plan and the deadlines for implementation;
- f.) Description of engineered values that are constructed or enlarged and of necessary works for proposal implementation;
- g.) Procedures and reasons of selection of site where proposal will be implemented, description of at least two additional options of location of proposal;
- h.) Conformity of the proposal with territory adjustment plan and with economic development plan of area where proposal will be implemented;
- i.) Direct and indirect environmental impacts and health of the proposal and options;
- j.) Risks of accidents with significant impact on health and environment and measures to prevent these;
- k.) Trans-border impact on environment if any;
- l.) Technical measures to prevent and mitigate negative impacts on environment;
- m.) Rehabilitative measures in case of pollution and damage of environment as well as their cost;
- n.) Detailed descriptions of sustainable use of energy, and natural and mining resources;
- o.) Monitoring program for environmental impact;
- p.) Summary of consultations with local government organs, the public and environmental non-for profit organizations and of their opinions; Potential plans for negotiations with local government organs, the public and environmental non-for profit organizations during the phases of planning, review and implementation of the proposal.
- q.) A copy of the license of natural or juridical person which has prepared the report of impact assessment on environment.

Article 7.4 mandates MoE to prepare and a Council of Ministers to approve EA guidelines that define specific methodologies and detailed requirements for elaboration of EA reports. The MoE so far prepared guidelines on public participation during elaboration of EIA reports and there is a REC-funded proposal to elaborate framework guidelines on SEA.

#### Initial Review of SEA Report by the regional environmental agency

Article 10 stipulates that the regional environmental agency (REA) carries out initial review of documentation for the proposal and within five days of receipt of the proposal:

- a.) Accepts the request for review if the SEA report addresses key issues stipulated by the law. In that case, it asks for at least 5 copies in Albanian language of the SEA report;
- b.) Rejects the request for review if SEA Report is not sufficiently addressing key issues and notifies the proponent about changes and adjustments that should be made in the documents;
- c.) Rejects initial review if the proponent does not submit SEA Report.

If the review proceeds, the REA has to - in accordance with Article 14 – review of data presented in the SEA report and consults with local government units and authorities in charge of urban and tourism development, and prepares its own justified opinion on the proposal as well as propose conditions to be placed in the approval documentation. This opinion is forwarded to the Ministry of Environment within twenty calendar days from the day of request acceptance for review.

#### Review of SEA Report by the Ministry of Environment

In accordance with Article 15, the Ministry of Environment has to review the proposal within three months from the receipt of the documents from the regional environmental agency. The Minister of Environment within this period establishes, in accordance with Art. 16 a review commission. The composition, duties and functioning of the commission are determined by the Minister of Environment. The review commission proposes the decision of the MoE on the proposal. Its meetings are open to interested public, non-for profit organizations, the proponent and the media.

Art 17 requests the review commission to verify:

- a.) Level of impact on environment;
- b.) Conformity of the proposal with national and regional plans of social and economic development and with territory adjustment plans;
- c.) Ability of the proponent to bear rehabilitation costs of damaged and polluted environment by its activity;
- d.) Technical and technological characteristics of the proposal to apply requirements for prevention of pollution and damage to environment.

#### Consultations with relevant authorities

In addition to the review commission, the Minister of Environment has to consult the key public authorities regarding conformity of the proposal with national and regional development programs and plans and regarding the expected level of environmental impact. The following authorities are consulted:

- a.) Central organs covering the field of proposal objective;
- b.) Urban and tourism development organs;
- c.) Local government organs of the area where the proposal will be implemented;
- d.) Specialized institutions in the forecast of impact on environment.

#### Public Debate

In accordance with Art 20, the proposal and the SEA Report needs to undergo a public debate among representatives of the ministry which licenses the proposal, organs for territorial adjustment and tourism, local government organs, specialized institutions, interested persons, environmental NGOs and the proponent.

The debate is organized and managed by the local government organ where the proposal will be implemented. This organ has to, within five days upon receipt of consultation request from the Minister of Environment:

- a.) Notify the public and environmental non-for profit organizations and put into their disposal the SEA report for a period of one month;
- b.) set timing of the public debate (in collaboration with the MoE and the proponent) within one month deadline, notify participants ten days in advance and organize the open debate with all the interested parties.

#### Environmental declaration

In accordance with Article 21, the review commission examines the respective SEA Report and documentation prepared during the SEA review process. It concludes its work by issuing of final report which contains the proposal for approval or rejection of the proposal.

The Minister of Environment has to, on basis of Article 22, issue within five days from submission of the commission report an environmental declaration which contains:

- a.) Norms of discharges of expected pollutes in air, water and land;
- b.) Compulsory measures based on best available techniques of construction put into use of the proposal;
- c.) Compulsory measures for protection of air, water land, biodiversity and to prevent the pollution transferal from one component of the environment to another;
- d.) Requirements for monitoring of discharges determining measurements methodology, their frequency, assessment procedure and publication of results;
- e.) Conditions on limiting the trans-border pollution above the permitted levels;
- f.) Additional measures to prevent surpassing of the quality norms of environment;
- g.) The requirement of reporting and comparing determined impacts during preparation of the report with real effects of proposal implementation.

When the decision rejects the request, environmental declaration shall contain full rejection justification from the environmental, technical, legal and administrative point of view. Environmental declaration is not binding for decision-making on the proposal.

## **2. Comments on emerging SEA practice**

The new SEA regime is being applied for slightly over 18 months and the actual practice reflects early stage of development of this system. The following key challenges were observed during the mission:

- Elaboration of SEA Reports (and use of their recommendations) has not yet become an integral part of the planning processes that are subject to SEA.
- SEA reports produced so far are of insufficient quality, thus setting misleading precedents for future practice.

### Undertaking of SEA has not yet become an integral part of the planning processes

Mission became aware of the fact that SEA is so far generally perceived as a formal ex-post check of the planning processes (i.e. formal ad-on exercise that ensures meeting of legal requirements but does not affect the planning process) rather than a tool for environmentally sustainable planning.

These problems are caused by two factors:

- Structure of the SEA procedure neglects notification and scoping: No legal requirements for notification of MoE/REAs about the planning process that need to undergo SEA and lack of any provision for scoping lead to a situation when MoE effectively gets involved only in review of respective planning/SEA processes and has no official opportunities to provide timely and effective advice on treatment of key env. issues in the specific planning and SEA processes. This fact is well recognized by the MoE Dept. of EIA and Dept. Nature Protection but their actual proposals for improvement of this situation differ and reflect misunderstanding on the role of SEA within the MoE.

The MoE's Dept. of EIA emphasizes need for early MoE's involvement through informal scoping consultations that enable determination of key issues for each planning and SEA process and through subsequent quality checks to ensure that planning and SEA processes properly addressed these issues and integrate them into respective plan. On the other hand, the MoE's Dept for Nature Protection emphasizes need for early involvement of MoE into then planning process itself – however their specific suggestions on the roles of MoE in the “planning” seem to fully coincide with roles that env. authorities should normally perform in any good SEA practice. Since MoE has already now overstretched capacity and needs to provide coherent message to key planning authorities, it may be beneficial to resolve this minor difference in opinion between these two key departments since they share their viewpoints on the end result. This could be easily overcome by issuing of official MoE's SEA guidelines that clarifies roles of SEA within the planning and advice on SEA approach.

- SEA requirements are not yet included in ToRs for the respective planning processes: This is a usual challenge in all newly constituted SEA systems, however Albania seems to experience more problems in this respect than other countries. MoE's EIA Dept reported that their frequent attempts to explain role of SEA to the planning to key planning bodies (including

National Council for Territorial Adjustment) do not seem to lead to better acceptance of SEA by the planning authorities that so far do not include SEA in the ToRs for key territorial planning documents. The mission can confirm this problem since even though it was provided with information on 3 completed SEAs for territorial planning documents in the Vlora region it also observed two important cases when requirement to carry out SEA have been entirely ignored by the National Council for Territorial Adjustment. These included: Urbanistic study for Saranda City (which has been prepared, presented to the public and forwarded to review by National Council for Territory Adjustment without SEA Report or equivalent information on its env. impacts) and the draft ToR for the Study of the southern coast (later frozen due to external factors), did not mention need for SEA nor did it suggest any evaluation of environmental impacts within the elaboration of the respective plans. While this situation can be improved by issuance of official SEA Guidelines by the MoE (see point above), the necessity of proper undertaking of SEA within the respective planning processes obviously needs to be strongly re-emphasized to the planning authorities by the MoE and donor community.

#### SEA reports produced so far are of insufficient quality – case example

The mission has been informed that SEA reports produced so far are of poor quality and thus set misleading precedents for future practice. These claims were illustrated on example of Partial Urbanistic Study for central zone of Vlora, which is said to be representative of the actual practice.

This Urbanistic Study was submitted for review together with its SEA Report and consecutively obtained environmental declaration issued on the basis of Art 22 of the EIA Law. The brief inspection of the SEA report (approx. 15 pages long) revealed that it:

- did not provide information on the state of environment in the affected area;
- contained no or superficial description of the environmental impacts – each prescribed category of environmental impacts was described in 1-2 sentences, largely claiming that no impacts can be foreseen,
- did not offer any suggestions for the modifications of the plan.

This “SEA Report” (which did not seem to meet the basic legal requirements stipulated by the EIA act) was accepted by MoE for of an environmental declaration (summarized in the Box X.1) which outlines the key environmental risks, including new factors that were not properly addressed in the SEA report. When doing so, MoE effectively supplemented work that should have been performed by expert in charge of elaboration of the SEA Report. In addition, the declaration provides important guidance for future elaboration of the plan and its future assessments. The problem is that such guidance for future work concludes the SEA process instead of initiating it. It is thus questionable whether it can be used at all. Overall, one can conclude that such declaration (however justifiable due to lacking assessment of the plan and extremely poor quality of the SEA Report) will probably have very limited, if any, effect on the way this plan is implemented.

On the other hand, information provided in the env. declaration offers valuable guidance for elaboration of the urbanistic study and for its SEA.

Proper SEA process based on this guidance could check how were requirements of the MoE taken into account in the urbanistic study.

This case examples points again to problems resulting from late involvement of MoE in the actual SEA. However it should be noted that MoE disposes with sufficient legal powers to reject the SEA Report and to terminate its review until planning authority provides better assessment. Actual application of these powers depends only on the willingness of the MoE to use them in controlling quality of the SEA practice.

**Box. X.1: Environmental declaration for Partial Urbanistic Study for central zone of Vloa city issued on the basis of Art 22 of the EIA Law** (*an informal translation of the main conditions laid down in the official document signed by the Minister of Environment*)

**I.** Implementation of the plan should respect sustainable development taking in account the following considerations:

1. Optimal carrying capacity of the central zone, with special regard to coastal zone should be defined.
2. Concrete measures for rehabilitation of degraded zones should be proposed.
3. Legally defined “no-construction zone” near the sea shore should be respected.
4. An effective protection of Narta lagoon and marine and costal environment should be ensured.
5. The buffer zone of Narta lagoon (which is proposed as protected area) should be respected.
6. Distance from architectonic, cultural, historic and archeological sites should be respected.
7. No construction activities should be located on productive agriculture land (soil categories 1-4).
8. Detailed study to properly identify location of marinas should be conducted.
9. Main boulevard of the city should developed based on environmentally sound alternative by preserving natural coastal line avoiding any modification of the coastline and further erosion of the coast or filling in specific parts of the coast with materials. Plan should ensure that the coast is not affected by any kind of intervention.
10. The optimal beach belt (i.e. sandy beach and rocky beach nearby seashore) should be preserved and not subject to construction in order to support use of these zones for recreation.
11. Concrete measures should be proposed for the rehabilitation of degraded zones, especially the hilly ones as part of the landscape of the area.
12. An average number of floors should respect construction tradition of Vloa municipality and should take into account high seismic activity of the zone.
13. Supportive infrastructure as an important element for the development of the zone should be foreseen.
14. A network for water supply and sewage system should be constructed.
15. Sewage water should be treated prior to discharge.
16. Urban inert waste should be managed and deposited.
17. Collaboration with MedWet coast project “Conservation of wetland and coastal ecosystems in the Mediterranean region - Vloa Bay” should be established.
18. The law no 8906 dated 6 June 2002 for protected areas should be respected.

19. The decision of Council of Ministers no 267 dated 24 April 2003 “procedures for proposing and proclaiming protected areas and their buffer zones” should be respected.
20. The decision of Council of Ministers no 364 dated 18 July 2002 on the approval of coastal zone management plan should be respected.
21. The law no 9010 dated 13 Feb 2003 for environmental management of the solid waste should be respected.
22. The law no 9115 dated 24 July 2003 for environmental treatment of polluted waters should be respected.
23. The law no 8905 dated 6 June 2002 for the protection of the marine environment for the pollution and the damage should be respected.

**II.** In accordance with Articles 4, 8 and 9 of the law no 8990 dated 23 January 2003 on EIA, the proponent of the plan should prepare an EIA report and all necessary documentation in order to obtain environmental permit for:

1. construction and rehabilitation of roads/streets
2. run-off and sewage water system,
3. sewage water system,
4. depositing and treating of solid urban waste,
5. construction of marinas,
6. construction of electric lines within the power supply network.

**III.** For all above listed activities, the MoE should issue respective environmental permits that define conditions for implementation of approved activities in order to ensure maximum protection of environment and prevent and minimize negative environmental impacts.

**IV.** In accordance with Article 34, paragraph 3 of the law 8934 dated 5 Sept 2002 on the environment protection, approval of this project by the relevant the decision-making bodies should be done in accordance with accomplishment of the conditions set in this environmental declaration.

Signed by the Minister of Environment

### **Appendix 3 Overview of SEA training topics**

- General introduction on SEA: what is SEA, how to apply, what are benefits, differences with EIA
- Different SEA steps: screening, scoping, assessment, decision-making, monitoring
- Current planning practices and how to integrate SEA
- Case-studies on different sectors
- Case studies on different levels of SEA application (policy, plan, programme, national/regional)
- Presentations on SEA pilots in Albania: positive and negative lessons learned
- SEA assessment methodology, such as stakeholders assessment, how to develop strategic alternatives, how to identify impacts at strategic level, application of GIS in SEA, how to organize public participation in SEA designing a suitable SEA process, reviewing SEA (quality control), etc.
- SEA process management (keeping overview, time and financial management, flexibility, composing SEA teams etc.

Through presentations, group assignments, discussion, round tables etc.