Albania

EIA profile

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Overview ESIA procedure

EIA in Albania is directly integrated in the environmental permitting process. The application for environmental permits marks the beginning of the EIA process. The application is firstly sent to the National Licensing Centre (NLC) which checks the documents and then transfers the documents to MoEFWA for review and final decision. The EIA process subsequently includes Screening for the need to apply for a permit, the preparation of the documents including the EIA report, the review and the decision on the report approval. Thereafter, a decision is taken on whether or not an Environmental Declaration is issued. In case of compliance during the construction activities, an Environmental Permit is issued after the construction phase of the project. Scoping is not a required step of the EIA process.

Screening

Screening process

Screening is a requirement and the decision is taken by the Regional Environmental Authorities (REAs) or the Ministry in charge of the environment.

Before submitting an application for screening, the proponent should, according to LEP 2002, consult with local government, the public and local environmental NGOs on alternatives for the activity. The outcome of the preliminary consultation has to be included in the application for screening. The proponent may also circumvent screening, by directly submitting an EIA with the application. The Law on EIA (2003) does not require preliminary consultation.

Activities listed in Annex I of the Law on EIA (2003) require a full EIA. Activities in Annex II require a partial EIA, unless they can have a significant impact on the environment or will affect a sensitive area, then a full EIA is requested by the REA or MoEFWA. Annex III lists criteria to determine if a significant effect can be expected, as well as types of sensitive areas. The MoEFWA may at any time during review of a partial EIA, request for a full EIA

Sensitive areas

Environmental sensitiveness of an area should be considered for activities listed in Annex II, as these require a full EIA. Criteria include: current land use, abundance of the area, quality and regenerating capacity of the natural resources and the absorbing capacity of the area. Eight (types of) environmentally sensitive areas are identified in Annex III of the Law on EIA (2003).

Contents of the starting document

The application should contain: name, adress, judicial status of the proponent and the proposed activity.

The LEP 2002 requests more details in the application, comparable to the contents requirements of a partial EIA: the project, the proposed location, mitigation measures, necessary data for impact assessment, alternatives and other information required by the competent authority. This documentation should reflect the preparatory communication between the proponent and local government, the public and local environmental NGOs.

Timeline Screening

5 days

Scoping

Scoping process

Scoping is not required in Albania.

Assessment

Assessment process

The EIA report is prepared by independent environmental experts certified by MoEFWA or by consulting companies licensed by the National Licensing Centre (NLC).

Contents of the EIA report

The partial EIA contains information on:

a) the objective of the activity;

b) a detailed objective description;

c) data on the environment of the proposed location and its area;

d) a detailed description of all installations that are part of the project or will be used during its implementation;

e) construction plan including the deadlines of its implementation;

f) a description of engineered values that are contructed or enlarged and of necessary works for project implementation;

g) the potential environmental impact and proposed mitigation measures;

h) the monitoring program of the environmental impact;

i) conformity of the activity with a territorial adjustment plan and with the economic development plan of the area concerned;

j) a summary of consultations with local government, the public and environmental NGOs and their opinions;

k) rehabilitation measures in case of pollution and damage of the environment including costs;

l) a copy of the license, to prove that the person who compiled the report is accredited.

The full EIA contains in addition to the contents of the partial EIA, information on:

a) the procedures and arguments for the selected site, including a description of at least two location-alternatives;

b) the direct and indirect level of the environmental impact;

c) potential impact of options (of the activity) on environment and health;

d) trans-border impact on the environment (if any)

e) a technical plan for mitigation measures;

f) a detailed plan on the sustainable use of energy, natural and mining resources;

g) a (potential) negotiation plan with local government and the public and NGOs during planning, review and implementation of the activity.

Accreditation of consultants

Independent environmental experts are certified by MoEFWA.

Review

Review process

The REA sends the documents and their advice on the approval of the (full and partial) EIA documents to the MoEFWA. Experts are invited to the review commission meetings for explanation of their advice. The meetings are open to the public. The review commission consults the above mentioned governmental agencies and specialized institutions. Simultaneously the local government agency organizes a public debate after it is contacted by the MoEFWA. The results of the debate are submitted to the MoEFWA.

Review expertise

The experts consulted are different then those involved in the preparation of the (partial or full) EIA report. Experts consulted by the review committee are impartial.

Timeline Review

The initial review by the REA takes maximum 20 days. The review commission has two months to review a partial EIA and three months for a full EIA.

Decision making

Integration of ESIA into decision-making

The full or partial EIA forms the basis for the issuance or rejection of the Environmental Declaration. Such a declaration is required before other licenses are issued, e.g. a Construction Permit. An

Environmental Permit is then issued after the activity has been constructed, but only if the activity had complied with the Environmental Declaration and Construction Permit conditions. Approval of the EIA report and issuance of the Environmental Declaration and the Environmental Permit are all separate decisions, but they are taken by the same Ministry. The competent authority depends on the level of significance of the negative impacts of the activity. Activities with significant negative impacts are approved by the MoEFWA and for activities with minor negative impacts the REAs are entitled to decide and issue environmental consents or authorization.

The enviornmental declaration contains:

a) norms of discharges of expected pollutants in air, water and land;

b) compulsary measures based on best available techniques of construction put into use of the project;

c) compulsory measures for protection of air, water, land, biodiversity and to prevent the pollution transfer form 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;

e) additional measures to prevent surpassing of the quality of environmental norms;

f) the requirement of reporting and comparing determined impacts during preparation of the report with real effects of project implementation.

Decision justification

The EIA law prescribes the contents of the environmental declaration. If a proposal is rejected, the environmental declaration should contain a justification from the environmental, technical, legal and administrative point of view.

The MoEFWA publishes the decision and sends a copy of the environmental declaration or permit to the proponent, the licensing governmental agencies and the local government.

Timeline decision-making

Within 5 days, after the review commission has submitted its advice

Possibilities for appeal

Under the Law on EIA appeal is open to the proponent in court within thirty days, against the screening decision and licensing decision. The public may lodge complaints with the MoEFWA on irregularities in the process.

Follow-up

Compliance monitoring

Focus of monitoring is on permit compliance and a mitigation plan. A technical plan for mitigation

measures, a detailed plan on the sustainable use of energy, natural and mining resources and a (potential) negotiation plan are submitted together with the EIA report.

The EIA review commission pays a site visit, to check if the construction of the activity is in accordance to the environmental ordinance, that is issued.

Non-compliance penalties

The MoEFWA may suspend the issued environmental declaration or environmetnal permit, when proved that these have been based on false documents. A proponent gets the opportunity to submit the requested document while the activity is temporarily suspended. If the proponent fails to do so, the Inspectorate of Environment and the Construction Police order definitive closure of the activity.

Stakeholder engagement

Public participation requirements for ESIA process stages

The Law on EIA stipulates that the public should participate in all phases, but refers to additional laws for details. Rather detailed provisions are given for public participation during the review stage.

source

The DCM No. 994 on Public participation of 2008 sets the legal basis for public participation in the environmental decision-making process.

Timeline for public comments

The public can make comments on the documentation that is made available for at least one month.

Access to information

The public should in the preliminary consultation receive two alternatives for the activity from the proponent, before the request for the environmental declaration is submitted. The public receives a notification from the local government, when the MoEFWA started processing the documentation.

The DCM on Public participation in Environmental Decision-making (2008) obliges local government institutions to enable public access to the following documents:

- A summary of the project and EIA report
- The draft environmental permit
- A full copy of documents presented by the developer so that members of the public may review all the details of the project.

Public notification of the consultation process is ensured through local radio and television, websites and periodic journals, if possible. The local government is obliged to publish a public notice at its notification stand.

ESIA practice

Annual no. of ESIAs

No information

Professional bodies

REC Albania: REC Albania is an important environmental resource in Albania. It assists and facilitates some of the most important environmental processes and activities - including the Arhus Convention, Local Environmental Action Plans and the Environmental Education Program for the secondary level of the public school system - serving the whole spectrum of the Albanian environmental movement.

Relevant links

https://www.ecolex.org/details/legislation/law-no10431-dated-962011-on-the-environment-protection-lex-faoc112561/

https://www.ecolex.org/details/legislation/law-no-8990-on-environmental-impact-assessment-lex-faoc060543/

Background information

History of ESIA

The Law on Environmental Protection of 1993 set the framework for various processes and activities in the field environmental protection in Albania. It also introduced EIA into legislation and provided basic provisions for it. The Law empowered the National Environmental Agency to specify those activities that are subject to assessment.

From 2002 onwards, the national environmental legislation underwent significant changes. The recent drafting of national environmental legislation has been defined by the approximation of EU legislation on the environment. In this process, the EIA legislation was also further developed. The Law on the Environment Protection was revised in 2002. In 2003, an EIA Law was issued that determined which activities have to undergo EIA and also defined the procedures for EIA. In the following years, more detailed legislation related to EIA has been issued and the Laws further amended. The newly adopted EIA legislation also aims to transpose the EU Acquis.

source

METAP 2001. Evaluation and future development of the EIA system in Albania.

UNECE 2012. Second Environmental Performance Review of Albania.

Legal framework

Enabling law

The Law on Environmental Protection (LEP) of 1993 was amended in 1998, 2002 (Law No. 8934) and 2011 (Law No. 10431).

source

Law No 8934

Law 10431

http://extwprlegs1.fao.org/docs/pdf/alb112561.pdf

National detailed regulation

First Law No. 8990 on the Environmental Impact Assessment of 2003 has been amended in 2011 (Law No. 10440).

Various other Laws and by-laws exist that are related to EIA. Some are listed below:

- Law No. 10448 on Environmental Permitting (2011)

- Law No. 8503 on the Public Right to Access Official Information (1999)

- Law No. 8485 on The Code of Administrative Procedures (1999)

- DCM No. 13 on the approval of rules, responsibility and deadlines for the development of the EIA procedures (2013)

- DCM No. 16 on Public Access to Environmental Information (2012)

- DCM No. 994 on the participation of the public in the environmental decision making (2008)

- Ministerial Order of MEFWA No. 1 on Duties of environmental bodies to ensure the participation of public and NGOs to the process of evaluating EIA (2009)

- Ministerial Order of MEFWA No. 6 on the preliminary assessment of impacts of a certain activity (2007)

- Regulation No. 1 of MEFWA on the participation of the public in EIA (2004)

- Interior order no 137 on the requirements for the environmental permit (2004)

source

Law on EIA No. 8990, 2003

Sector specific procedures or regulations

No information

Scope of application

All public and private projects or actvities that can have a significant impact on the environment, including activities from national and foreign proponents.

Exemptions from application

No mandate for exemptions is specified.

Institutional setting

Central ESIA authority

The Ministry of Environment (MoE) has enacted by-laws to the law on EIA (2003) that (directly) apply to all regions. It establishes a review commission to review EIA reports and it issues or rejects the environmental declaration.

Since 2002 the tasks and structure of the Ministry has been changed several times. It is now called the Ministry of Environment, Forests and Water Administration (MoEFWA). The MoEFWA has a Department of EIA.

Other key (governmental) parties

The Environment and Forest Agency (EFA) is a legal, public and budgetary insitution under the MoEFWA. It was established in 2006. It has 12 regional agencies, the Regional Environmental Agencies (REA). The REAs are members of decision-making bodies at the regional and municipal level. They receive the applications for permits and can have the authority to issue environmental permits for projects with minor negative impacts. The REAs are also involved in the review process.

Consultants prepare the EIA document; specialized research institutions may be consulted by the proponent or MoEFWA; NGOs should be consulted before submitting the application and during review.

In 2009 the National Licensing Centre (NLC) was established to issue licenses. Applications for licenses must be made to NLC, also for environmental permits.

(De)centralisation of mandates

The REAS can play an important role in the EIA process. They are involved in the Screening and Review process. Also they can be the competent authority which issues the permits. Activities with significant negative impacts are approved at the central level, i.e. by MoEFWA, but activities with minor negative impacts fall within the competence of REAs.

Payment system

The proponent pays a service fee for the REA review and the review by the MoEFWA. One third is paid when submitting the request for review, and the rest when it is reviewed by the review commission.

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