

**REPORT OF ALBANIA ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2010–2012

Information on the focal point for the Convention

Name and contact information:

Ms. Ornela SHOSHI, Specialist
Environmental Impact Assessment Unit

Information on the point of contact for the Convention

Name and contact information (if different from above):

Information on the person responsible for preparing the report

- | | | |
|-------|------------------|--|
| i. | Country: | Albania |
| ii. | Surname: | SHOSHI |
| iii. | Forename: | ORNELA |
| iv. | Institution: | Ministry of Environment, Forestry & Water Administration |
| v. | Postal address | Rruga e Durrësit, No. 27, Tirana |
| vi. | E-mail address | ornela.shoshi@moe.gov.al |
| vii. | Telephone number | +355 4 2256113 / +355 672052822 |
| viii. | Fax number | +355 4 2270627 |

Date on which report was completed: 28.03.2013

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.

Article 2

General Provisions

- List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*
 - Law no. 9700, dated 26.03.2007 “On the protection of the environment from transboundary effects.”
 - DMC No. 1429 dated 29. 01. 2008 “On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,”
 - Instruction No. 5 dated 3.11.2008 “On the notification format to the neighbouring countries about the environmental impact assessment in a transboundary context.”
 - Instruction No. 6 dated 03.11.2008 “The expenses type list and the criteria for calculating the value of the environmental impact assessment process in a transboundary context”
- Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

The entire legal basis mentioned above has been repealed because of the new laws that are approved, so the above legal basis must be replaced within the 2013.

- List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

Ministry of Environment, Forestry & Water Administration
Regional Environment Agencies
National Environment agency
Environmental Impact Assessment Unit
National Focal Point
- Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

Environmental Impact Assessment Unit
National Focal Point
- Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

In the Albanian legislation is foreseen to prevail the whole list in the Appendix I of the Convention.

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

In the Albanian legislation is foreseen to prevail also the whole revised list in the second amendment (ECE/MP.EIA/6, decision III/7)

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

Yes. Under the EIA legislation the affected party public is given the some opportunities as the Albanian public.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

This procedure is foreseen in the Instruction No. 5 dated 3.11.2008 "On the notification format to the neighbouring countries about the environmental impact assessment in a transboundary context."

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

The Ministry within 10 days of receipt of notice by the company that will operate usually notifies the affected Party.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

The format for notification is adapted according the decision I/4 and its part of the Instruction No. 5 dated 3.11.2008 “On the notification format to the neighbouring countries about the environmental impact assessment in a transboundary context” as an Annex.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

The timeframe is set upon the project specific but it is also considered the reasonable time for the affected party to decide. If the affected party is not answered within the indicated timeframe then it is considered that has not interest to participate in the procedure.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

It is submitted to the Competent Authority of the Origin party and it is also copied to the NFP.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

On case by case, following the notification results other arrangements are agreed and coordinated from the National Focal Point.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

When the arrangements of NFP are made it is also agreed the public notification.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

All procedures are defined in the Decision of the Council of Ministers Nr. 994 of 2.7.2008 on the Opinion of the Public in Environmental Decision-Making (DoOPEDM). It was developed as a direct measure for implementation the Aarhus Convention.

- h. *Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not.*

Albania uses the international standards of public notification, based on the EIA Directive.

11. *Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes

QUESTIONS TO AFFECTED PARTY

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

On the project impacts in the trans- boundary environment.

b. *The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

Through the NFP.

c. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

Based on the prior arrangements through NFP.

d. *When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

It's defined in the Decision of the Council of Ministers Nr. 994 of 2.7.2008 on the Opinion of the Public in Environmental Decision-Making (DoOPEDM).

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

DCM no 13 date 4.1.2013 "On the EIA procedure" Annex II

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

DCM no 13 date 4.1.2013 "On the EIA procedure"

c. *The identification of "reasonable alternatives" in accordance with appendix II, paragraph (b);*

DCM no 13 date 4.1.2013 "On the EIA procedure"

d. *The procedures and format for providing the EIA documentation domestically;*

DCM no 13 date 4.1.2013 "On the EIA procedure"

e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,"

f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

Specific regulation of the Minister.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

Specific regulation of the Minister.

- h. *The procedures for public hearings domestically;*

DCM no 13 date 4.1.2013 "On the EIA procedure"

- i. *The procedures for public hearings held on the territory of the affected Party.*

Albanians, regulations.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,"

- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,"

- c. *The procedures for the examination of the EIA documentation domestically.*

DCM no 13 date 4.1.2013 "On the EIA procedure"

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for cooperation with the affected Party related to consultations;*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,"

- b. *The stages, procedures and deadlines for consultations with the affected Party;*

Albanians, regulations.

- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

Albanians, regulations.

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for interaction with the Party of origin related to consultations;*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries"

- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries"

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

"Environmental Statement" is the official document issued by the Minister for the environmental assessment of projects that are subject thorough evaluation of the impact on the environment and serves as a guiding document for the planning authority and / or any responsible authority in the decision-making process for a development permit or a special license and is included in the category III.1 of Annex attached to the law no. 10 081, dated 23.2.2009 "On licenses and permits in the Republic of Albania".

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

"Environmental Statement" of the Minister

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,"

- d. *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)?*

Yes.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

DMC No. 1429 dated 29. 01. 2008 "On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,"

Article 7

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

DCM no 13 date 4.1.2013 "On the EIA procedure"

- b. *Procedures for informing of the results of post-project analysis.*

DCM no 13 date 4.1.2013 "On the EIA procedure"

Article 8

Bilateral and multilateral agreements

19. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No

Article 9

Research programmes

21. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Albania has ratified the first amendment to the Convention in 12 May 2006.

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Albania has ratified the first amendment to the Convention in 12 May 2006.

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Albania has ratified the first amendment to the Convention in 2 December 2005.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as 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; and 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.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

- Law no. 9700, dated 26.03.2007 “On the protection of the environment from transboundary effects.”
- DMC No. 1429 dated 29. 01. 2008 “On the endorsement of the rules and procedures for the assessment of the activities and projects with major adverse effects in the environment of the neighbouring countries,”
- Instruction No. 5 dated 3.11.2008 “On the notification format to the neighbouring countries about the environmental impact assessment in a transboundary context.”
- Instruction No. 6 dated 03.11.2008 “The expenses type list and the criteria for calculating the value of the environmental impact assessment process in a transboundary context”

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

NO

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

2 months

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

N/A

29. *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:*

- a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*

N/A

- b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions have your country applied?*

N/A

- c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

N/A

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*

N/A

- e. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

N/A

- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*

N/A

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact*

points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);

N/A

- h. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

N/A

- i. Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

N/A

CO-OPERATION BETWEEN PARTIES IN 2010–2012

- 30. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

N/A

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

- 31. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

- a. Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

N/A

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

N/A

- c. Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

N/A

CLARITY OF THE CONVENTION

- 32. Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

NO

AWARENESS OF THE CONVENTION

33. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

NO

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

BY STRENGTHENING THE NATIONAL CAPACITIES OF ENVIRONMENTAL ADMINISTRATION

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

No suggestions

* * * * *