



REPUBLIKA E SHQIPËRIË  
MINISTRIA E MJEDISIT

**A special session on the implementation of the UNECE Espoo Convention,  
its Protocol on SEA and the Bucharest Agreement in the South-Eastern  
Europe – Good practices and challenges in transboundary EIA and SEA;  
and the benefits of a regional approach  
Vodice, Croatia, 14 September 2017**

**Sabina Cenameri**  
Expert in EIA, SEA,  
Industrial Pollution  
and Environmental Standards



## Albanian legislation about SEA

- **Law no 91/2013 "On Strategic Environmental Assessment,,**

This law is completely approximated with: Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 “on the assessment of the effects of certain plans and programs on the environment”,

- **Decision of the Council of Ministers no 219, date 11.03.2015 “Rules and procedures for consultation with public and stakeholders, and public hearing during the strategic environmental assessment process”**

This decision is partially approximated with Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 “on the assessment of the effects of certain plans and programs on the environment”,



## Albanian legislation about SEA

- **Decision of the Council of Ministers No. 507 of 10.06.2015 “For a detailed list of plans or programs with important negative consequences on the environment that will be subject to the SEA process”**
- **Decision of the Council of Ministers No. 620 of 07.07.2015 “On rules, responsibilities and detailed procedures for SEA in transboundary context**

This decision is completely approximated with: Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 “on the assessment of the effects of certain plans and programs on the environment”,



## Albanian legislation about EIA

- **Law no 10 440, date 7.7.2011 “on environmental impact assessment” amended on 2015**

This law is completely approximated with Council Directive 85/337/EEC of 27 June 1985 “on the assessment of the effects of certain public and private projects on the environment”, as amended

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

The project decision aims to make the complete approximation with Directive No 2011/92/EU of European Parliament and Council of 13 December 2011 “On the assessment of the effects of certain public and private projects on the environment”



## Albanian legislation about EIA

- **Decision of the Council of Ministers no 247, date 30.04.2014 on determining rules, of procedures requirements, on public information and participation in environmental decision-making**
- **Decision of the Council of Ministers No. 598 of 01.07.2015 “On rules and procedures for EIA in transboundary context”**

The decision aims to make the complete approximation with Directive No 2011/92/EU of European Parliament and Council of 13 December 2011 “On the assessment of the effects of certain public and private projects on the environment”



## SEA and its relevance

- Strategic Environmental Assessment is a systematic process that assesses the environmental implications of a proposed plan or program for implementation in order to ensure that these environmental consequences are fully addressed from the early stages of decision-making in support of economic and social considerations.
- When the Ministry receives notification under Article 8 of this Law 91/2013 "On Strategic Environmental Assessment" and judges that a proposed plan or program may have significant consequences in the environment of another country then it applies the requirements of the Convention of United Nations "On Environmental Impact Assessment in Transboundary Context (ESPOO)" and its Protocol "On Strategic Environmental Assessment (KIEV)" in which the Republic of Albania is a party.



# Example of Tranboundary SEA

## Albania Gas Master Plan Strategic Environmental Assessment in Trans-boundary context

This Gas Master Plan for Albania include:

- Gas demand and supply scenarios;
- Gas pricing policy, tariffs and regulations;
- Promotion of the utilisation of natural gas in Albania;
- Development of local knowledge and skills within national gas institutions and agencies
- Development of a Project Identification Plan comprising of the priority gas investment projects and including a prefeasibility level analysis of potential infrastructure projects.



## SEA procedures

The SEA procedures started in November 2015. SEA Law (article 9) provides for the foreseen procedures for Gas Master Plan and the public consultation. SEA procedure is regulated by the following legal framework:

- Law 91/2013 “On SEA” which fully complies with Directive 2001/42/EC: “On SEA”;
- DCM No. 219/2015 “On Rules and Procedures for Consultation with public and stakeholders, and public hearing during the SEA Process”;
- DCM No. 620/2015 “On Approval of detailed Rules, Responsibilities and Procedures for SEA in Trans-boundary context”;

As per Albanian legal framework, consultations in the trans-boundary context happen as follows:

Consultation	Stages	Main purpose
<b>Obligatory</b>	Study / Scoping	Defining the scope of the Study
<b>Obligatory</b>	Preparation of the environmental report	Provision of reasonable alternatives, identification, description and assessment of negative effects on the environment





Following the provisions and the procedure on the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and Kiev Protocol (Protocol on Strategic Environmental Assessment), also (Chapter V) no.91/2013 Albanian law the Strategic Environmental Assessment Law.

According to the Master Gas Plan (MPG), the cross-border countries to be notified are respectively:

1. Kosovo, because MPG foresees the possibility of building a Kosovo-Albania pipeline;
2. FYROM (Macedonia), because MPG foresees the possibility of building a pipeline between Albania and Macedonia;
3. Montenegro, because a possible gas corridor, within the MPG, passes near Skodra Lake, which is a common protected area between Albania and Montenegro.



## According decision of the Council of Ministers No. 620 of 07.07.2015 “On rules, responsibilities and detailed procedures for SEA in transboundary context”

Point 7. Ministry of Foreign Affairs of the Republic of Albania follows the practice to the affected party, through the subsidiary bodies.

Point 8. If the affected party expresses that ***there is no interest in participating*** in the SEA procedure in the cross-border context ***or is not expressed within the deadline*** set forth in the ministry notice and in the notification format, which shall not be more than two months, ***the SEA procedure is carried out without the involvement of the affected party***, in accordance with the requirements of law no. 91/2013, dated 28.2.2013, "On evaluation environmental legislation ", and the legislation in force for SEA.



REPUBLIKA E SHQIPËRIE  
MINISTRIA E MJEDISIT

**THANK YOU FOR YOUR ATTENTION!!!**