Screening Procedures for Strategic Environmental Assessment in Kosovo

Submitted as a Capstone Project Proposal in partial fulfillment of a Master of Science Degree in Professional Studies at RIT Center for Multidisciplinary Studies

Laura KRYPA GJAKOVA

November, 2011
# TABLE OF CONTENTS

Acknowledgement.......................................................................................................................... I
Abbreviations.................................................................................................................................. II
Executive Summary ......................................................................................................................... III

### Chapter I ....................................................................................................................................

1.0 SEA worldwide .....................................................................................................................9
1.1. SEA in North America and Europe 1960-2010 ..................................................................9
1.2. SEA in financial institutions – World Bank .................................................................11
1.3. SEA case study ...............................................................................................................12
1.4. Duration and cost of SEA ............................................................................................13

### Chapter II ..................................................................................................................................

2.0 SEA legislative background – regulations and other provisions........................................15
2.1. EU Directive on SEA ..................................................................................................15
2.2. Interrelation between SEA and EIA .............................................................................16
2.3. SEA in Kosovo .............................................................................................................18
    2.3.1. Basic elements of the Kosovo Law on SEA ......................................................19

### Chapter III ..................................................................................................................................

3.0 Screening in SEA .................................................................................................................22
3.1. Application of screening in EU ...................................................................................22
3.2. Screening provisions in the Law on SEA ....................................................................24
    3.2.1. Screening approach in SEA in Kosovo ..............................................................24

### Chapter IV ..................................................................................................................................

4.0 Screening guideline ..............................................................................................................26
4.1. Screening Requirements ..............................................................................................26
    PPs which skip screening and start with scoping .........................................................26
    PPs which should be screened ..................................................................................26
    Exemptions ..................................................................................................................27
4.2. The Administration of the Screening Process .............................................................27
    4.2.1. Preparation of a Screening Report ...................................................................27
    Screening Criteria: The Characteristics of the PPs ..................................................28
    Screening Criteria: The Characteristics of the Effects and Area .........................29
LIST OF TABLES

Table 1.1. SEA key historical initiatives .................................................................10
Table 1.4. Costs and Time Period for SEAs in Europe ........................................14
Table 2.1. Number of SEA undertaken in 2006/2007 in the EU ............................16
Table 2.2. Comparison of SEA and EIA .................................................................17
Table 2.3.1. Examples of SEA in Kosovo ...............................................................21
Table 4.2. Summary of Screening Categories .....................................................32
Table 7.5. The status of municipal development plans of the 36 municipalities in Kosovo .........44

LIST OF FIGURES

Figure 2.3.1. SEA Environmental considerations into the decision–making hierarchy.........20
Figure 3.1. Screening stage within the SEA process ..............................................22
Figure 3.2. Screening matrix for determining whether a plan or program requires an SEA ....25
Figure 4.2. The Screening Process ..........................................................................27
Figure 5.1. The area which will be covered by the “Kosova C” new capacities ...............33
Figure 6.1 The map of Kosovo showing the Route 7 in Sections ..............................37
Figure 6.2 The Non Tecnical Summary for the Route 7 ...........................................38
Figure 7.1. Map of Kosovo municipalities ..............................................................41
Figure 7.2. Hani i Elezit MDP proposal, Municipal land use map 2010 ......................42
# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>KEPA</td>
<td>Kosovo Environmental Protection Agency</td>
</tr>
<tr>
<td>Law on EIA</td>
<td>Law Nr.03/L-214 on Environmental Impact Assessment, 2010</td>
</tr>
<tr>
<td>Law on SEA</td>
<td>Law Nr.03/L-230 on Strategic Environmental Assessment, 2010</td>
</tr>
<tr>
<td>MESP</td>
<td>Ministry of Environment and Spatial Planning</td>
</tr>
<tr>
<td>MDP</td>
<td>Municipal Development Plan</td>
</tr>
<tr>
<td>PPs</td>
<td>Plans and Programs</td>
</tr>
<tr>
<td>PPPs</td>
<td>Policy, Plans and Programs</td>
</tr>
<tr>
<td>SEA</td>
<td>Strategic Environmental Assessment</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

First of all, I would like to extend my sincerest thanks to all of those who helped me with the completion of this capstone project. My deepest gratitude goes to my supervisor Dr. Brain Bowen especially for guiding me, for his support, feedback provided and giving me suggestions and recommendations throughout the capstone project work.
I wish to acknowledge all my friends and colleagues, especially those working at the Department of Environment, for support and professional help.

I want to thank also my parents who, were the ones that “tricked me” into doing MS studies. I am very happy for that today, although I often along the way felt like I would never reach the end as a mother of a two little babies working with full time job.
Finally, I would like to thank you my family (especially my husband Gëzim, my sun Deni and Beni), father in law and all my friends.
EXECUTIVE SUMMARY

This capstone project considered the priorities that need to be given to the implementation of the Law Nr.03/L-230 on the Strategic Environmental Assessment, 2010 (Law on SEA). This is one of the basic horizontal environmental policy tools applicable for a wide range of issues such as climate change, water, air protection and biodiversity.


This capstone project presents the most suitable model of screening procedure based on the SEA best practices. The model guideline is aimed at guiding the plan and program responsible authorities at the local and central levels. This will be in screening plans/programs (PPs) or their modifications in identifying whether they need to undergo SEA procedure or not. Decision makers, officers and others dealing with spatial planning, land use, transport, water, energy and other relevant sectors will be able to learn how to screen their plans/programs in light of the SEA EU procedure. This guideline fulfills the requirements for “Establishing a procedure to decide which plans or programs require SEA (Arts. 3.3 and 3.4 of the SEA Directive)” from the EU project Monitoring Progress for Transposition and Implementation of the EU Acquis which is an ongoing project for the South East Europe countries intending to join the EU. Training workshops need to be organized to present the method of administration of the screening based on this guideline.

There are many ongoing PPs and some which are been developed within the public sector that need to be screened, whether they need SEA or not. An outline of the steps in the recommended screening process is shown below:
There are some efforts to implement the SEA with a number of pilot SEAs as described in the three case studies with Kosova C, Route 7, and the municipal development plan of Hani i Elezit. While the first two PPs are pending, the third one can be considered a good model for other municipal development plans. The examples of SEA carried in Kosovo are shown below:

<table>
<thead>
<tr>
<th>Area</th>
<th>Examples of SEA</th>
<th>Date of SEA</th>
<th>Type, scale</th>
<th>SEA cost (Euro)</th>
<th>Proponent of PP/SEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obiliq</td>
<td>Kosovo C</td>
<td>2008 On-going</td>
<td>plan</td>
<td>No data</td>
<td>GoK /Ministry of Energy and Mining</td>
</tr>
<tr>
<td>Morine – Pristina</td>
<td>- Route 6&amp;7 (Feasibility study)</td>
<td>2007 On-going</td>
<td>program</td>
<td>No data</td>
<td>GoK /Ministry of Transport and Communication</td>
</tr>
<tr>
<td>Junik</td>
<td>Local development Plan</td>
<td>2011 plan</td>
<td>No data</td>
<td>Municipality of Junik</td>
<td></td>
</tr>
<tr>
<td>Hani i Elezit</td>
<td>Local development Plan</td>
<td>2011 plan</td>
<td>55.000</td>
<td>Municipality of Hani i Elezit</td>
<td></td>
</tr>
<tr>
<td>Zhur</td>
<td>Hydro Power Plant (Feasibility study)</td>
<td>2009 On-going</td>
<td>plan</td>
<td>No data</td>
<td>Ministry of Energy</td>
</tr>
</tbody>
</table>

This capstone project emphasizes that capacity building for SEA is crucial. Guidance and training is essential to take SEA forward. The recommendations are as follows:

1. MESP will need to create a list of all this PPs in Kosovo and identify which PPs need to undergo SEA.

2. Training sessions will need to be covered and the investment can be jointly supplied by the MESP budget and the international programs on SEA planned for the 2012/13 period.

3. There is a major need for capacity building (a) in good administrative practices generally and (b) in SEA both in the Ministry of Environment and Spatial Planning and at all levels throughout the Government of Kosovo.

4. There is a need to create separate unit, the SEA Team, which could provide more practical, hands on advice about undertaking SEA. The team should have multi-sector experience and advise others about the SEA obligations for the Kosovo Government.

5. Execution of SEA in Kosovo is accompanied by staffing needs and running expenses. The estimated cost of creating a separate group for dealing mainly with SEA is three people per year, totaling €20,000 including bonuses as experts specialized.

6. The process for harmonizing the national legislation in Kosovo with the EU requires a stable economic base thus will need to make significant efforts to succeed in this process.

7. Municipal authorities need to consider expanding their staff by one member each who would deal full-time with environmental assessment issues in Environmental Impact Assessment and SEA both.
CHAPTER I
1.0 STRATEGIC ENVIRONMENTAL ASSESSMENT WORLDWIDE

1.1. SEA in North America and Europe 1970-2010

The first formal system of Environmental Impact Assessment (EIA) was established in the United States following the National Environmental Policy Act of 1969 (NEPA). It was the first legislation to include a request for an assessment prior to the authorisation of certain human activities that could have significant impacts on the environment. It is thus acknowledged as the creator of the concept of environmental assessment and of the EIA instrument. Following NEPA, other countries began to establish environmental assessment requirements in the 1970s although, again, these tended to apply mainly to projects. This emphasis on the project level was reflected in the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the ‘EIA Directive’). For the projects likely to have significant effects on the environment, it requires to undergo assessment before consent is granted. EIA was seen as the cornerstone of an increasingly preventative approach to environmental degradation on the part of the then European Community.

The limitations in project EIA led to growing calls in the 1980s and 90s for environmental assessment at higher, more ‘strategic’ levels of decision-making. EIA is generally focused on minimizing adverse impacts; the prior questions of whether, where and what type of development should take place are either decided or largely pre-empted by earlier decisions. SEA is also considered as a tool for promoting more sustainable development, by ensuring that environmental concerns are drawn to the attention of decision-makers.

Several years after USA, the first European countries which enacted SEA were the Netherland in 1987 and Denmark in 1993. The SEA legislation exists in the Czech Republic since 1992 and in Slovakia since 1994. In Latvia the SEA is implemented through the EIA Act 1998 and new secondary legislation. It should be noted that the status of SEA is constantly changing in countries around the world. At present, SEA is a requirement in several countries including EU member states, Canada, the United States and New Zealand.

The current situation regarding SEA in the Europe Union is clearly going through a transition period, while in most cases member-states recent requirements for SEA generally follow strictly the requirements of the Directive, limiting its application to a few sectors, while very few go beyond the scope and requirements of the Directive (e.g. Scotland, Czech Republic).

South East European countries are currently either compiling their legislation, piloting SEA applications or are in the early stages of undertaking their first SEAs, including Kosovo.

1.1.1 SEA in Countries in Transition

Many Central and East European countries formally request the preparation of SEA for national policies, plans and programs. However, there seems to be limited practical application of these requirements at the national level. On the other hand, many of these countries have extensive
experience with environmental assessments of regional and local land-use plans. This approach builds on the land use planning systems which are well established in the formerly centrally planned countries.

In many Central European countries such as Poland, Hungary and Slovakia, SEA is being used for distinct purposes, such as analysing the impacts of privatisation. This kind of application has not been as common in other countries. The two main problems of SEA practice in these countries to date are limited public consultation and the limited effect—to date—of SEAs on decision-making.

Table 1.1. SEA milestones

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>The NEPA passed by the U.S. Congress, mandating all federal agencies and departments to consider and assess the environmental effects of proposals for legislation and other major projects.</td>
</tr>
<tr>
<td>1978</td>
<td>US Council for Environmental Quality (USCEQ) issues regulations for NEPA which apply to USAID and specific requirements for programmatic assessments</td>
</tr>
<tr>
<td>1989</td>
<td>The World Bank adopted an internal directive (O.D. 4.00) on EIA which allows for the preparation of sectoral and regional assessments</td>
</tr>
<tr>
<td>1991</td>
<td>The UNECE Convention on EIA in a Transboundary Context promotes the application of environmental assessment for policies, plans and programs</td>
</tr>
<tr>
<td>1990</td>
<td>The European Economic Community issues the first proposal for a Directive on the Environmental Assessment of Policies, Plans and Programs</td>
</tr>
<tr>
<td>1991</td>
<td>The OECD Development Assistance Committee adopted a principles calling for specific arrangements for analyzing and monitoring environmental impacts of program assistance</td>
</tr>
<tr>
<td>1995</td>
<td>The UNDP introduces the environmental overview as a planning tool</td>
</tr>
<tr>
<td>2001</td>
<td>The UNECE issues a draft protocol on Strategic Environmental Assessment applying to policies, plans and programs</td>
</tr>
<tr>
<td>2004</td>
<td>Directive introduced nationally in the all 25 member states</td>
</tr>
<tr>
<td>2009</td>
<td>SEA is transposed in the Kosovo national legislation</td>
</tr>
</tbody>
</table>

Some newly independent countries from former Soviet Union make no distinction between EIA and SEA and their legislation requires that laws, programs, plans and projects are all subject to environmental assessment. In some of these countries, the former Soviet system of State Ecological Expertise is still applied. (e.g. Belarus, Georgia, Kazakhstan, Ukraine). In practice, however, other than the Russian Federation, there appears to be little or no development of SEA among the newly independent state.
The EU Directive on SEA have a direct impact in many South East European countries, particularly those who are on track towards membership in the EU or are aspiring for membership in the somewhat longer term [25].

**1.2. SEA in financial institutions**

SEA is also a mandatory requirement for plans and programmes developed or funded by the World Bank, the European Bank of Reconstruction and Development, the Canadian International Development Agency.

*The World Bank* adopted in 1989 an Operational Directive 4.00 which for the first time would refer to regional and sectoral environmental assessments. At the time, these instruments made a significant contribution for the development of SEA tools, although it clearly evolved from a project' EIA perspective as an attempt to look at development activities rather than individual projects. The World Bank experience as regards the application of regional and sectoral environmental assessments is quite vast, particularly in what concerns sectoral environmental assessments. The intention has been to include Sectoral environmental assessments as part of the routine of sectoral studies, providing planners with the most environmentally and economically sound strategy for meeting development objectives according to established priorities. Although may not so much part of the routine as ideally it should, the variety of situations and development actions to which Sectoral environmental assessments have been applied is demonstrative of its utility[27].

Within the Bank's experience regarding strategic environmental assessments, privatization and structural adjustments operations are amongst the Bank's most important activities in the last couple of years. These are important actions and activities to which SEAs can apply to.

**1.3. Strategic Environmental Assessment case study**

This section presents international SEA case study from Netherlands. The Netherlands is at the front of SEA development and good practice in the world, and the following case is a good example of a well-conducted SEA in the water sector.

*Policy Plan Drinking Water Supply*

*Background*

In the Netherlands, water supply is the responsibility of regional Water Supply Companies, which are organized into the Association of Water Supply Companies of the Netherlands. Their permit applications will be verified by provincial water management policy. Provincial policy, in its turn, must comply with national policy. The task of the Ministry of Environment is to ensure a sufficient, safe, and sustainable water supply.

In 1990, the Ministry started on a third water supply policy, called BDIV. Some of the BDIV's main targets and decisions are:

- sustained priority for production of sufficient drinking water of good quality,
enforcement of quality assurance and environmental management systems and procedures during production and distribution,
• curbing the increase of water demand in order to reduce the environmental impact of water supply,
• avoidance of natural areas in site selection to minimize the impact of land use and soil dehydration, and
• revision of the formal planning system for water supply.

The preparation of an SEA was required by the EIA Decree (under the Environmental Management Act). The area likely to be affected by the BDIV is most of the Netherlands. The environmental problems related to water supply are mainly soil dehydration and land use by water production facilities.

The Environmental Assessment Process
Screening was performed by using a positive list of activities requiring environmental impact assessment (EIA). The objective of the SEA was to provide the environmental information that the decisionmaker needed to make a decision about the BDIV.

The scope of the SEA evolved through the procedure. The final scope included:
• *alternatives* for the BDIV: the zero alternative, the preferred alternative, and the most environmentally friendly alternative;
• assessment of *environmental management systems* of existing (or planned) operations;
• *scenarios* for new projects: the application of certain water resources, production, and treatment systems and the estimation of impact on soil dehydration and biodiversity, resource depletion, waste management, energy use, land use, and visual landscape;
• *integrated assessment* of alternative building blocks with respect to the following criteria: the mentioned environmental criteria, public health, technical feasibility, flexibility, sensitivity to disruptions and calamities, cost, and legal and organizational feasibility; scenarios for reduction of *drinking water consumption*;
• *ecological management* of natural areas managed by drinking water companies;
• *socio-economic impact*; and
• revision of the tiered *planning system*.

A wide set of advanced methods and techniques (such as geographic information systems and various types of modeling) were applied to an extensive set of baseline data. The Netherlands has a very good monitoring system for surface water and ground water quality, soil humidity, biodiversity, visual/historical landscapes, and so on.

The SEA main body covers the main results of the SEA in 130 pages, while the complete report covers more than 1,000 pages. The cost of the SEA is roughly estimated as three person-years.

Consultations and public participation
Consultations and public participation were limited to:
• written reactions to the Notification of Intent,
• written reactions to the SEA,
• reactions and discussion at the public hearing, and
• meetings with target groups and related agencies.
It is the general view in the Netherlands that public procedures such as these are essential for sound and democratic decision-making, and that the costs are more than justified. The SEA procedure in this case serves in an excellent way to boost and structure the public discussion with respect to drinking water production in the Netherlands. It was the motivation for a restructuring of the planning system.

Integration of Environmental Information and Consultation Findings into the Decision-making Process
The SEA preparation inevitably had a major impact on the BDIV through internalization of the environment into sectoral planning. The case is an example of almost full integration of sectoral and environmental decision-making.

Overall Evaluation
- Even in this complex situation, it was useful to assess different options and policy scenarios to achieve environmental improvement; good integration of policymaking and assessment was essential. This was achieved by working in a joint team.
- It was possible to predict on this level of scale the cumulative impact of national policy on biodiversity; once the models had been established (long-term research), the assessment of political options was not time-consuming.
- An unsuitable tiered system was no obstacle for SEA; in fact, the SEA could be used to improve the system and the results will be used in lower-tier EIAs.
- In a context with public review by independent experts, expert judgment could be a successful impact assessment method.
- In the EC (1997) evaluation, the Dutch Water Policy case rates among the best measured along most dimensions. The SEA process complies with all recommended SEA requirements, and its role is strongly proactive, addressing alternatives and cumulative effects and overcoming therefore many of the limitations of project-level EIA [26].

1.4. Duration and Costs of SEA
The main factors to determine the effectiveness of SEA are costs and time for implementing the SEA.

Costs of implementing SEA vary considerably depending on the specific cases, country situation, the complexity of the PP and the approach taken to SEA. In Europe, SEA usually adds 3-15% to the total planning costs. From the perspective of cost and time effectiveness, short implementation time periods and low costs commonly believed to be factors of effective SEA in general. But in some cases it is not true. For example, SEA for the plan of supply of drinking water and industrial water in the Netherlands would be a bad example from the costs and time effectiveness point of view because it took several years to finalize it. However taking into consideration that the purpose of the SEA was to develop new methods and models for assessing existing natural values of moist and wet ecosystems, the competent authority may not believe that this SEA was a bad example. One important viewpoint evaluating the SEA would be whether a relevant competent authority believed that the time and costs were used effectively or not. In some cases it takes only few days implementing SEA but others take several years (six to
seven years). Most cases, generally takes less than one year conducting SEA. Table 1.4. provides an overview of the costs and time identified in the EU[26].

**Table 1.4. Costs and Time Period for SEAs in Europe**

<table>
<thead>
<tr>
<th>SEA Case</th>
<th>Costs (in percent of PPP costs)</th>
<th>Time (period during which SEA was undertaken)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Colne Flood Alleviation Scheme, UK</td>
<td>4%</td>
<td>3 years</td>
</tr>
<tr>
<td>River Thames Strategic Flood Initiative UK</td>
<td>&lt;0.1%</td>
<td>10 months</td>
</tr>
<tr>
<td>Herfordshire County Council Structure Plan, UK</td>
<td>&lt;1%</td>
<td>&lt;1 year</td>
</tr>
<tr>
<td>Bedfordshire County Council Structure Plan, UK</td>
<td>2.5%</td>
<td>-</td>
</tr>
<tr>
<td>NordRhein Westphalia Roads Program, Germany</td>
<td>4.7%</td>
<td>1 year</td>
</tr>
<tr>
<td>SEA in the Netherlands</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transport Options for Edinburgh Region, UK</td>
<td>0.02%</td>
<td>4 months</td>
</tr>
<tr>
<td>Transport and Env. Action in Vejle, Denmark</td>
<td>10%</td>
<td>6-7 years</td>
</tr>
</tbody>
</table>

CHAPTER II
2.0 SEA LEGISLATIVE BACKGROUND – REGULATIONS AND OTHER PROVISIONS

2.1 EU Directive on SEA

SEA Directive is fundamental in the European environmental law. The EU legal and policy framework on the environment and sustainable development has Europe-wide and global dimensions, as well having direct application to member states and accession countries.

After more than 20 years discussions and difficult legislative process the SEA Directive finally came into force in July 2001. It was the result of a long and intense negotiation process between the EC and Member-states. The Directive does not have direct effect in the different EU member states. Instead, MS were expected to make the Directive operational through implementing its regulations by July 2004. The need to require the environmental assessment of policies, plans and programs was early recognized, during the preparation of Directive 85/337/ECE on the environmental impacts of public and private projects, but the full-flesh preparation of the Directive did not start before the late 1990’s.

Well promoted worldwide, the SEA Directive is currently considered the most visible EU approach to SEA. The Directive is introduced at a time when the practice of SEA within the European Commission and across member-states was, in cases, quite consolidated.

The SEA Directive has its own requirements:
- It requires not an appraisal but an ‘assessment’- it means to be evidence based and rigorous.
- It applies to ‘certain plans and programs’, so there are plans and programs which are excluded.
- It does not apply to policies.
- It considers the effects on the ‘environment’, not sustainability (though its objective refers to sustainable development in the definition).

The Directive consists of 15 Articles and two Annexes:
- Article 1 of the Directive sets its objectives;
- Article 2-4 and Annex II, which explain what strategic actions the Directive applies to when SEA is required, and some basic definitions;
- Article 5-7 and Annex I, which explain the key SEA inputs to the decision-making process: the environmental report, consultation with the public and ‘authorities’, and consultation with neighbor countries where appropriate;
- Articles 8 and 9 which require the information arising from Articles 5-7 to be taken into account in decision making and explain how this needs to be documented; and
- Article 10-15, which deal with miscellaneous other requirements, including m out in 2006/2007.
Most of the plans in the member states are developed for the land use plans. Other main sectors are transport, energy, agriculture and others. Although many people are looking for an universal approach to SEA, the professional expertise and practical experience show that there is not such one approach. SEA methodology varies from sector to sector and from case to case.

The number of the SEAs undertaken annually varies, while the major application of the SEA is in the country planning and land use sectors. The table below shows the number of SEAs undertaken in 2006/2007 in the EU member states for specific sectors.

Table 2.1. Number of SEAs undertaken in 2006/2007 in the EU

<table>
<thead>
<tr>
<th>Country</th>
<th>SEAs Undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT</td>
<td>200 SEAs</td>
</tr>
<tr>
<td>BG</td>
<td>109 (10 mandatory, 99 by screening)</td>
</tr>
<tr>
<td>CY</td>
<td>4</td>
</tr>
<tr>
<td>CZ</td>
<td>12</td>
</tr>
<tr>
<td>EE</td>
<td>165 (16 governmental level)</td>
</tr>
<tr>
<td>ES</td>
<td>10</td>
</tr>
<tr>
<td>FI</td>
<td>1500 for local urban plans, and 10 other plans</td>
</tr>
<tr>
<td>FR</td>
<td>40 local urban plans, and 40 other plans</td>
</tr>
<tr>
<td>GR</td>
<td>21</td>
</tr>
<tr>
<td>HU</td>
<td>No statistics</td>
</tr>
<tr>
<td>IRL</td>
<td>No statistics</td>
</tr>
<tr>
<td>IT</td>
<td>No statistics</td>
</tr>
<tr>
<td>LT</td>
<td>25</td>
</tr>
<tr>
<td>LU</td>
<td>3</td>
</tr>
<tr>
<td>LV</td>
<td>88 town and city planning, agriculture, fishery</td>
</tr>
<tr>
<td>MT</td>
<td>1 operational programs</td>
</tr>
<tr>
<td>NL</td>
<td>64 spatial planning</td>
</tr>
<tr>
<td>PL</td>
<td>23 – operational programs, transport sector</td>
</tr>
<tr>
<td>PT</td>
<td>2</td>
</tr>
<tr>
<td>SL</td>
<td>98 government level and 240 local level for operational programs, forest sector, spatial and local urban plans</td>
</tr>
<tr>
<td>SK</td>
<td>19 government level – operational programs, energy sector</td>
</tr>
<tr>
<td>SV</td>
<td>220 for development plans</td>
</tr>
<tr>
<td>RO</td>
<td>77 town and city planning, local urban plans</td>
</tr>
<tr>
<td>UK</td>
<td>No statistics</td>
</tr>
</tbody>
</table>

2.2. Interrelation between SEA & EIA

In general, SEA is a process of evaluating of environmental impact of the proposed PPPs in order to inform the decision-making.

An example of proposed policy could be a national transportation policy; a proposed plan could be a local development plan; and a proposed program could be a coordinated series of dams. More precisely, a policy can be defined as inspiration and guidance for action, for example, whether or not to promote the development of nuclear power in particular country. A plan can be defined as a set of linked proposed actions, with a specific timeframe that implement the policy, such as how much nuclear power to produce by 2020. Finally a program can be defined as a set
of proposed projects in a particular area that will implement the plan, four new nuclear power stations with X capacity in area Y by 2020. The impact of such program would be covered by the SEA. On the other hand each individual proposed nuclear power station in this example is called a “project” and its impacts would be dealt by the EIA process for individual projects. EIA of the individual proposed projects is now also commonly called “project EIA”.

Many people are looking for an universal approach to SEA. However, professional expertise and practical experience show that there is not such one approach. SEA methodology varies from sector to sector and from case to case.

Table 2.2. Comparison of SEA and EIA

<table>
<thead>
<tr>
<th>EIA</th>
<th>SEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applied to specific and relatively short-term (life-cycle) <strong>projects</strong> and their specifications.</td>
<td>Applied to <strong>policies, plans and programs</strong> with a broad and long-term strategic perspective.</td>
</tr>
<tr>
<td>Takes place at <strong>early stage of project planning</strong> once parameters are set.</td>
<td>Ideally, takes place at an <strong>early stage in strategic planning.</strong></td>
</tr>
<tr>
<td>Considers <strong>limited</strong> range of project alternatives.</td>
<td>Considers a <strong>broad</strong> range of alternative scenarios.</td>
</tr>
<tr>
<td>Usually prepared and/or funded by the project proponents.</td>
<td>Conducted independently of any specific project proponent.</td>
</tr>
<tr>
<td>Focus on <strong>obtaining project permission</strong>, and rarely with feedback to policy, plan or program consideration.</td>
<td>Focus on <strong>decision on policy, plan and program implications for future lower-level decisions.</strong></td>
</tr>
<tr>
<td>Well-defined, <strong>linear process</strong> with clear beginning and end (e.g. from feasibility to project approval).</td>
<td>Multi-stage, <strong>iterative process</strong> with feedback loops.</td>
</tr>
<tr>
<td>Preparation of an <strong>EIA document</strong> with prescribed format and contents is usually mandatory. This document provides a baseline reference for monitoring.</td>
<td>May <strong>not</strong> be formally documented.</td>
</tr>
<tr>
<td><strong>Limited</strong> review of cumulative impact, often confined to phases of a specific project. Does not cover regional-scale developments or multiple projects.</td>
<td>Inherently incorporates <strong>consideration</strong> of cumulative impacts.</td>
</tr>
</tbody>
</table>

Source: OECD 2006.

In essence, SEA shares its roots and procedures with EIA. It emerged however, to complement project based EIA as a means for enhancing the integration of environmental concerns into higher-level planning and decision making processes. This is a crucial issue because frameworks and pre-conditions for investments and projects are generally established through strategic decision making. Accordingly, the assessment of strategic actions offers opportunities to influence the kinds or types of projects that can take place and not just technical or spatial details specified after projects are already designed. SEA deals with general issues that project EIA can either incorporate by reference or analyze more thoroughly. Moreover, provided that SEA is undertaken prior to major project-level decisions, public administrations can propose policy-
level alternatives and program-wide mitigation plans, thereby reducing the resources required for developing project specific mitigation plans.\(^1\)

SEA begins earlier. PPs lead to and shape projects so there is a chance to influence the kinds of projects that are going to happen. SEA deals with impacts that are difficult to predict at the project level. It considers the cumulative and synergic impacts of multiple projects, for instance the transport implication of the redevelopment of the entire area. These are very difficult to address at the project-by-project level. SEA promotes a better consideration of alternatives. By the time most projects are proposed, many alternatives have already been thrown out.

A typical feature of SEA costs compared to EIA costs in the European context is that the costs of SEAs are usually borne by the public sector in contrast to EIA where the promoter (usually a private developer) bears the costs of the assessment.

2.3. SEA in Kosovo

The Kosovo’s national policy includes the process of integration into the EU. One of the main challenges in this process is fulfillment of European requirements for transposition and implementation of national legislation in the light of the EU legislation.

SEA was first introduced into the Kosovo national legislation in 2004 in the Environmental Protection Law Nr.2003/09.

In the progress on towards EU membership, Kosovo transposed the EU directive on SEA into her legislation in 2010. Law Nr.03/L-25 on Environmental Protection forms the basis for environmental management in Kosovo and it provides binding provisions for environmental assessment. In order to transpose the 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, the MESP drafted the first Law on SEA Nr.03/L-14, 2009 which was approved by Assembly of Kosovo in February 2009. This Law was reviewed by EU committee in its draft stage, and there has been noticed gaps and flow in this law, therefore it was recommended to undertake changes in the law in order to meet criteria required by Directive 2004/21 EC: “Law as drafted was unnecessarily detailed and prescriptive, which could prove counter-productive because it appears to be a complex and costly procedure is likely to be difficult to follow in the current economic context, and avoidance, improper or partial application could bring the law into disrepute. The principal concern lies in the complexity of the process it outlines, which risks being unnecessarily onerous to follow.”(Peer review, 2008). Taking into the account recommendations from the peer review, MESP initiated a procedure for drafting a new Law on SEA which is enforced in October 2011. The Law refers to the plans and programs in the decision making hierarchy. (Figure 2.2.1).

*Framework/Law* - The Assembly of the Republic of Kosovo is the authority that approved and enabling the Law on SEA.

Law on Environmental Protection Nr.03/L-25, 2010 (Article 28)
Law on Strategic Environmental Assessment Nr.03/L-230, 2010

Sector specific procedures/regulations - Sectoral SEA regulation has not been prepared for the Kosovo context.

SEA approach - Methodology for SEA procedure is separated from the EIA.

Guidelines - No guidelines on SEA (general or sectoral) have been established so far. Development of guideline for screening of PPs is considered an important element in implementing the Law on SEA. The guideline is based in the Law Nr.03/L-230 on SEA.

2.3.1. Basic elements of the Law on SEA

The Kosovo’s Law Nr.03/L-230 on SEA, 2010 addresses governmental planning in order to integrate environmental considerations and allow better public participation. The Law complements its older brother Law – on the assessment of projects, the Law on EIA – which has been so far to some extent, disappointing, from a nature conservation point of view and rarely has a project been stopped or substantially altered. But, now the both Laws have great potential especially in combination with pursuing the enforcement of other environmental targets and standards - like biodiversity and climate change - in order to achieve structural policy changes.

As Kosovo is implementing the EU-SEA Directive, the objective of SEA is as defined in this Directive, namely bringing environmental concerns into the policy-making process. It aims to provide a high level of protection for the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programs promoting sustainable development.

The purpose of Law on SEA is to ensure that environmental consequences of certain PPs are identified and assessed during their preparation and before their adoption.

The following PPs, and modifications to them, are covered when prepared and/or adopted by an authority:
- PPs prepared for certain sectors and which set the framework for future development consent in respect of projects under the Law Nr.03/L-214 on Environmental Impact Assessment (EIA);
- PPs requiring an assessment under the Habitat’s Directive;
- PPs setting the framework for development consent in respect of projects (not limited to those listed in the Law on EIA; and determined by “screening” as being likely to have significant environmental effects.
- Minor modifications to PPs, and PPs for small areas at local level, only if the screening determines they are likely to have significant environmental effects.
- The Law on SEA does not apply to PPs in the following sectors: national defense, civil emergency, financial matters and budget.

The Law on SEA consists of 20 Articles and three Annexes:
- Article 1 of the Law sets its objectives;
- Article 2-5 and Annex I, which explain what strategic actions the Law applies to, when SEA is required, and the basic definitions;
- Article 6-12 and Annex II and III, which explain the key SEA inputs to the decision-making process: the environmental report, consultation with the public and ‘authorities’, and consultation with neighbor countries where appropriate;
- Articles 13 and 15 which require the information arising from Articles 6-12 to be taken into account in decision making and explain how this needs to be documented; and
- Article 16-20, which deal with miscellaneous other requirements, including monitoring.

Figure 2.3.1. Environmental considerations into the decision-making hierarchy

Institutional setting for SEA

Central SEA authority - The MESP is responsible for sound implementation and performance of the SEA system. The authority proposing the PPs is responsible for carrying out the bulk of the SEA (relying either on its in-house expertise and technical teams or on outsourced consultants); while MESP is responsible for reviewing the quality of the assessment.

(De)centralization of SEA mandates - Institutions preparing SEAs are both Ministries at national level as well as self-governance units at local level. However, responsibility for approval of the screening decision, and review of the SEA report, lies at the central level in all cases.

Initiator of the SEA - The administrative body preparing the planning document is responsible for preparing the SEA report. It is also called the “responsible authority.”

SEA practice

SEA review - According to the Law on SEA, the MESP shall evaluate the quality of the SEA report. No review criteria have been developed for the review, in practice it checks if the SEA contains the elements required, and if comments from the consultation bodies and the public been incorporated.
**Timeline review** - All those who can comment, have to provide their submissions within 30 days of publication of the SEA report.

**Annual no. of SEAs** - At present there is no accurate number of SEAs undertaken annually, although the number is expected to be upwards. At national level SEAs have been done for new energy capacities Kosova C, national road Route 7. Few SEAs have been initiated for local level planning. (Table 2.2.1.).

**Central SEA database** - A central database does not yet exist.

**Case studies** – No SEA case studies have been published.

Table 2.3.1. Examples of SEA in Kosovo

<table>
<thead>
<tr>
<th>Area</th>
<th>Examples of SEA</th>
<th>Date of SEA</th>
<th>Type, scale</th>
<th>SEA cost (Euro)</th>
<th>Proponent of PP/SEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obiliq</td>
<td>Kosovo C</td>
<td>2008</td>
<td>On-going plan</td>
<td>No data</td>
<td>GoK /Ministry of Energy and Mining</td>
</tr>
</tbody>
</table>
| Morine – Pristina |- Route 6&7 (Feasibility study)  
- Route 7 | 2007        | On-going program | No data         | GoK /Ministry of Transport and Communication             |
| Junik         | Local development Plan                   | 2011        | plan        | No data         | Municipality of Junik                                    |
| Hani i Elezit | Local development Plan                   | 2011        | plan        | 55.000          | Municipality of Hani i Elezit                            |
| Zhur          | Hydro Power Plant (Feasibility study)    | 2009        | On-going plan | No data         | Ministry of Energy                                       |

**SEA links**

Environmental regulations are available on the MESP web page, in the Official Gazette and the Kosovo Assembly web pages. An English translation of the Law on SEA is available in all of the three web pages.

There is no SEA portal established that will provide information on SEA for practitioners. This is something which MESP could work with donor institutions.
3.0. SCREENING IN SEA

3.1. Application of the screening in the EU

The screening takes place at the earliest stage of the SEA process (Fig.3.1.). During screening, the decision is made as to whether a PP is likely to have significant environmental effects or not. Once it is determined that a PP is likely to have significant environmental effects, it will go through the full length of the SEA process. The faster and more definite the screening process is, the less uncertainty and wasted time will result. Some PPs automatically require SEA, whilst other PPs and modifications to existing PPs must be determined.

There is no standard method for carrying out the screening. The SEA Directive leaves it to the countries to decide between different screening models. Screening of PPs must be based upon criteria listed in Annex II of the Directive. Screening models employed in Member States may be:

- ad hoc - paying attention to criteria in Annex II of the SEA Directive
- generic in appointing types of PPs - paying attention to criteria in Annex II of the SEA Directive
- combination of the two above models - paying attention to criteria in Annex II of the SEA Directive

A majority of EU Member States use a combination of specifying/listing types of PPs subject to the Directive and take a case-by-case approach. (e.g. Luxembourg applies a case-by-case approach; Poland applies a combined approach where PPs subject to SEA is either specified or listed in legislation and supplemented by generic criteria in the same legislation).

Macedonia has chosen a combined approach of a positive list and case-by-case screening:

- A separate decree lists the PPs and strategies that should be subject to SEA, and
• Strategies and PPs that are not on the list, should be subject to SEA in case of significant impacts on the environment and human life and health.

The main distinctions which can be established between the Member States are the following:
• Member States which simply copy the SEA Directive's definition/list of plans and programmes relevant (Belgium - Walloon region, Cyprus, Czech Republic, Denmark, Estonia, Spain, Italy, Luxembourg, Latvia, Malta, Poland, Portugal, Slovenia)
• Member States which have translated the Directive's definition/list into a number of specific plans and programmes which are already known/formalised in the Member State (Austria, Belgium (Federal level and Brussels region), Finland, France, Germany, Greece, Hungary, Ireland, Lithuania, the Netherlands, Slovakia, Sweden, Romania, United Kingdom).

The types of PPs specified may be policies, strategies, national, regional and local area plans and can often be categorised under the 11 sectors listed in the Directive. Another issue is that Member States which comply with the Directive by simply adopting the Directive text in each case will have to consider if the characteristics laid down in the Directive are applicable to the PPs in question. National SEA systems that are founded on simple translation of the Directive's text in this regard are thus more vulnerable to failures to comply with regulations at the application level, simply because a formal position must be reached in each case a P/P is under scrutiny. For that purpose the production of national guidance on the understanding of the requirement seems to be required as a must.

Whereas, in cases where Member States have chosen to select a list of types of PPs, a more straightforward decision on whether a PPs must be subjected to SEA is expected to be reached.

World Bank projects go through an environmental screening process, whereby they are assessed for the need for an environmental assessment. The projects will fall into one of the four categories outlined below:
• Category A: a project likely to have significant adverse environmental impact will need an environmental assessment.
• Category B: a project considered having less environmental impact than Category A, a more limited environmental assessment is appropriate.
• Category C: a project considered having minimal/no environmental impact for which no environmental assessment is required beyond screening.
• Category F: a project is classified in this category if it involves investment of Bank funds through a financial intermediary, in subprojects that may result in adverse environmental impacts.

Difficulties in applying screening - EU Member States reports that there are difficulties in the screening phase related to the decision on whether a P/P is likely to have significant impacts on the environment or not. Further need for SEA guidance has been suggested by some EU Member States on the guidance on the interpretation of screening criteria: likely significant environmental effects, administrative provisions, small areas at local level, minor modifications to plans and programmes. It is also important to underline that, although further experience in applying the SEA Directive is needed, the Directive contains a series of elements, which are left for each Member State to describe, that could be specified in a review. It draws attention to the need to
specify unambiguously the scope of the Directive (Article 3(2)(a) and (3)) regarding whether a PP is like to have environmental effects.

3.2. Screening provisions in Law on SEA

The competent authority for screening in Kosovo is the responsible authority for that particular plan or program. According to the Law on SEA, Determination of need for SEA is given in the Article 5 where the responsible authority shall determine, in a case-by-case examination, in accordance with the criteria in Annex I, whether the plans or programs referred to in Article 3 paragraph 3 are likely to have significant environmental effects and therefore to require SEA. Before making this determination the responsible authority shall consult the consultation bodies. Article 6 sets up the information for the public on determinations and directions which are given by Minister for a particular plan or program. There is no screening applied up to now.

3.2.1. Screening approach in SEA in Kosovo

Based on the Law on SEA, Kosovo has chosen the method for determination of need for SEA in a case-by-case examination, in accordance with the criteria in Annex I. The Law on SEA recognizes that some plans are likely to have either (i) minimal environmental effects or (ii) significant environmental effects. To come to any of these two conclusions, plans will have to be screened even if they will all not necessarily go through the full length of the SEA process. This is why every responsible authority should understand how to administer the screening process.

According to the Law on SEA, Screening requirements fall into two categories, which are in turn broken down into various criteria. The categories of relevant P/Ps are as follows:

1. PPs presumed to have significant environmental effects.
   - PPs that are formally required

Specifically, PPs for which SEA may be required should relate to:
   - PPs prepared for sectors/issues: spatial planning and city planning, land use, agriculture, forestry, fisheries, energy, industry, mining, transport, waste management, water management, telecommunication, and tourism; AND set the framework for development consent of projects listed in the Environmental Impact Assessment Law.
   - PPs that in view of the likely effect on sites have been determined to require an assessment pursuant to the Habitats Directive.

2. PPs whose significant environmental effects have to be determined through screening.
   - In general PPs for which SEA is required should relate to:
     - PPs that are formally required

Specifically, PPs for which SEA is required should relate to:

- PPs relating to the above 12 sectors that determine the use of small areas at local level to
- PPs relating to the above 12 sectors that are a minor modification
- PPs that do not relate to any of the above but set the framework for future development consents.

Figure 3.2 Screening matrix for determining whether a plan or program requires an SEA
(Modified from the EC Directive 2001/42/EC to reflect the Kosovo context)
CHAPTER IV
4.0. SCREENING GUIDELINE

4.1. Screening Requirements

In general, SEA is required for PPs prepared by responsible authorities; or for PPs that will be adopted through a legislative procedure. These PPs must relate to issues of public character and be formally required.

The screening stage in the SEA process may be skipped or approached at different starting points depending upon whether PPs affect sites designated for their international nature conservation importance or whether they relate to the following sectors: agriculture, energy, fisheries, forestry, industry, telecommunications, transport, tourism, town and country planning, waste management and water management. Consequently, there are now:

- Plans which skip the screening stage & start with scoping and
- Plans which require screening

**PPs which skip screening and start with scoping**

There are the 12 sectoral plans, which require Appropriate Assessment because of their effect on Natural 2000 sites, they will skip the screening stage of the SEA process and begin with scoping. This approach is taken because these types of plans are presumed to have significant environmental effects. Examples of such plans include:

- National/Local Transport Plans
- Local Housing Plans
- Municipal Development Plans
- Mineral Plans
- Waste Management Plans
- Air Quality Action Plans
- Renewable Energy Plans
- Flood Defense Master Plans, etc.

**Which PPs should be screened?**

Minor amendments, alteration or modifications of plans will require screening. Equally, plans affecting small areas fall under this category. Examples of PPs affecting small areas at local levels:

- Area plans
- Neighborhood action plans
- Master planning frameworks

Other examples include minor modifications of the following plans:

- National/Local Transport Plans
- Local Housing Plans
• Municipal Development Plans
• Mineral Plans
• Waste Management Plans
• Air Quality Action Plans
• Renewable Energy Plans
• Flood Defense Strategies, etc.

**Are there any exemptions from SEA?**

Yes. Under the Law on SEA, PPs exempted from the SEA process will not be screened. PPs exempted are as follows:
- national defense
- civil emergency,
- financial and budget plans.

### 4.2. How to Administer the Screening Process?

Based on the SEA best practices, the following flow chart below shows how the screening process should be administered. It should be stressed that, because of screening determination and publication requirements, screening process does not end when the proponent (responsible authority) receive the consultative authorities’ opinion on the screening report.

![Figure 4.2. The Screening Process](image)

#### 4.2.1. Preparation of Screening Report

Article 5 of the Law on SEA requires responsible authorities to apply 12 different criteria to determine whether or not the effects of PPs have significant environmental effects. Of these criteria, 5 relate to the ‘characteristics of plans’ while 7 relate to the ‘characteristics of the effects and affected area’. While the 5 criteria under the characteristics of plans enable the responsible authority to carry out a qualitative assessment of the direction of effects, the 7 criteria under the characteristics of plans enables to evaluate the effects already identified. It has to be remembered
that significant environment effects are not only negative. They are also positive. While negative environmental effects are mitigated, positive environmental effects are enhanced. The following section explains each of the criteria.

**Screening criteria**

*The characteristics of the plans*

The criteria specified in Annex I for determining the likely significance of effects on environment based on Article 5, Law on SEA are as follows:

1. The characteristics of plans and programs, having regard, in particular, to:

   1.1. the degree to which the plan or program sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;

   This requirement deals with the kinds of influence the PPs is intended to have on development on the ground and other activities, and whether officers will refer to it before making decisions on development consents. The requirement seeks to find out whether it is intended that the PPs aims will influence physical development and other activities.
   - Does the plan, for instance, specify whether or how land or resources will be allocated?
   - Does it, for example, specify the use to which any land or resources will be put?
   - Does it specify the size of land or resources available for a particular use?
   - Does the plan set any conditions under which the projects or activities envisaged would operate?
   - Does the plan specify how resources will be allocated in operating projects or activities?
   
   If the answer to any of these questions is yes, then the plan is likely to have significant environmental effects. It is important to remember that this stage is not a stage when the environmental report is written. Therefore, it is not required to do a detailed assessment of effects of the PPs on the environment. At this stage it is done only the appraising the plan against this criterion.

   1.2. the degree to which the plan or program influences other plans and programs, including those in a hierarchy;

   This requirement deals with the influence the PPs is intended to have on other PPs and whether officers will make any references to it in preparing their Service-specific plans.
   - Will the plan’s vision, set any framework for other plans or program above it, below it or at par with it?
   - Will the PP constrain other PPs?

   If the answer is yes, then the PP is likely to have significant effects.

   1.3. the relevance of the plan or program for the integration of environmental considerations in particular with a view to promoting sustainable development;
This criterion seeks to determine whether PPs propose to address issues of climate change, biodiversity, air quality, water, flooding, soil, health, demographic changes, recycling, waste disposal and management, landscape, cultural heritage, energy, and regeneration. It also tries to gauge the extent to which the plan wholly or partially promotes the environment and sustainable development. If the answer to any of these questions is yes, then the plan is likely to have significant environmental effects.

**The Characteristics of the Effects & Area**

1.4. environmental problems relevant to the plan or program

This requirement seeks to determine whether the PP (i) would solve or (ii) create some environmental problems. There may be some environmental problems, which are of concern to people in the region, city or local area. For this reason, some PPs may be drawn up to deal with the problems identified in region, city or local area. If so, what are these problems? For example, a landscape plan may be prepared to solve existing green space problems. On the other hand the implementation of other plans may well create new problems or worsen an existing one. For example a local transport plan could create air pollution problems much the same way as a new housing development could affect biodiversity.

1.5. the relevance of the plan or program for the implementation of European Community legislation on the environment (e.g. plans and program linked to waste-management or water protection).

The PP may, directly or indirectly, be affecting the terms of an EU Directive. For this reason, an assessment has to be made of the impacts of the relevant PP.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

2.1. the probability, duration, frequency and reversibility of the effects;

Once the plan is determined to have significant environmental effects, the extent of that significant effect must be estimated. For example, a scale of 1-10 could be used to identify the likelihood that the significant environmental effects will occur. Also, it may be very useful if the length of time the effects are likely to last (i.e. hours, time of day, days, weeks, months, seasons and years) is estimated. Will the effects recur; and if so, how often? Determining how long the effects will last (i.e. for a long time or temporarily), and whether anything can be done about it, assists in measuring significance of environmental effects.

2.2. the cumulative nature of the effects;

Although the environmental effect of a PP may be insignificant, it may induce other effects. A PP’s insignificant effects may well combine or react with other PPs’ insignificant effects to cause a significant effect. For example a road construction may induce the development of filling
stations and settlements. These effects may combine to create significant environmental effects. Several developments, which systematically block parts of the access to a wider path networks can eventually block the entire access to the wider path network. Several on-going building works, a school located nearby, and a popular corner shop may together induce substantial traffic problems in an area. Will the proponent’s plan give rise to any of these similar situations? If so, how?

2.3. the trans-boundary nature of the effects;

Although a PP may be drawn to affect a particular local or regional area, the effects may be felt out with the area or region of the PP. Thus this provision intends to determine whether the effects of a PP will extend out with the area covered by the PP. Will the PP have any effects on neighboring cities, towns, settlements and countries? If this is the case, the environmental effects will be significant.

2.4. the risks to human health or the environment (e.g. due to accidents);

Depending on the nature of a PP, its implementation could have some risks attached to it. Consideration is required of the nature of the perceived risks to health and the environment. Issues such as flooding, motor accidents, fire hazards, discharge of radioactive waste, breathing problems, or cancer risks could be considered in this context.

2.5. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

How widespread are the effects of the PP? Will it be restricted to a small area in Obiliq? Will it spread to the whole of municipality of Obiliq? Do you think it will have regional, Kosovo-wide, or have transboundary wider effects? Is it likely to affect large groups of people? If some population or population groups will be affected by the PP, what is your estimate of the size of this population or population group? For example, if traffic problems, air pollution or even flooding is possible, what kind of population figures is being considered? If the PP is an intervention in favor of a particular population or ethnic groups, what size is being looked at? If, for example, an economic development strategy is being developed, what are the multiplier effects on the population, if a regeneration plan is being drawn how many people will it bring into housing and jobs?

2.6. the value and vulnerability of the area likely to be affected due to:

- special natural characteristics or cultural heritage,
- exceeded environmental quality standards or limit values,
- intensive land-use;

- Does the plan affect areas of special designation or areas of high cultural heritage?
- How are these areas valued in terms of tiering?
- Are there known problems in the areas in terms of quality standards being exceeded?
• From trends and comparators, are there any indications that limits have been breached?
• How was the land, which your PP affects, being used in the past?
• Was it so intensively used that any further proposal will adversely affect it?

2.7. the effects on areas or landscapes which have a recognized national, European Community or international protection status.

• Are there any internationally, nationally, regionally and locally recognized designated areas or landscapes affecting the PP.
• Which of the designations are predominant? The designation(s) in the area provide a measure of significant environmental effects. The greater the proportion of international or national designations the PP affects, the more significant the environmental effects will be.

4.2.2. Send the Screening Report to the Consultation Bodies
Before making a determination on the significance of environmental effects, a summary report will be sent to the competent authority for consideration. This report has to give a reasoned justification of the conclusions that have been reached in consideration of the 12 criteria explained in section above. A template, included at Appendix 1, has been presented and, once completed it should be e-mailed to the MESP as a competent authority, in the Department of Environment.

4.2.3 Consultation Bodies’ Response
When the consultation bodies (KEPA) receive the screening report, they will express their opinion on the screening report within 30 days of receiving the report. If the responsible authority agrees with the consultation body on their screening opinion, the responsible authority can proceed with the next stage. However, where there is disagreement, the responsible authority has to wait until the Competent Authority (MESP) makes a decision on the screening report.

4.2.4. Making a formal Screening Determination
When an SEA is required?
When the responsible authority receives the opinion of the consultation bodies on the screening report, the responsible authority will now make a formal Screening Determination. This determination will be under Article 5 of the new Law on SEA. The sample screening determination at Appendix 2 is presented and can be used when SEA is required. When SEA is not required, the determination form, presented at Appendix 3 can be used.

4.2.5. Providing information on the Screening Determination
i. Newspaper Advertisement
Within 30 days of making the formal Screening Determination responsible authority should publish the determination in a newspaper circulating in the area to which the PP relates (Annex 4). For example, the screening determination for a wide PP, such as the structure plan, can be advertised in the National newspaper. Small area PPs could be advertised in the local newspapers circulating in the areas.


**ii. Forwarding Screening Determination to Consultation Bodies**

The responsible authority should, within 30 days of making the determination, forward a copy of the determination together with the supporting statement of reasons to the consultation bodies via the competent authority. The supporting statement of reasons is based on the above 12 screening criteria. The responsible authority will therefore arrive at the supporting statement of reasons after completing the screening template at Appendix 1.

**iii. Providing Information on the website**

The responsible authority, within 30 days of making the determination, should publish the screening determination and the supporting statement of reasons on its website.

**i.v. Providing Information for Public Inspection**

Within 30 days of the responsible authority making the screening determination, it is also necessary to file the screening determination and the supporting statement of reasons at its principal office for the public to examine.

Table 4.2. Summary of Screening Categories

<table>
<thead>
<tr>
<th>Types of plans</th>
<th>Formally required</th>
<th>Set framework for consents for EIA type projects</th>
<th>Set framework for development consents</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affecting Natura 2000 Sites</td>
<td>Yes</td>
<td></td>
<td></td>
<td>Start with scoping</td>
</tr>
<tr>
<td>Sectoral &amp; land Use Plans</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Start with scoping</td>
</tr>
<tr>
<td>Minor modifications</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Screen</td>
</tr>
<tr>
<td>Affects small area plans at local level</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Screen</td>
</tr>
<tr>
<td>Other plans 1</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td>Screen</td>
</tr>
<tr>
<td>Other plans 2</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Screen</td>
</tr>
</tbody>
</table>
CHAPTER V
5.0. MINISTRY PLANS/PROGRAMS IN KOSOVO – “KOSOVA C” CASE STUDY

Experiences from a case study with SEA in energy sector “Kosova C”

5.1. Problem
Proponent of this plan claims that new power plant will transform Kosovo coal wealth into direct benefits for the poor Kosovars, using new technology and only minor manageable environmental threats. However, civil society voices have raised a number of concerns. The proponent claims that the project will promote economic growth from electricity export and provide jobs; with generation of revenues should help improve the current standard of living. But in practice, the situation is more complex and the benefits of development cannot be properly evaluated without consideration of the lack of transparency and corruption which is mentioned in every Progress Report each year. The local population suffers health problems from the serious pollution emitted from the two functioning power plants in the country, out-of-date models that emit 25 tons of dust and ash per hour, which is 74 times the EU standard for power plant emissions.

5.2. Background
With the aid of international organizations, primarily the World Bank, the government of Kosovo supports plans to reform Kosovo's energy sector which include: to close Kosovo A by 2017, rehabilitate Kosovo B to meet EU standards and develop and new coal-based power plant that should start production in 2015. Initially it was planned to build 2100 megawatts lignite-fired coal capacity, but now it covers new 600-MW. The program was planned to cover a rage of three big projects with a number of small ones: the new power plant “Kosova C, the opening of the new coal mining in Sibovc (Figure 5.2). Each of these projects raised numerous environmental issues

Figure 5.2. The area which will be covered by the “Kosova C” new capacities
which had to be addressed, having in mind the importance of the environment in economic and social development. As such, they have a potential for having a significant environmental impact on the environment, health and social aspects.

The Ministry of Energy and Mining (MEM) organized an International Investors Conference in Pristina in late September, 2006, to attract major investors to ensure an effective exploitation of Kosovo’s vast lignite resources and the construction of a new power generation facility to service both domestic and international markets. EC has funded a study to assess the options for private investment in existing generation units, new coal mines and a new power plant in order to support MEM’s work on a Kosovo Energy Strategy and the World Bank’s Lignite Power Development Project (LPDP).

**Actors involved**

The Government of Kosovo, The World Bank Group and Non-governmental organizations and individuals from civil society have played a significant role, as a watchdog for the local people who will be affected by the power plant.

### 5.3. Environmental assessment Process

Serious pollution is emitted from the two functioning power plants in the country, as they are out-of-date models. Despite receiving billions of euros in funding from outside organizations, and despite significant budgetary support, the publicly owned Kosovar Energy Company (KEK) fails to provide consumers with a reliable energy supply and has operated for 12 years with losses. Residents in the municipality of Obilic are subject to the worst of the effects of the existing plants, which according to Kosovo Agency for Environmental Protection, pollute the areas up to 30 km away from their locations. Many experts see this is a clear motive to build the New Kosovo Plant with better up-to-date filtration methods. That said, residents of Obilic and energy experts have criticized the government and are objecting to building the new plant on the grounds of environmental issues. In Obilic alone, 30 percent of the town suffers from chronic respiratory diseases from the pollution of the two existing power plants.

The World Bank Group is the main sponsor providing funding for energy sector reforms in Kosovo. Based on Word Bank’s guideline - screening criteria, for this type of PP, the Strategic Environmental and Social Assessment (SESA) was required to be conducted. The procedure for SEA was followed by the World Bank protective procedures and policies, not by the Kosovo Law on SEA since it was introduced later, in March 2009. The responsible authority for plan Kosova C was MEF and the competent authority for the environmental procedures MESP.

The SEA was conducted by ERM Italia, private company with experience in the environmental assessment; the 650page document ‘Strategic Environmental and Social Assessment (SESA)’ was compiled and its non-technical summary published. Environmental concerns are not adequately addressed.

### 5.3.1. Actions Relating to Consultation and Public Participation

Extensive public consultations were frequent activity during the SESA process. Public consultation with local populations that will be affected by the new mine fields and power plant
and extreme challenge due to the large area and sensitive location with accumulated pollution area. There are a number of meetings have been held in the area. But, question is to be raised as to the validity of the consultation process in these meetings where coal exploitation is considered as something positive with no proper consideration to the environmental risks.

5.3.2. Integration of Environmental Information and Consultation Findings into the Decision-making Process

The decision is still pending. There is no final decision made since there was not a clear picture about the environmental considerations assessed in the whole process. According to internal World Bank documents, the organization has decided to delay a final decision on its support until a new panel of environmental experts has given its assessment of the Kosovo proposal. A decision by the board is expected sometime in November.

5.4. Overall Evaluation

As part of the LPTAP, a SESA was prepared to identify at a strategic level the environmental and social issues related to the development of the lignite energy sector in the wider Sibovc region. Starting point for the SESA is the Government’s “Energy Strategy of Kosovo, 2005-2015” that opts for the development of new power generation (Kosovo C) and new lignite mining capacity in the Sibovc region. The SESA investigates the consequences of strategic choices that Kosovo and the investors must make in that context. The most important development options from an environmental and social perspective are site location, mining development schemes, power station unit size, technology choices, the pace of development and their relationship with the required production levels and remaining lifetime of Kosovo A (in particular) and Kosovo B.

Extensive public consultations were a key activity during the SESA process. The results and recommendations of the SESA will inform the preparation of the Sibovc Development Plan that will present the framework for sector investments and, where needed, mitigation measures to reduce potential negative impacts of certain development options. The SESA report and the Sibovc Development Plan were completed by July 2008. The Sibovc Development Plan has been reviewed by the Government and it will form the basis for the Request for Proposals that will be sent to the short-listed investors for Kosovo C.

“We believe that the Kosovo government would nevertheless go ahead with the project and not give proper attention to its environmental standards,”

For purpose of this study the Non Technical Summary was reviewed and the Plan for Kosovo e Re was evaluated: to what extent have the good practice principles of SEA been applied?

<table>
<thead>
<tr>
<th>SEA principles applied?</th>
<th>“Kosova C” in practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.Participation of all stakeholders</td>
<td>2. Yes - stakeholders were involved and were part of the established stakeholders committee.</td>
</tr>
<tr>
<td>Item</td>
<td>Response</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Transparency of the decision making process (Public Consultation is one of the steps foreseen by the EA procedure)</td>
<td>Yes</td>
</tr>
<tr>
<td>Common vision developed on environmental problems, objectives and alternatives by all stakeholders</td>
<td>Yes</td>
</tr>
<tr>
<td>Assessment of the environmental impacts of the alternatives</td>
<td>Yes</td>
</tr>
<tr>
<td>Environmental assessment findings are discussed with stakeholders and what it means for decision making</td>
<td>Yes</td>
</tr>
<tr>
<td>Quality assurance of assessment product and process</td>
<td>Yes</td>
</tr>
<tr>
<td>The political decision made is justified</td>
<td>No</td>
</tr>
<tr>
<td>Monitoring of the adopted plan</td>
<td>No</td>
</tr>
</tbody>
</table>
CHAPTER VI
6.0. CASE STUDY- KOSOVO MOTORWAY PROJECT – ROUTE 7

This chapter refers to the experiences from a case study with SEA in transport sector.

6.1. Background
Kosovo is a new and relatively small country. Planning is either undertaken at national level by central authorities, or at local level, by local governance units, also called municipalities. There is no regional governance level. Spatial planning has been largely devolved to the local level.

The development of Routes 6 and 7 are seen as a development priority for the authorities in Kosovo. The Government of Kosovo has underlined the importance of improving the transport network and fully integrating to the regional network in a recent Government statement of priorities.

The construction of Route 7 was seen as the immediate national priority and a sole source unit price contract was signed with American/Turkish JV in 12 April 2010. The estimated cost of the construction of the motorway between Pristina and the border with Albania is over Euro 1 billion, and the source of financing remains unclear at this time, with the scale crowding out all other necessary capital investment in the sector, and representing a significant fiscal challenge. This case studies is as recent as possible but unfortunately does not have readily sufficient accessible information;

The plan is to develop a four-lane motorway from Morine (Albania-Kosovo border) to North Pristina, Capital City (Fig. 6.1). The 102 Km motorway will pass throw the Government and private land and is scheduled to be completed in 42 months (By the time this report is written there are over 38Km of the motorway already paved).

Figure 6.1 The map of Kosovo showing the Route 7 in Sections
The motorway consists of nine sections. In order to take advantages of the M9 current infrastructure upgrade from the two lane to four lane road (to be completed by end of 2011), the Route 7 Motorway will defer Section 6 and utilize the M9 to reduce the overall initial costs.

In this case study, according to the Law on SEA the responsible authority (the proponent) is the Government of Kosovo, who are represented by Ministry of Transport and Communication, while the competent authority is MESP.

6.2. The Environmental Assessment Process

The report “The Environmental and Social Impact Assessment (ESIA)” and it is considered as a supplemental report to the environmental assessment carried out at 2005 (Jakko Poyry Infra, 2005) for Sections 1 and 3 and by COWI A/S 2006. In fact the ESIA is produced in the accordance with the requirements of Kosovo Law 03/L-214, 2010 on Environmental Impact Assessment, which deals with assessment in the project level. The document does not refer in any case the Law 03/L-230 on SEA.

The environmental report is developed by international consulting company Golder Associates in December 2010 and submitted to MESP in 31 of March 2011 by request of MTI. The document, over 500 pages long of the Technical Summary and the detailed sets of documents (covering all 9 sectors - more than 1000 pages) were presented to MESP in English language. MESP rejected the request by asking for the translation of the documents in the local language and organize the public debate as required by the law, but so far (Nov. 2011) there was no respond to this request. This type of permit is relevant for projects which are subject to EIA. But the Route 7 is a large project made up of sub-projects and the scale of the project is more than a local significance. Therefore in this case if we use criteria to screen the PP we can say that it should be treated as a strategic activity.

Assessment procedure: Joint approach EIA/SEA is applied and considered appropriate.
6.3. Actions Relating to Consultation and Public Participation
According to the Law on SEA the responsible authority need to inform the public about the address, which includes its own webpage and the webpage of the competent authority, at which a copy of the relevant documents may be viewed, or from which a copy may be obtained free of charge. There are no procedural consultation actions undertaken with the public neither from the affected area or wider.

6.4. Integration of Environmental Information and Consultation Findings into the Decision-making Process
Decision for building the Route 7 is already made by the Government authorities therefore the process is no more than formal.

6.5. Overall Evaluation
So far the constructing company has performed a range of activities like open quarries, asphalt and concrete facilities, etc. The highway alignment results in the loss of approximately 318ha of landscape, 55.8ha agricultural land (out of which 25ha of the former vineyards is lost). The SEA report has identified that the proposed motorway development may adversely impact the archeological sites. The motorway will have a direct impact into the site AR2, the cave with high archeological potential. Due to the location of the cave adjacent to the major route way from the Dukagjini plain through the Drini i Bardhe valley to the Adriatic coast, this cave is considered to be as the high archeological asset and of the national importance.
If the SEA report would be prepared prior to the motorway development has started and if the public would be involved, there would has been more efforts in saving some of the natural and archeological assets already lost or damaged by the construction activity. The alternatives would be find and the mitigation measures proposed to avoid or minimize the negative impacts during the activity.

For purpose of this study the Non Technical Summary was reviewed and the Plan for Route 7 was evaluated: to what extent have the good practice principles of SEA been applied?

<table>
<thead>
<tr>
<th>SEA principles applied?</th>
<th>Route 7’ in practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.Commitment on the need of an SEA</td>
<td>1.No – there was no strong and wide commitment for Route 7 form Government of Kosovo.</td>
</tr>
<tr>
<td>2.Participation of all stakeholders</td>
<td>2.No – only few stakeholders were involved</td>
</tr>
<tr>
<td>3.Transparency of the decision making process (Public Consultation is one of the steps foreseen by the Environmental assessment procedure)</td>
<td>3. No - The decision making process was not completely transparent from the begging of the process. Environmental groups or NGOs has not been involved. There are, however, the concerned authorities (including environmental groups)</td>
</tr>
<tr>
<td>4.Common vision developed on environmental problems, objectives and alternatives by all stakeholders</td>
<td>4. Partly - Only two alternative measures have been considered beside ‘doing nothing’ alternative.</td>
</tr>
<tr>
<td>5.Assessment of the environmental impacts of the alternatives</td>
<td>5.Partially – only two alternative measures have been assessed and compared for the following</td>
</tr>
<tr>
<td>Criteria</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Costs, time required, number of people benefiting, decrease of pollution</td>
<td></td>
</tr>
<tr>
<td>and effects on health</td>
<td></td>
</tr>
<tr>
<td>6. Environmental assessment findings are discussed with stakeholders</td>
<td>No</td>
</tr>
<tr>
<td>and what it means for decision making</td>
<td></td>
</tr>
<tr>
<td>7. Quality assurance of assessment product and process</td>
<td>No</td>
</tr>
<tr>
<td>8. The political decision made is justified</td>
<td>No</td>
</tr>
<tr>
<td>9. Monitoring of the adopted plan</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Environmental assessment findings have not been discussed yet. The findings are not discussed with the civil society or groups of stakeholders.

There is lack of expertise. An external (independent) quality check / review of the reports would be an option to consider.

Political decision made was not properly justified.

Monitoring has been planned but not implemented yet.
CHAPTER VII
7.0 SEA CASE ANALYSES - Municipal Development Plans in Kosovo

7.1. Background

The Law on Strategic Environmental Assessment (Law Nr.03/L 230), indicates that strategic environmental assessments shall be carried out on Local Development Plans. Since January 2011 there are two pilot SEAs for the local development plans developed for two new municipalities created under Ahtisari Plan, Junik and Hani i Elezit. They both have undergone the SEA procedures and assessed the possible impacts which their municipal development plans could have on the environment and the mitigation measures needed in each case.

The Context: Hani i Elezit is a municipality located in the south-eastern part of Kosovo, near the border with the Republic of Macedonia. It has ten villages, two of which are uninhabited. In 2011 the population was 10389, covering 82.9 km². It is one of the new municipalities, formed in September 2005. It was previously part of the Kacanik municipality.

Hani i Elezit SEA for local development plans was prepared under assistance of the UN-Habitat’s Municipal Spatial Planning Programme in Kosovo, funded by the Swedish International Development Cooperation Agency. UN-Habitat is closely working with other three new municipalities Mamusha, Raniluk and Partesh in order to do the strategic environmental assessments shall be carried out on the Local Development Plans. Working with Prizren and other big municipalities it is considered a challenge.

Figure 7.1. Map of Kosovo municipalities
7.2. The Environmental Assessment Process

Hani i Elezit SEA Municipal Development Plan was conducted in January 2011 with the assistance of the UN-Habitat. It was prepared in parallel to the MDP, formulating environmental development objectives and assessing the potential environmental impacts of land use changes, from the promotion of a new urban subcentre in Gorance, as brought forward by the land use plans.

The independent consultant prepared 51 page document which includes the SEA report and the non-technical summary as a part of it. The content is an introduction, a baseline description and evaluation (climate and air, soils and water, noise, flora and fauna, landscape and recreation) with elaboration of the transboundary effects. The mitigation measures and monitoring example is part of the report as well.

The actors involved: The planning authority Hani i Elezit with UN-Habitat support was responsible for both, the preparation of the MDP and the SEA. Documentation was prepared by private Portuguese consultant. The SEA is confirmed by the Department of Environment within MESP and Kosovo Environment Protection Agency in April 2011.

7.3. Actions Relating to Consultation and Public Participation

There was public participation within the formal MDP making processes, during which the SEA was open to the general public for comments.

7.4. Overall Evaluation

The SEA for the MDP plan of Hani i Elezit can be considered a successful case. Generally speaking, it was well received by all participating authorities and by those involved in the
process. The MDP plans cannot be approved without completion and confirmation of the SEA. The SEA has a considerable positive impact on the MDP plan. It is able to set the context for avoiding harmful environmental impacts and it identified environmental objectives and development concepts that will be the basis for future action. Factors that were crucial for overall success include in particular a good facilitator (ie consultant), the widespread consultations done with various stakeholders, the existence of formal plan making and SEA procedures and overall support by the UN-Habitat.

Main SEA procedural stages covered

<table>
<thead>
<tr>
<th>Screening</th>
<th>Scoping</th>
<th>Prediction/evaluation</th>
<th>Report preparation</th>
<th>Review</th>
<th>Monitoring</th>
<th>Consultation</th>
<th>Public participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✯</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ = yes

= indirectly, through MDP

✗ = no

For purpose of this study the SEA report with Non Technical Summary was reviewed and evaluated: to what extent have the good practice principles of SEA been applied?

<table>
<thead>
<tr>
<th>SEA principles applied?</th>
<th>“Hani i Elezit Municiplan Developmet Plan” in practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.Commitment on the need of an SEA</td>
<td>1. <strong>Yes</strong> – there was a strong and wide commitment for the development of SEA for this plan from UN-Habitat and local authorities</td>
</tr>
<tr>
<td>2.Participation of all stakeholders</td>
<td>2. <strong>Yes</strong> – stakeholders were involved</td>
</tr>
<tr>
<td>3.Transparency of the decision making process (Public Consultation is one of the steps foreseen by the EA procedure)</td>
<td>3. <strong>Yes</strong> - The decision making process was completely transparent from the beginning of the process. Environmental groups or NGOs have been involved.</td>
</tr>
<tr>
<td>4.Common vision developed on environmental problems, objectives and alternatives by all stakeholders</td>
<td>4. <strong>Partly</strong> - Only two alternative measures have been considered besides ‘doing nothing’ alternative.</td>
</tr>
<tr>
<td>5.Assessment of the environmental impacts of the alternatives</td>
<td>5. <strong>Partially</strong> – only two alternative measures have been assessed and compared for the following criteria: number of people benefiting, decrease of pollution and effects on health</td>
</tr>
<tr>
<td>6.Environmental assessment findings are discussed with stakeholders and what it means for decision making</td>
<td>6. <strong>Yes</strong> - Environmental assessment findings have been discussed with the civil society and groups of stakeholders</td>
</tr>
<tr>
<td>7.Quality assurance of assessment</td>
<td>7. <strong>Partially</strong> – there is lack of expertise. An</td>
</tr>
</tbody>
</table>
product and process | external (independent) quality check / review of the reports would be an option to consider
---|---
8. The political decision made is justified | 8. Yes. The political decision made is justified
9. Monitoring of the adopted plan | 9. Yes - Monitoring has been planned but not implemented yet

**Next steps**

There is requirement that other municipalities follow the approach taken by Hani i Elezit and Junik municipal authorities. Other small newly created municipalities (Ranilluk, Kllokot and Mamusha) have expressed the readiness to cooperate with UN-Habitat in order to assess their MDP in the environmental context and undergo the SEA process. There is much effort needed to convince bigger municipalities like Prizren or Prishtina to implement the SEA requirements.

![Table 7.5. The status of municipal development plans of the 36 municipalities in Kosovo](image)

<table>
<thead>
<tr>
<th>Aproved plans</th>
<th>Ongoing - in the public debate</th>
<th>Ongoing - in the development procedure</th>
<th>Aproved without consent</th>
<th>Have not start yet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mitrovica</td>
<td>Skenderaj</td>
<td>Prizren</td>
<td>Lipjan</td>
<td>Prishtina</td>
</tr>
<tr>
<td>2 Vushtrri</td>
<td>Junik</td>
<td>Elez Han</td>
<td>Suhareka</td>
<td>Leposaviq</td>
</tr>
<tr>
<td>3 Peja</td>
<td>Kacanik</td>
<td>Fushe Kosova</td>
<td>Zubin Potok</td>
<td></td>
</tr>
<tr>
<td>4 Istog</td>
<td>Podujeva</td>
<td>Malisheva</td>
<td>Zvecan</td>
<td></td>
</tr>
<tr>
<td>5 Gjakova</td>
<td>Kllokot</td>
<td>Dragash</td>
<td>Ranilluk</td>
<td></td>
</tr>
<tr>
<td>6 Decan</td>
<td>Shterpc</td>
<td>Partesh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Gjilan</td>
<td></td>
<td>Novo Brdo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Ferizaj</td>
<td></td>
<td>Kamenica</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Shtime</td>
<td></td>
<td>Klina</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Obiliq</td>
<td></td>
<td>Rahovec</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Viti</td>
<td></td>
<td>Gracanica</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Mamusha</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: MESP Department of Spatial Planning, January 2011
CHAPTER VIII
8.0. TRAINING AND EDUCATION

8.1. SEA capacity development

Ministry of Environment and Spatial Planning is identified as competent authority for carrying the SEA process based on the Law on SEA. Department of Environment with the Sector of EIA is playing the key role for accelerating it. The Sector of EIA with three officials working in the policy development and in the review commission of the environmental report is seen as insufficient staff.

The number of technical staff involved in the environmental sector is insufficient, in the municipal level as well. The municipalities has limited capacities and insufficient staff for carrying the EIA and SEA for land use plans and other relevant sectors.

There is limited knowledge among the public and NGOs about the SEA in participation and discussing during the public consultations and debates.

There is insufficient capacity within the companies and independent consultants which could be involved in carrying out and developing the SEA reports.

In order to successfully implement the Law on SEA, a targeted SEA capacity-building programme is needed in addition to the national guidance documents and expansion of the staff.

8.2 National capacity-building program

The establishment and strengthening of environmental assessment systems are long processes. Practical experience of applying SEA has highlighted two key challenges:

- Lack of knowledge amongst decision makers and relevant administrations regarding the potential value of SEA to development effectiveness.
- Lack of institutional experience of using systematic decision-making tools such as SEA.

These two challenges can be significantly addressed by capacity building for SEA.

SEA capacity-building can involve a number of activities:
Preparation of the SEA training manual and conducting of trainings for the trainers is the first activity to be undertaken.

- There is no clear definition related terms of SEA (e.g. plan, programme and project). Making this definition clear is crucial for further SEA implementation from different responsible authorities. This will make clear the difference between project EIA assessment and SEA.
- Develop the SEA national guidance, methodologies and training materials for different SEA process stages (screening guidance is already developed in this capstone project –Chapter 4).
- There are a number of trainings from donor perspective and EU Training seminars and workshops on SEA-related issues/topics, targeted at different stakeholder groups. There is EU TAIEX technical assistance mechanism in place and can be used.
- Demonstration of proper SEAs through pilot application projects.
- Sharing lessons with other countries in the region and wider on SEA application to different procedures.
- Creation of EIA/SEA national centres responsible of conducting seminars, training, developing educational and methodological documents, advertising campaigns, full training of specialists for the environmental assessment, licensing, networking, etc.
- Development of accreditation system for certifying the experts eligible to perform SEA.
- In some countries SEA is part of the curriculum in the Universities mainly for the planers, taking into the account that the main application of the SEA world wide is in land use planning.

8.2.1. Technical training: Assuming quality content and an appropriate selection of participants, this is a direct way to enhance in-country capacity for carrying out SEA. The main target groups might be individuals and organisations involved technically in planning, development, assessment or environmental management (Case example 8.1). To reach a wide audience efficiently, training-the-trainer schemes might be useful; and training tailored according to themes or application and their specific issues, functions and needs, for example for a sector such as transport or energy.

Case example 8.1. **SEA training course in China**

**Background and objective**
China has introduced SEA legislation but has limited capacity to implement it. In response, The World Bank Institute, the International Association for Impact Assessment (IAIA) and other local and international partners, combined to develop a modular SEA training course. It is aimed at government officials responsible for making and implementing PPPs at the local, regional, and national level; and professionals involved in conducting SEA. The training is designed for distance learning and has been prepared in Mandarin.

**Outcomes**
The course has been offered in China for a number of years to support the newly approved Environmental Assessment Law, which requires the application of SEA to plans. Through training of environmental professionals or decision makers in general administration, the course has raised knowledge of SEA and awareness of its significance. Trainers have been trained and will continue the dissemination of SEA knowledge. The course has enhanced the skills of SEA practitioners by introducing the latest international and domestic SEA experiences and practices, and fostered partnerships with, and strengthened the capacity of, relevant government agencies and training institutes.

8.2.2. **Awareness raising workshops** on potentials and principles of SEA (example in Annex 5). These can sensitise decision makers (both in donor agencies and in donor-supported countries)

---

[http://www.seatastaskteam.net/events-conf-workshops.php](http://www.seatastaskteam.net/events-conf-workshops.php)
to the benefits of well-informed decision making for achieving sustainable development. They can help technical staff engaged in SEA to distil and summarise their findings and convey outcome messages in a non-technical way so that decision makers better understand these.

**8.2.3. Supporting the institutionalisation of the SEA process.** this includes approaches such as:

- Establishing appropriate regulatory frameworks including guidelines.
- Clarifying responsibilities (this is required also by the EU, which organisation does what within a given SEA; which stakeholders are involved with which entitlements).
- Supplying information or knowledge dissemination (e.g. Web sites).
- Institutionalising networks and dialogue bodies (e.g. core groups, steering committees and dialogue panels) which enable stakeholders (both powerful and weak) to introduce ideas and practices with broad social benefits, and that combine resources towards a common goal (see Case example 8.3). Experience shows that it is best for capacity development to work with existing institutions for SEA matters rather than create new ones.

<table>
<thead>
<tr>
<th>Case example 8.3. <strong>Donor sharing of SEA experience</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Each year, the International Association for Impact Assessment (IAIA) hosts an international meeting, attended by hundreds of practitioners, with training events on SEA in which agencies participate and share their experiences (<a href="http://www.iaia.org">www.iaia.org</a>). The DAC SEA Task Team itself has provided a platform to marshal and share experience through meetings, email networking and a dedicated website (<a href="http://www.seataskteam.net">www.seataskteam.net</a>) providing information, guidance and case materials. The World Bank has established a <strong>Structured Learning Program</strong> (SLP) on SEA. This focuses on the application of SEA approaches to World Bank and client operations, on the relationship with other World Bank instruments, and on ways in which use of SEA can add value to the outcomes. This includes a Web site (<a href="http://www.worldbank.org/sea">www.worldbank.org/sea</a>) that emphasizes these aspects while providing links to some other material on the broader use and SEA definition.</td>
</tr>
</tbody>
</table>

**8.2.4. Supporting monitoring and evaluation systems** that verify whether previous PPs decisions achieve their intended results. This includes the tracking and public dissemination of information on the outcomes of PPs implementation through regular development reports that focus on sustainability and environment. These provide support for a continuous process to make decision makers increasingly accountable and to guide development planning in a more sustainable direction. This assumes clear benchmarks or targets, as it is impossible to determine progress otherwise.

*Incorporate Environmental Assessment in higher education* - Through the Ministry of Education promote development of master studies on Environmental Assessment covering EIA and SEA both initially for planners. Environmental Assessment is already part of the university programs in many countries allow Europe. As an example is a program Enhancing Attractiveness of Environmental Assessment and Management Higher Education for EU and Asian countries.
CHAPTER IX
9.0 FINAL DISCUSSION AND RECOMMENDATIONS

9.1. FINAL DISCUSSION

This capstone project has investigated the best practices of the strategic environmental assessment process. The project addressed the statute of SEA in Kosovo and produced a guideline for screening the plans and programs (PPs) in the country. In particular, this document provides detailed guidance on the activities that the authorities will be involved in at the screening stage of SEA and it gives an explanation of the screening criteria, what kind of documentation on SEA needs to be submitted, the publication and the screening determination template.

It also discusses the pilot SEAs undertaken in three different sectors and points to the need for promoting positive ‘SEA culture’ to understand and improve doing SEA through training programs. Prior to recommendations of the implementation of SEA in Kosovo, it should be emphasized that SEA is a complex process and requires building new knowledge and financial support as well.

Kosovo has been practicing environmental assessment at the project level since 2004, when the first document “Administrative Instruction on EIA Nr.9 /2004”, was introduced and amended into the Law on EIA in 2010. There are a large number of projects which have undergone EIA procedures since then (over 900 projects), but there is lack of experience in the application of the environmental assessment at the strategic level and lack of consideration of the wider environmental, social and economic impacts. Taking a more proactive approach than EIA, SEA should be applied early during the preparation of PPs and include the wider participation of all stakeholders.

There has been little SEA activity in Kosovo. Firstly, a model Environmental and Social Assessment exercise was carried out with World Bank support for the proposed Kosova C power plant (published June 2008). The approval from the MESP is still pending.

Secondly, regarding the plan for building the Route 7 - the SEA took place early in the planning process with few recommendations given during the feasibility study development. Unfortunately, it had no discernable impact on the decision-making process, and three sections of the road are being built already, despite its environmental impacts in historical and cultural sites. Mitigation is no longer possible in the affected areas (i.e. Sites AR5 and AR7) since the construction is under way. Report indicates four cemeteries and seven Archeological Remains threatened to be impacted by the project development, including walls of undated settlement enclosure and field boundaries, and a cave with high archeological value. The SEA was not presented to the public and never commented. It is a need to improve transparency and accuracy.
The GoK and the municipalities must open themselves to the public. It’s a constitutional obligation of all public authorities to provide information to citizens on their undertaking.

Lately, local authorities are preparing municipal development plans and it is important to see that some are apply the SEA. Municipality of Hani i Elezit and Junik are examples of two pilot municipal development plans undertaken. There is requirement that other municipalities follow the approach taken by Hani i Elezit and Junik municipal authorities. Other small newly created municipalities (Ranilluk, Kllokot and Mamusha) have expressed the interest to cooperate with UN-Habitat in order to assess their MDP in the environmental context and undergo the SEA process. There is much effort needed to convince bigger municipalities like Prizren or Prishtina to implement the SEA requirements.

The spreading of knowledge, the development of guidelines, and learning how to screen particular PPs is essential so that SEA can be fully embedded in decision-making processes. Capacity building for SEA is crucial. Within the MESP, for the moment, there are three permanent officers involved in reviewing the EIA reports are involved in the reviewing of the SEA reports, as well. There is a need to create two separate teams and there is a major need for capacity building in good administrative practices generally and in SEA, both in the MESP and at all levels of the government.

Each actor in the SEA process has its role and responsibility:

a) Distinguishing the role of MESP and Kosovo Environmental Protection Agency
The MESP/Department of Environment should focus on the SEA policy development while KEPA should take the responsibility as a consultation body to comment on screening, scoping and environmental reports and provide an opinion on the likely significant effects on the environment for certain P/Ps.

b) Strategic Environmental Assessment Team
The SEA Team needs to be established. The team should have the capacity to aid other SEA practitioners within Kosovo by offering technical advice, developing, examining and updating guidelines as necessary, identifying data sources, encouraging the sharing of best practice and placing SEA practitioners in touch with one another.

c) Local authorities
Municipal authorities need to consider expanding their staff by one member each who would deal full-time with environmental assessment issues in Environmental Impact Assessment and SEA both.

d) Central SEA database
The KEPA need to launch an SEA database, which will allow Responsible Authorities to determine who may have undertaken an SEA for a similar type of PP within Kosovo. This will be especially helpful for local authorities who often have to prepare similar plans.

e) Non-Governmental Organizations
There are many NGOs with interests that relate to the environment. These organizations range in size and the information they can offer varies. However these groups are an important resource and may be able to tease out potentially unforeseen effects on their particular area of interest. The example is with Kosovo C. The strong voice came out from civil society objecting to the size of the new thermo plant’s capacity. Their inclusion at an early stage of SEA and plan preparation can be very beneficial.

The whole SEA process is challenging:

a) **Common problems within the SEA application**

It is expected that problems which could be encountered in SEA.

- The lack of good data can be a problem. This information is used when trying to establish the current characteristics of the local environment (e.g. baseline information). All three reports (Kosova C, Route 7, and MDP of Hani i Elezit) emphasize the difficulties in compiling the report due to the lack of data.

- Undertaking the assessment late in the PP preparation can be a common issue (by the time of compiling this capstone project three sections of the Route 7 has been finalized with no SEA approved).

- Some authorities will not accept that they have to do SEA. This is the experience that is also happening in some EU countries. They argue that the Law does not apply to their PPs, or that SEA in their case would be meaningless or uninformative.

- Environmental Reports often can be too long, confusingly structured, badly written, and will not help PP makers to understand the effects of their PPs.

- The experience of the countries which are applying SEA tells that coverage of "reasonable alternatives" (Art 5.1), mitigation ((Annex I(g), and monitoring (Art 10) in the reports is sometimes poor.

b) **The risks of getting the SEA wrong**

A poor assessment of the environmental effects of implementing a PP could threaten the very environment that SEA was designed to protect. Depending on how sensitive the environment affected by the plan is, irreversible damage could occur, such as the effect on rare species, pollution above the critical limits, or long-term landscape decline. The cost implications arising from not undertaking the assessment correctly need to be foreseen. In that case it is needed to reopen the plan and assess it, responding to any legal challenges and ultimately having to correct any adverse environmental damage. These could have significant financial and resourcing costs and could undermine the credibility of the responsible authority in the long term.

Since Kosovo’s objective is the EU accession, a challenge can come from the European Commission which may open a case if they think there has been a breach of European Community Law. Ultimately the Commission could bring a case against the member state concerned to the European Court of Justice.

c) **The future of SEA in Kosovo**
Based on the experience with project EIA, the number of SEAs carried out will continue to rise, as will their quality. EU countries with SEA systems will start requiring other countries, Kosovo as well, to have SEA system in place before they provide any funding or collaborate with them. Decision makers will start ‘thinking SEA’ as they develop their plans or programs.

9.2. RECOMMENDATIONS

The establishment and strengthening of environmental assessment systems are long processes. Crucial recommendations to provide an initial national capacity-building program and address key implementation issues for SEA in the country are as follows:

a) Elaboration of SEA legislation
The development of guidance is essential to take SEA forward and to apply it practically. MESP needs to develop and adopt the relevant SEA guidelines for different stages of the SEA process and for different sectors as well. For the guidelines to be effective, it needs to ensure that they are used by public authorities and other entities which might be part of SEA, such as planers, engineers, consultants, environmentalists and politicians. The guidelines also need to be reviewed and updated as needed to reflect changing circumstances and new experiences.

b) Undertaking pilot SEAs
The MESP should work in promoting the integration of the environment in the strategic decision-making. MESP shall be a “role model” of applying SEA in the development of new PPs. The development of important documents is ongoing, e.g. Environmental Action Plan, Waste Strategy, Air Protection Strategy and Master plan for Water. All of these PPs need to undergo SEA parallel to their drafting. SEA needs applying at the highest levels of decision-making as a mean of changing attitudes and culture within organizations and government structures. SEA offers an opportunity to bring about a real change of attitude and culture within an organization or government department, by acting as a catalyst to integrating the environment into the drafting of the PPs.

c) Training and Networking
MESP must work closer with central and local institutions and explain the importance of applying SEA. This should take into the account that it can be a supporting tool for decision-making toward achieving sustainable development and making the country ‘greener’. MESP will need to create a list of all ongoing and future PPs in Kosovo. It needs to help the responsible authorities of these PPs to identify the PPs which are subject to the SEA.

In order to enhance the national professional capacity for SEA, emphasis needs to be placed on building the right team of experts in any SEA or wider appraisal. Planers, engineers, consultants, environmentalists and politicians will all need training on how to carry out effective SEAs. SEA courses will be needed, possibly specific for different types of audiences (an example is given in Annex 5).
Developing SEA in academic level in many EU countries has grown and is growing constantly. Environmental assessment is becoming an important tool when developing urban plans and programs, therefore it is a need to look for benefits that it would have the incorporation of environmental assessment in higher education, initially Master programs for planers.

The training of staff is essential to take SEA forward; SEA could be hampered by the frequent change of personnel, typical of government institutions. Guidance and training is essential in this respect, through induction and ongoing programs, so as not to rely unduly on the special competencies of individuals.

d) Awareness Raising in SEA
MESP should also work towards raising awareness among other government institutions and NGOs as well about the importance of applying SEA and the advantages and disadvantages from not applying the SEA. It is important to develop and apply appropriate methods of engaging stakeholders and the public at all strategic levels. Numerous presentations at universities, conferences, regional and local government events should be given, to make people aware that SEA is coming and help them understand it. MESP should also work with consultants, academics, plan-makers and non-government organizations to develop understanding and good practice. The fact that SEA is required by law means that people will want to learn about it. Responsible authorities have to do SEA themselves, or hire consultants, which will lead to companies developing SEA consultancy teams and gaining experience. The use of the Internet and web pages should become standard practice for disseminating information relating to the SEA.

The undertaking of the SEA process has its costs. These costs arise from the use of internal staff time, payments for expert advice and consultant time, and publicity and publications. How much an SEA is likely to cost can vary vastly, as it depends on a number of factors, such as the type of the plan, its complexity, the scale of the likely environmental effect, access to data, the depth of the assessment required and who is undertaking (in-house or consultant). According to the EU experience the cost of the SEA range from €15,000, to a few specialist assessments that can cost over €300,000. The majority of the assessment cost far less than the maximum of this range but nevertheless is significant. However, where SEA processes are highly integrated with plan and program making and decision-making processes (which is the ideal), the costs directly attributable to SEA may be hard to separate from other costs. The time and cost of SEA will be gradually reduced by increased experience, which is again an argument that underlines the importance of putting SEA into practice.
10. LIST OF REFERENCES

Literature


landconsult.no-ip.com/twindocs/enclosure2_main_points_on_sea.pdf


[21] Department for Communities and Local Government (March 2010). Towards a more efficient and effective use of Strategic Environmental Assessment and Sustainability Appraisal in spatial planning, London.


[27] Maria Rosario Partidario International Experience on Strategic Environmental Assessment,  
*The Experience with SEA in Europe*. 2008


**Personal communications:**

David Aspinwal -SEA International consultant, Personal comunication - April 2010, Prishtina  

**Websites: Website reviewed and used to develop this Capstone Project**

European Union: http://ec.europa.eu/environment/eia  
International Association for Impact Assessment: www.iaia.org  
Swedish Environmental Protection Agency: www.naturvardsverket.se  
SEA-Wiki http://sea.unu.edu/wiki/index.php/Main_Page  
Gateway to SEA information http://www.sea-info.net  
SEA open educational resource http://sea.unu.edu  
IEMA 'reading room' http://www.iema.net/readingroom/c175  
IIED resources http://www.iied.org/Gov/spa/index.html  
SEA Network http://www.seataskteam.net/  
APPENDIX

Appendix 1

SEA SCREENING REPORT – ARTICLE 6
CONSIDERING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

The determination regarding the likely significance of effects on the environment [insert Plan, program, modification title] are set out in Table 1

Table 1 - Likely Significance of Effects on the Environment

<table>
<thead>
<tr>
<th>TITLE OF PLAN/PROGRAMME</th>
<th>RESPONSIBLE AUTHORITY</th>
<th>Criteria for determining the likely significance of effects on the environment</th>
<th>Likely to have significant environmental effects? YES/NO</th>
<th>Summary of significant environmental effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>1(a) Will the environmental effects be significant when consideration is given to duration, frequency probability and reversibility?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1(b) Will the plan influence other plans including those in a hierarchy?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1(c) Does the plan have any relevance for the integration of environmental considerations in particular with a view to promoting sustainable development?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1(d) Are there some environmental problems relevant to the plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1(e) Will the plan have any relevance for the implementation of the legislation on the environment (for example, plans linked to waste management or water protection)?
<table>
<thead>
<tr>
<th>2(a) Will the plan set a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2(b) Will the effects be cumulative in nature?</td>
</tr>
<tr>
<td>2(c) Will the effects be transboundary in nature?</td>
</tr>
<tr>
<td>2(d) Will the environmental effects be significant when consideration is given to the risks to human health or the environment (for example, due to accidents)?</td>
</tr>
<tr>
<td>2(e) Will the environmental effects be significant when consideration is given to the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)?</td>
</tr>
<tr>
<td>2(f) Will the environmental effects be significant when consideration is given to the value and vulnerability of the area likely to be affected due to- special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; or intensive land-use?</td>
</tr>
<tr>
<td>2(g) Will the environmental effects be significant when consideration is given to the effects on areas or landscapes, which have a recognized national, Community or international protection status?</td>
</tr>
</tbody>
</table>
Appendix 2

Example of Screening Determination: SEA required
(For plan, program or modifications starting from January 2012)

MUNICIPALITY OF HANI I ELEZIT

[Named plan, program or modification alteration]

The Law on Strategic Environmental Assessment (Kosovo)
Determination of need for SEA under Article 5

Article 5 of the Law on Strategic Environmental Assessment 2010, requires the responsible authority to determine in a case-by-case examination, in accordance with the criteria in Annex I, if a plan/program is likely to have significant environmental effects.

Municipality of Hani i Elezit has determined, in consultation with the Ministry of Environment and Spatial Planning/Kosovo Environment Protection Agency, that the [plan, program or modification] is likely to have significant effects and that a strategic environmental assessment is required.

An strategic environmental report will be prepared alongside the [plan, program or modification]. The environmental report will identify, describe and evaluate the likely significant effect on the environment of the implementing the [plan, program or modification] and its reasonable alternatives as by the Law on Strategic Environmental Assessment (Kosovo)

Signed……………………… dd/mm/yyyy

SERVICE TITLE
Appendix 3

Example of Screening Determination: SEA not required
(For plan, program or modifications starting from January 2012)

[MUNICIPALITY OF HANI I ELEZIT]

[Named plan, program or modification alteration]

The Law on Strategic Environmental Assessment (Kosovo)
Determination of need for SEA under Article 5

Article 5 of the Law on Strategic Environmental Assessment 2010, requires the responsible authority to determine in a case-by-case examination, in accordance with the criteria in Annex I, if a plan/program is likely to have significant environmental effects.

[Municipality of Hani i Elezit] has determined, in consultation with the Ministry of Environment and Spatial Planning/Kosovo Environment Protection Agency, that the [plan, program or modification] is unlikely to have significant effects and that a strategic environmental assessment is not required. No environmental report will be prepared alongside the [named plan, program or modification].

Signed…………………… dd/mm/yyyy

SERVICE TITLE
Appendix 4

Example: Advertisement

NEWSPAPER

[MUNICIPALITY OF HANI I ELEZIT]

[Named plan, program or modification alteration e.g. Local Plan alteration]

The Law on Strategic Environmental Assessment (Kosovo)

Determination of need for SEA under Article 5

[Municipality of Hani i Elezit] intends to prepare the [named plan, program or modification]. In accordance with Article 5(1) of the Law on Strategic Environmental Assessment 2010, the [Municipality of Hani i Elezit] has determined, in agreement with the Consultation Authority that the [named plan, program or modification] is likely to have significant environmental effects and that a strategic environmental assessment is required.

By virtue of Article 6(2) of the Law on Strategic Environmental Assessment 2010, a copy of the determination notice is hereby publicised. A copy of the determination, and any related statement of reasons, are available at [named location(s) e.g. Municipal building, “Imri Curri” ] as well as on our websites for inspection by the public at all reasonable times.
Appendix 5

Examples: SEA Workshops

Half-hour meeting to inform about 20 local politicians about the basic of the SEA process, to help ensure their subsequent involvement.

- Five-minute introduction explaining that, as part of the plan-making process, the plan’s environmental impacts will need to be assessed, and that part of the assessment involves identifying existing problems that the plan will seek to remediate
- Hand-out draft list of a dozen existing problems already identified by consultants as part of SEA context-setting stage; ask the politicians a) whether the list is correct, and b) to put stars next to those problems that they feel are particularly acute.
- Fifteen-minute discussion by the politicians, which removes some ‘problems’ adds some others, and puts stars next to several problems.
- Ten-minute explanation of how this stage fits into the entire SEA process, and the next (impact assessment of options) step in which politicians can expect to be involved in.

One-and-a-half hour meeting with about 30 health and social service professionals with no previous SEA experience) to help identify a ‘social baseline’ and problems.

- Participants sit down at four square tables, each with a large map of the district, colored pens and pads of sticky-backed note paper.
- Ten-minute PowerPoint presentation of the plan-making process and the role of SEA in it, with a particular focus on what the future plan will and will not be able to do.
- Participants are asked to mark on the maps: existing health problem areas in red pen, existing health/social aspects that work well in green pen, suggestions for how the future plan might be able to improve the situation in blue pen. Extra notes can be made on the sticky-backed notes. Two of the groups are asked to focus on, respectively, the urban and rural parts of the district, and one is asked to focus on the sub-groups of the population that might have difficulty in getting to health/social facilities.
- Ten-minute plenary to allow the group to share their main findings.
- Ten-minute conclusion about how the workshop information will be used and explanation of next steps.

One-and-a-half-hour to two hours with about 60 members of the public and local politicians to help inform them about the SEA assessment stage, and ensure that planners have a full understanding of local factors when choosing between three broad spatial planning options for providing more housing in the district.

- Ten-minute PowerPoint presentation of the plan-making process and the role of the SEA in it, with a particular focus on what the future plan will and will not be able to do.
- Participants are split into groups of about eight people, each around a square table with one facilitator and one note-taker (both planners). Each table has maps showing existing constrains (e.g. flood plain, nature conservancy designations) and blank assessment matrices. Each group is given four SEA topics (e.g. Air quality, transport, employment, landscape), and
is asked to discuss the impacts of each option on each topic, informed by the constrains maps, and using the matrix to record its findings. Only being asked to comment on a few SEA topic means that participants cannot try to work the appraisal process so as to achieve a predetermined solution; also planers must be clear about the fact that the workshop findings will feed into the assessment process rather than being the assessment.

- Fifteen-minute plenary in which planners summarize key points arising at their tables and participants and reminded of forthcoming stages of the SEA process.

Source Riki Therivel Strategic Environmental Assessment in Action, 2010