

LAW No. 03/L-214

ON ENVIRONMENTAL IMPACT ASSESMENT

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

LAW ON ENVIRONMENTAL IMPACT ASSESMENT

CHAPTER I GENERAL PROVISIONS

Article 1 Aim

1. The aim of this Law is to prevent or mitigate adverse impacts of proposed public and private projects and thereby contribute to the safeguarding and improvement of the environment, the protection of human health, and the improvement of the quality of life.
2. This Law determines regulation of procedures for the identification, assessment and reporting of the environmental impacts of certain proposed projects and provides for associated administrative procedures, in order that, during the decision-making process by the Ministry of Environment and Spatial Planning for issuing the Environmental Consent and all relevant information regarding the environment is provided and taken into account.

Article 2 Definitions

1. Terms used in this Law have the following meaning:

1.1. **Project** - the execution of construction works, of other installations or other schemes, removal or decommission of installations or schemes, other interventions in the natural surroundings and landscape including the extraction of mineral resources and those involving rehabilitation works.

1.2. **Applicant** - any natural or legal person, whether local or foreign, who submits a request to obtain Environmental Consent for realizing a project.

1.3. **Environmental Consent** - written decision issued by the Ministry in compliance with the law, as precondition to start realizing the project.

1.4. **Ministry** - the competent Ministry of the Environment and Spatial Planning issues.

1.5. **Minister** - the competent Minister for the Environment and Spatial Planning issues.

1.6. **Environmental Impact Assessment – (hereinafter: EIA)** the identification and assessment of the possible impacts of the project in environment, consultation of the environmental authorities and the public, taking into account the environmental report and the results of consultations in decision-making, determination of the method to prevent, avoid, mitigate or rehabilitate the adverse impacts on environment and human health, and provision of information on the decision.

- 1.7. **EIA Report** - the report presenting the results of an environmental impact assessment.
- 1.8. **Screening** - the process for determining whether an EIA will be required for certain projects or not.
- 1.9. **Screening decision** - a decision whether EIA for a particular project is needed or not;
- 1.10. **Scoping** - the process of identifying the minimum information to be required in the EIA report on the likely significant environmental impacts of a proposed project based on information about the project, and on the site and its surroundings.
- 1.11. **Scoping Direction** - a written statement issued by the Ministry, containing an opinion on the information about expected impacts to be submitted in the EIA Report.
- 1.12. **Non-Technical Summary** - a short, stand-alone document, which presents the important results of an EIA Report, in an accessible and easy-to-read format for public debates.
- 1.13. **Public** - one or more natural or legal persons, and their associations, organizations or groups.
- 1.14. **Public concerned** - the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in this Law. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed as organizations to have an interest.
- 1.15. **Day** - working day.
- 1.16. **By local advertisement** - a publication of the notice in a newspaper circulating in the locality in which the proposed project is to be situated, on the website of the municipality in which the proposed project is to be situated; and on the website of the Ministry.

Article 3 Scope

1. Environmental Impact Assessment (hereinafter: EIA) shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effects of a project on:
- 1.1. human beings, flora and fauna;
 - 1.2. soil, water, air, climate and the landscape;
 - 1.3. material assets and the cultural heritage;
 - 1.4. the interactions between the elements mentioned in sub-paragraphs 1.1., 1.2. and 1.3. of this paragraph.

Article 4 Competent Authority

The competent authority for applying the EIA procedures is the Ministry.

Article 5 Environmental Authorities

1. Environmental authorities are:
- 1.1. the Municipality or Municipalities in whose area a proposed project is intended to be situated;
 - 1.2. the authorities compiling and maintaining data on the state of the environment in Kosovo and on emissions into the environment; and

1.3. any other bodies designated by law as having specific environmental responsibilities and which the Ministry considers that can be included in the process of the proposed project;

Article 6
Limitations in the Public and Individual Interest

1. Provision of this law can not delay the Ministry or any other authority to respect any limitations with regard to commercial and industrial confidentiality including intellectual property, and the safeguarding of the public and individual interest determined with the legislation of Republic of Kosovo
2. Paragraph 1. of this Article, shall not apply to data on emissions of hazardous materials, risks from accidents, and the results of monitoring and the findings of the Inspectorate.

CHAPTER II
PROJECTS WHICH UNDERGO EIA

Article 7
The Obligation for Environmental Consent

1. An environmental consent shall be required for every public or private project listed in Annex I or Annex II of this Law, which is likely to have significant effects on the environment by virtue, *inter alia*, of its nature, size or location,
2. All projects which are listed in Annex I shall be obliged to undergo EIA.
3. Projects listed in Annex II shall be examined, case by case and in accordance with the criteria set out in Annex III, in order to determine whether they must undergo EIA.
4. The Ministry shall not grant the environmental consent referred to in paragraph 1 of this Article until an Environmental Impact Assessment has been carried out on the project.
5. Applicants shall not be granted a construction permit or any other permit, for a project referred to in paragraphs 1 and 2 of this Article and he shall not begin to execute such a project, until he has not been granted an environmental consent by the Ministry.
6. The Ministry may allow, for special cases, non-completion of the EIA for projects with national defence purposes and upon decision of the Government.

Article 8
Transfer of Environmental Consent

1. In case that applicant for or holder of an environmental consent to which Article 7 of this Law refers intends to transfer that application or consent to another person- the successor, the applicant for or holder of that consent and the successor shall present a joint application to the Ministry for that transfer.
2. The application shall be accompanied by the original consent or, in the case of an application for consent, a copy of the application. The application for transfer shall contain:
 - 2.1. the name, address, business and telephone number of the applicant for or holder of the environmental consent;
 - 2.2. the name, address, business and telephone number of the successor;
 - 2.3. contract for buying or hiring that particular activity.
3. The Ministry shall approve the application for the transfer of the environmental consent or the application for the environmental consent, obligating the successor to take in consideration all conditions presented in the EIA Report and in the environmental consent.

4. Where the Ministry approves or refuses to grant the transfer of the environmental consent, it shall notify the applicants in writing, within fifteen (15) days.

Article 9
The Obligation of the Ministry and other Authorities to the Applicant

1. The Ministry and any other respective authority shall provide upon the applicant's request, the data and information which it holds that are significant for the identification and assessment of direct and indirect impacts of the project on the environment and their interaction.

2. The Ministry or any other authority is obliged to provide available data and information to the applicant, within fifteen (15) days from the day it receives the request.

3. If the Ministry or any other authority does not possess the requested data and information, then, it shall inform the applicant, in writing, within fifteen (15) days from the day it receives the request.

CHAPTER III
EIA PROCEDURES

Article 10
Phases of EIA Procedure

1. The EIA procedure includes the following phases:

1.1. selection;

1.2. scoping;

1.3. review of EIA Report.

Article 11
Application to start the EIA

1. An applicant shall present the application to start the EIA together with follow-up documentation, to the Ministry.

2. The application should contain the name, address, legal status of the applicant and the name of the project.

3. The applicant should attach to the application under paragraph 1 of this Article:

3.1. documents determined by the Ministry, according to the type and nature of the projects or activities for which the application shall be presented; and

3.2. a completed questionnaire, determined by the Ministry, covering a description of the proposed project, a description of the location, and a description of the potential impacts of the proposed project on the environment.

Article 12
Selection Decision

1. Based on the information presented together with the application and on the criteria set out in Annex III, the Ministry shall determine whether the proposed project is likely to have significant effects on the environment and shall, within ten (10) days from the day of receipt of the application, inform the applicant in writing of its decision whether an EIA Report is therefore required or not.

2. If the documentation accompanying the application is incomplete, the Ministry shall request from the applicant additional information and documentation and shall designate the date by which it must be delivered.
3. If the applicant does not submit the additional information and documentation by the designated date, the Ministry shall reject the application.
4. If an EIA report is not required in accordance with paragraph 1 of this Article, the relevant Municipality may initiate the procedure for issuing an Environmental Municipal Permit.
5. If an applicant does not agree with the decision taken by the Ministry, he has the right to appeal within the term of eight (8) days, from the day he receives the Ministry's decision. The appeal shall be performed by the Ministry.

Article 13 Scoping Notification

1. The applicant may request that the Ministry states in writing its opinion regarding the information on environmental impacts to be included in the EIA Report - Scoping Notification.
2. A request made in accordance with paragraph 1. of this Article, includes:
 - 2.1. a description of possible alternatives;
 - 2.2. a description of the likely significant impacts on the environment;
 - 2.3. reasons for identifying these impacts;
 - 2.4. a description of protection measures foreseen to avoid, reduce and, if possible, remedy significant adverse effects on the environment.
3. The applicant shall present this information to the Ministry in a brief scoping report, not exceeding three (3) pages in length.
4. Before giving its opinion, the Ministry shall consult the applicant and the environmental authorities. The Ministry shall consider the information and prepares a scoping notification, which shall be issued to the applicant, within thirty (30) days of receipt of a request from the applicant.
5. The issue of a scoping notification shall not prevent the Ministry from requiring additional information at a later date.

Article 14 Scoping

The applicant shall prepare Scoping Report, including the information specified in paragraph 2 Article 13 of this law. Scoping Report shall be attached in the EIA Report as an annex to the Non-Technical Summary.

Article 15 Content of the EIA Report

1. The EIA Report shall contain:
 - 1.1. a description of the project, including in particular:
 - 1.1.1. description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
 - 1.1.2. description of the main characteristics of the production processes;

- 1.1.3. an estimate, by type and quantity, of expected residues and emissions - water, air and soil pollution, noise, vibration, light, heat, ionized and unionized radiation, etc. - resulting from the operation of the proposed project;
 - 1.2. an outline of the main alternatives studied by the developer and an indication of the main reasons for one of this choice, taking into account the environmental effects;
 - 1.3. a description of the environmental aspects likely to be significantly affected by the proposed project, including in particular population, flora, fauna, soil, water, air, climatic factors, material assets, including the cultural, architectural and archeological and heritage, landscape and inter-relationship between the above factors;
 - 1.4. a description of the likely significant effects of the proposed project on the environment, covering direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, resulting from:
 - 1.4.1. the existence of the project;
 - 1.4.2. the use of natural resources;
 - 1.4.3. the emission of pollutants, the creation of nuisances and the elimination of waste; and
 - 1.4.4. the description by the applicant of the forecasting methods used to assess the effects on the environment. These effects should include those resulting from the construction or execution of the project as well as those resulting from the existence or operation of the project when complete.
 - 1.5. a description of how the proposed project could affect or be affected by the geological storage of CO₂ in storage sites;
 - 1.6 a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse impact on the environment;
 - 1.7. a non- technical summary of the information provided under the above headings;
 - 1.8. an indication of any difficulties -technical deficiencies or lack of know-how encountered by the applicant in compiling the required information.
2. The Ministry shall issue Guidelines on the preparation and review of the EIA Report.

Article 16 Compiler of the EIA Report

1. The EIA Report shall be compiled by duly licensed legal and natural persons.
2. The Ministry shall determine by a sub-legal act the procedures and criteria for licensing in accordance with paragraph 1 of this Article.
3. The EIA Report shall include name, surname and signature of the compiler and of the applicant.
4. The compiler of the EIA Report and the applicant are responsible for adequacy of all information and the data presented in the EIA Report.

Article 17 Submission of EIA Report

1. The applicant shall submit four (4) written copies of an EIA Report and one (1) electronic copy to the Ministry.

2. At the same time as the applicant submits the EIA Report he shall submit proof that he has paid the required fee.
3. The applicant shall make the EIA report available to the public in accordance with the provisions of this law.

Article 18 Review of EIA Report

1. Within five (5) days from receipt of the EIA Report, three (3) hard copies of the EIA Report and an electronic copy shall be sent to the responsible body for reviewing the EIA Report in the ministry.
2. The Ministry shall review the EIA Report in accordance with the following criteria:
 - 2.1. adequacy of project description including alternatives as required;
 - 2.2. adequacy of identification and evaluation of the environmental impacts;
 - 2.3. adequacy of measures to mitigate significant adverse impacts including rehabilitation of areas affected by extraction of natural resources, waste management activities, or any similar activities;
 - 2.4. adequacy of proposed monitoring schemes;
 - 2.5. other criteria considered relevant in the particular circumstances.
3. For the review of EIA reports on particular projects the Kosovo Environment Protection Agency, will provide all necessary information which is in its possession and which is necessary for that review.
4. The Ministry, after reviewing the EIA Report, taking in consideration results of consults by environmental authorities shall prepare its draft Decision, which will be presented, in writing, to the applicant.

Article 19 Review by external experts

1. The Ministry may, as necessary, contract external experts having proven expertise in EIA.
2. External experts shall present their opinions, in writing, to the Ministry by a date that shall be specified by the Ministry.
3. Experts involved in drafting an EIA Report cannot be involved in the review of the same EIA Report.

Article 20 Public debate for the EIA Report

1. The main conclusions and recommendations, included in the EIA Report and the proposal decision for environmental consent shall be subject to public debate.
2. Plan and organization of the public debate is the applicant's responsibility, who shall:
 - 2.1 prepare a plan, which shall be sent to Ministry for approval, where will be determined the location, date of the public debate, the mechanisms and times for informing the public, and the locations where the Non-Technical Summary of the EIA Report and the proposal decision will be displayed. The public debate cannot be held until the applicant has received approval, in writing, from Ministry;
 - 2.2 inform the public, through public information media, including an announcement in at least one daily newspaper, of the date, place and time of the public debate and providing the foreseen documents by sub-paragraph 2.1 of this paragraph;

3. The public debate shall be held within twenty (20) to thirty (30) days after the applicant, the environmental authorities and the public concerned, have been informed.
4. Detailed rules on the arrangements for public debate and for dealing with any further relevant information that becomes available is regulated by the sub-legal act of Ministry.

Article 21 **The Result of Reviewing the EIA Report**

1. Within ten (10) days from the date on which the public debate was concluded, the Ministry shall review the remarks and opinions which emerged in the public debate.
2. The Ministry may request the applicant to change or complete designated elements of the EIA Report which was submitted.
3. The applicant shall make any changes required pursuant to paragraph 2 of this Article, and submit the EIA Report, changed and completed, by the date designated by the Ministry.
4. If the applicant does not meet a request made under paragraphs 2 and 3 of this Article, the Ministry shall suspend the procedure of review.

Article 22 **Decision on the Environmental Consent**

1. The results of consultations and the information gathered pursuant to provisions of this law shall be taken into consideration in reaching the decision on the environmental consent.
2. The proposal-decision on Environmental Consent shall be prepared by the responsible body of the Ministry within seventy (70) days from the receipt of the EIA Report, excluding any period of time designated under paragraphs 2 and 3 of Article 21 of this law.
3. Within a term of ten (10) days from the presentation of the proposal-decision on Environmental Consent, the Ministry shall decide whether to grant or refuse an Environmental Consent and convey this decision in writing to the applicant and to the Municipality/municipalities in whose area the project will be situated.
4. After taking decision of grant or refuse an environmental consent has been taken, the Ministry shall inform the public of the decision by local advertisement and shall make available for public inspection a statement containing:
 - 4.1. the content of the decision and any eventual foreseen conditions;
 - 4.2. the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public;
 - 4.3. a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects; and
 - 4.4. legal advises for regular means for appeals of the validity of the decision and the procedures.
5. Where an affected country has been consulted in accordance with Article 28 of this Law, the Ministry shall inform that country of the decision and forward to it the information referred to in paragraph 4.1, 4.2 and 4.3 of this Article.

Article 23 **The right to appeal**

1. The applicant shall be entitled to file an appeal with the competent Court against the complaint decision, in accordance with the Law, within thirty (30) days of the date of publication of the Decision for

Environmental Consent.

2. The Ministry is obliged to make available the documentation concerning the EIA procedure to the applicant, if so requested in writing. The information so requested shall be made available within eight (8) days from the day of receipt of the request.

Article 24 Access to Justice

1. Members of the public concerned who have a sufficient interest shall have access to a review procedure before a competent Court to challenge the substantive or procedural legality of decisions, acts or omission of act subject to the public participation in accordance with provisions of this Law.

2. For the purposes of paragraph 1 of this Article, any non-governmental organisation promoting environmental protection and meeting any legal requirements according to enforced law shall be considered to have a sufficient interest.

3. Applications to challenge any decision, act or omission in the EIA procedure may be made after the Environmental Consent has been granted and within thirty (30) days of the date of that grant. Such complains shall be made in the Ministry and to the Competent Court for challenging administrative decisions.

4. Notwithstanding paragraph 4 Article 22 of this law, the Ministry shall produce practical information on the judicial review procedures provided for under this Article and shall make it freely available in order to increase further the effectiveness of these procedures.

5. Any such procedure should be equal, fair, in time and not so expensive as to block its exercise.

Article 25 Suspending the validity of the Decision for Environmental Consent

1. The validity of the Decision for Environmental Consent shall be suspended if, within two (2) years from the date of receipt of the Decision on Environmental Consent,:

1.1. the applicant does not obtain a construction permit or approval for realizing the project; or

1.2. the site where the project is to be realized has not been prepared and no operational activities have been started.

2. If the validity of the Decision for Environmental Consent is suspended in accordance with paragraph 1 of this Article, the applicant or his successor may not develop the site without applying to the Ministry for a new Environmental Consent.

Article 26 Withdrawal of an application for an Environmental Consent

1. An applicant may withdraw the application for Environmental Consent at any time and any phase of the process by informing the Ministry in writing.

2. When an applicant withdraws his application for Environmental Consent, the Ministry shall cease the review procedure, and the whole documentation shall be archived. Documentation shall not be returned.

3. No fees will be refunded if an application is withdrawn.

Article 27 Bearer of the expenditures

1. The applicant shall bear all the costs of preparing the EIA Report, the public debate, the review and consultation process.

2. Expenditure incurred by the Ministry in reviewing of the application, taking the decision and other services regarding the EIA process, shall be accounted for as the service fee.
3. The Minister in a special act shall designate the scale of the fee referred to in paragraph 2 of this Article.
4. An applicant shall pay the fee when he submits the request for review. The request shall not be reviewed if the applicant fails to make the payment.
5. No paid fee will be refunded, regardless of whether the request is approved or not in the final decision.

CHAPTER IV INFORMATION, ACCESS TO THE DOCUMENTATION AND TRANSBOUNDARY IMPACTS

Article 28 Information and public participation

1. The Ministry shall be sure that the public is informed about the proposed project through at least one local daily newspaper edited in the territory that will be affected by the planned project, and through electronic media.
2. The public concerned shall be given early and effective opportunities to participate in all phases of the EIA procedure, including the decision-making process.
3. Detailed arrangements of the EIA procedure, the provision of information and influence of public participation and states affected by the project, are regulated by a sub-legal act under paragraph 4 Article 20 of this law.

Article 29 Transboundary impacts

1. If during the review of an EIA Report, it is determined that the proposed project is likely to cause significant transboundary environmental impacts then the Ministry shall inform the affected country or countries about the arrangements for public information determined pursuant to paragraph 3 Article 28 of this law.
2. A country or countries that may be affected may give their opinion and comments on the project and may be represented at any public debate concerning the project.
3. The comments of the affected country or countries must be taken into account when the decision of Environmental Consent is taken. If necessary to ensure the effectiveness of this consultation, the normal time limits laid down in this Law for administering the relevant procedures of EIA may be extended for a particular case by the Ministry in negotiation with the affected country or countries concerned.
4. The Ministry inform the environmental authorities and the public concerned in the Republic of Kosovo of the information obtained from affected countries on the transboundary effects of a proposed project in accordance with the procedures determined in paragraph 4 Article 20 and paragraph 3 Article 28 of this Law.
5. In interpreting and applying this Article, the relevant authorities shall endeavour to give effect to the principles enshrined under the ESPOO Convention (1991).

Article 30 Archiving the documentation

The Ministry shall archive the whole documentation of the EIA procedure. Archiving arrangements shall be according to the Law on Archives and Archive Material.

Article 31
Access to documentation

1. The Ministry is obliged to make available the documentation concerning the EIA procedure to any person if so requested in writing, within eight (8) days from the day of receipt of the request.
2. Any person may request copies of the documentation or parts of it by an application in writing to the Ministry. Within fifteen (15) days from the date of receipt of the request, the Ministry shall either provide the information requested or respond to the applicant in writing. For this service the applicant shall pay a fee, pursuant to the act designated in paragraph 3 Article 27 of this Law.
3. Ministry provides no documentation which is protected under Article 6 of this Law.

Article 32
Compliance with environmental conditions from the EIA Report

1. An applicant is obliged to realize the protecting measures foreseen in the EIA Report and the conditions specified in the Decision on Environmental Consent.
2. The Ministry shall monitor the project for which the Decision on Environmental Consent has been issued in order to verify whether all the protection measures foreseen in the EIA Report and the conditions designated in the Decision on Environmental Consent have been implemented.
3. The Ministry, in accordance with due procedure, shall annul the Decision on Environmental Consent in any case where it verifies that all the measures foreseen in the EIA Report and the conditions designated in the Decision on Environmental Consent have not been implemented.

CHAPTER V
SUPERVISION

Article 33
Administrative Supervision

The Ministry shall be responsible for the implementation of the provisions of this law and sub-legal acts issued under this law.

Article 34
Supervision by inspection

The ministry through environmental protection inspectorate is responsible for all inspections of projects and for implementation of the provisions of this law.

Article 35
Rights and duties

1. While performing the supervised Inspection, the environmental protection Inspector has the following rights and duties.
 - 1.1. he must ascertain that the obligation to submit a request to obtain Environmental Consent for projects requiring Environmental Impact Assessment according to Article 7 and 8 of this law is fulfilled.
 - 1.2. when it is found that the provisions of this law have been violated and in order to implement its provisions, the environmental protection inspector is obliged to submit reports to the competent authority detailing the violation of provisions of this law.

Article 36
Authorization of the environmental protection inspector

1. During the performance of supervised inspections, the environmental protection inspector is authorized to:

- 1.1. order the operator to start the EIA procedure, within thirty (30) days;
- 1.2. stop the execution of works and operation until an Environmental Permit has been obtained from the Ministry;
- 1.3. order the complete fulfilment of conditions and the implementation of protective measures stipulated in the Environmental Permit issued by the Ministry;
- 1.4. stop the activity of the operator until the full implementation of conditions defined in the Decision on the Environmental Permit

Article 37
The inspector's decision

1. The inspector will draw up a report of his findings, which will contain an assessment of the situation and the proposed measures for rectifying it. On the basis of that assessment the inspector will issue the decision with what shall be charged the legal person responsible in accordance with this law, in order to take remedial measures.

2. An appeal against the decision of the inspector may be submitted to the Ministry, within fifteen (15) days.

3. The appeal is submitted to the Second Instance in the Ministry, where it shall be reviewed within thirty (30) days from the date receipt of the appeal.

4. A party who remains unsatisfied by the decision of the Second Instance has the right to raise an administrative dispute in the Competent Court, within thirty (30) days from the date of the receipt of the decision.

5. An appeal filed against the decision of the inspector, does not delay execution of that decision, unless it is stipulated differently in the decision.

CHAPTER VI
PENALTY PROVISIONS

Article 38
Penalties for Violation of this Law

1. All persons who act contrary to the provisions of this law or acts issued under this Law shall be punished for offences, and the natural person in amount of one thousand (1,000) up to five thousand (5,000) euros, while the legal person in amount of ten thousand (10,000) up to fifty thousand (50,000) Euro, if

- 1.1. the realization of the planned project is started without carrying out an EIA and obtaining the Decision on Environmental Consent according to paragraph 1 Article 7 of this law;
- 1.2. any false data, false statements, falsification of the documentation or false information, or disinformation is or are submitted during any phase of the EIA procedure, paragraph 4 Article 16 of this law;

1.3. the applicant does not fulfil the obligations for protective measures foreseen in the environmental report or the conditions specified in the decision on environmental consent according to paragraph 1 Article 32 of this law.

2. Compiler of the EIA Report, who gives assumed declarations and information, shall be taken the license for preparing of EIA report

3. With fine from ten thousand (10,000) up to sixty thousand (60,000) Euro, convicted persons who even after the imposition of the fine from paragraph 1 of this Article do not meet the conditions of paragraph 1 Article 7, paragraph 4 Article 16 and paragraph 1 Article 32 of this law.

4. Continued failure to comply, even after the imposition of fines under paragraphs 1 and 2 of this Article, shall be punishable in accordance with paragraph 3 Article 32 of this law.

CHAPTER VII TRANSITIONAL PROVISIONS

Article 39

Sub-legal acts for implementation of this Law shall be issued within six (6) months, from the date of coming into force of this Law.

Article 40

Applications submitted prior to the date on which this Law comes into effect, shall be dealt with pursuant to the Law on Environmental Protection (No. 03/L-025) and the Law on Environmental Impact Assessment (No. 03/L-024).

Article 41

1. From the date of entry into force of this Law, the Law on Environmental Impact Assessment Nr. 03/L-024 will be abrogated. .

2. Component parts of this law are as well the annexes from one (1) to three (3).

Article 42

This Law shall enter in force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-214
23 September 2010**

Promulgated by Decree No. DL-048-2010, dated 14.10.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.

ANNEX 1

1. Production and Processing of Metals

1. Metal ore (including sulphide ore) roasting or sintering installations.
2. Factories for cast iron and steel influx (primary or secondary fusion), including continuous casting.
3. Factories/foundries for processing of ferrous metals:
 - 3.1.hammer smitheries with an energy output exceeding fifty (50) KJ per hammer, while the power input exceeds twenty (20) KW;
 - 3.2. application of protective fused mixed metal coats with an input which exceeds one (1) tones/hour of steel gross;
 - 3.3. foundries for production of ferrous metals with capacity higher than one hundred (100) tonnes/day.
4. Factories/foundries for:
 - 4.1.non-ferrous metal production and production of non-ferrous crude metals from ore; concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
 - 4.2.smelting, including production of alloys, including reclaimed products (refining, casting in foundries, etc.) with production that exceeds one (1) tone/day for lead and cadmium or ten (10) tones/day for other metals.
5. Factories for surface treatment of metals and plastic materials, using electrolytic or chemical processes where the volume of treatment vats exceeds ten (10) m³.
6. Installations for surface treatment of substances or products which use organic solvents especially for coating, painting, degreasing, protection against water and colour infiltration, cleaning or pressing where the amount of solvents used exceeds one hundred (100) tonnes/year.
7. Production and processing of alloys from non-ferrous metals which contain arsenic, mercury and lead, with a capacity higher than one thousand (1,000) tonnes/year.

2. Mineral Industry

- 8.Cement factories containing rotating kilns (baking and drying) with production capacity higher than three hundred (300) ton/day or lime producing factories with rotating limekilns with a production capacity of thirty (30) tones/day or more, or containing other types of kilns with production capacity of thirty (30) tones/day or more.
9. Factories for production of materials using processes such as calcification and baking of minerals which contain toxic elements like, mercury, arsenic and cadmium.
10. Glass producing factories, including production of glass fibre, with a production capacity of ten (10) tonnes/day or more.

11. Foundries for smelting of mineral substances, including production of mineral fibres, with a production capacity of ten (10) tonnes/day or more.

12. Factories for production of ceramic products, by firing, especially production of bricks, tiles, refractory bricks, stoneware and porcelain, with a production capacity of thirty (30) tones/day or more.

13. Installations for extraction of asbestos and for the processing and transformation of asbestos and other asbestos containing products, such as: asbestos-cement products, with an annual production of more than five thousand (5,000) tones of finished products; for friction material, with annual production of more than fifty (50) tones of finished products; and for other uses of asbestos, utilization of more than two hundred (200) tones/year.

14. Factories for roasting and sintering of non-metallic minerals with a production capacity of thirty (30) tonnes/day or more.

3. Extractive Industry

15. Quarries and open-cast mining of clay where the surface of the site exceeds five (5) ha, or peat extraction, where the surface of the site exceeds ten (10) ha or involves the extraction of fifteen thousand (15,000) tones or more/annum.

16. Extraction and processing (except liquefaction and gasification) of coal, lignite and bituminous minerals with a production capacity of fifty thousand (50,000) tones/year or more.

4. Chemical Industry

17. Integrated activities for industrial production, through chemical processes, of single substances or groups of substances, listed in the sub-paragraphs 17.1 to 17.7:

17.1. Production of basic organic chemicals, such as:

17.1.1. simple hydrocarbons (linear or cyclic, saturated or not saturated, aliphatic or aromatic);

17.1.2. hydrocarbons which contain oxygen such as: alcohols, carboxylic acids, ethers, acetone, peroxide, epoxy resin;

17.1.3. sulphate hydrocarbons;

17.1.4. nitrogen hydrocarbons, such as amines, amides, nitrogen compounds, nitrate compounds, nitrites, cyanide, isocyanides;

17.1.5. phosphor-containing hydrocarbons;

17.1.6. halogen hydrocarbons;

17.1.7. organometallic components;

17.1.8. base plastic materials (polymers synthetic fibres and fibres with a cellulose base);

17.1.9. synthetic rubber;

17.1.10. colourings and pigments;

17.1.11. active-surface agents.

17.2. Production of basic inorganic chemicals, such as:

17.2.1. gases, like ammonia, chlorine, or hydrogen chloride, fluorine or hydrogen fluoride, carbon dioxide, sulphur compounds, hydrogen, sulphur dioxide, carbonyl fluoride;

17.2.2. acids, such as: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, sulphurous acid;

17.2.3. bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;

17.2.4. salts, such as potassium carbonate, sodium carbonate, bleaches based on sodium or potassium borates, silver nitrate;

17.2.5. non metals, metal oxides and other inorganic combinations, such as: calcium carbide, silicon, silicon carbide;

17.3. Production of chemical fertilizers with a phosphate, nitrogen, or potassium base (simple or compound fertilizers);

17.4. Production of basic plant health products and biocides;

17.5. Production of basic pharmaceutical products, colours and pesticides, using a chemical or biological process;

17.6. Production of explosive substances;

17.7. Production of protein nutrition additives, ferments and other protein substances using chemical and biological processes.

5. Energy Industry

18. Thermal power stations and other combustion installations with a heat output of fifty (50) MW or more.

19. Centrals of Nuclear Energy.

20. Installation of electric lines of high voltage with minimum of two hundred and twenty (220) kV and with length longer than ten (10) km.

21. Crude oil refineries and installations for gasification and liquefaction of coal and bituminous shale and installations for reclaiming of used oils involving amounts of one hundred thousand (100,000) tonnes/year or more.

22. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of one hundred thousand (100,000) tones or more.

23. Installations for storage of radioactive materials.

6. Transport Infrastructure

24. Construction of lines for long-distance railway traffic and of airports with a basic runway length of two thousand one hundred (2100) m or more.

25. Construction of a new road of two or more lanes, or realignment and/or widening of an existing road to provide two or more lanes, where such new road, or realignment and/or widened section would be five (5) km or more in continuous length.

26. Pipelines with a diameter of five hundred (500) mm or more and a length of ten (10) km or more for the transport of:

26.1. natural gas, oil or chemicals, and

26.2. carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations.

27. Pipelines with a diameter of eight hundred (800) mm or more and a length of forty (40) km for the transport carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations.

7. Food Industry

28. Manufacture and processing of food products from:

28.1. raw materials of animal origin (excluding milk) where production capacity of final product, exceeds thirty (30) tonnes/day;

28.2. raw materials of plant origin where production capacity of final product, exceeds two hundred fifty (250) tonnes/day (average based on the quarterly value);

28.3. milk products, where the amount of treated milk exceeds one hundred (100) tonnes/day (average based on annual amount);

8. Waste and Wastewater Treatment and Disposal

29. Installations for incineration, recovery, chemical treatment, or land filling of hazardous waste.

30. Facilities for municipal waste incineration, with an input of 1 tone/hour or more.

31. Landfills for non-hazardous waste, with an input of thirty (30) tonnes/day or more.

32. Plants for treatment of municipal wastewater with a capacity exceeding one hundred thousand (100,000) population equivalents.

33. Plants for treatment of industrial wastewater.

9. Water Storage, Transfer and Supply Projects

34. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds five (5) million cubic meters.

35. 1. Works for the transfer of water resources between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds thirty (30) million m³/year.

35. 2. In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds six hundred (600) million m³/year and where the amount transferred exceeds 5% of this flow. In both cases transfers of piped drinking water are excluded.

36. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds five (5) million m³.

10. Paper, Wood, Textile and Leather Industries

37. Installations for production of paper and board exceeding one hundred thousand (100,000)m²/year.

38. Industrial plants for the:

38.1. production of pulp from timber or similar fibrous materials;

38.2. production of paper and board with a production capacity exceeding fifty (50) tonnes/day.

39. Furniture production with an input of wood or other basic material greater than ten thousand (10,000) m³/year.

40. Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles.

41. Factories for tanning of hides and skins.

11. Intensive Agriculture

42. Installations for intensive rearing of poultry, pigs or livestock with more than:

42.1. ten thousand (10 000) poultry;

42.2. five hundred (500) pigs;

42.3. one hundred (100) cattle; and

42.4. one thousand (1000) small livestock;

12. Other Projects

43. Installations for rendering or disposal of dead animals.

44. Storage sites for the geological storage of carbon dioxide.

45. Installations for the capture of CO₂ streams for the purposes of geological storage from installations covered by this Annex or where the total yearly capture of CO₂ is 1,5 megatons or more.

46. Any change or extension to projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

ANNEX 2

1. Agriculture, forestry and fishing:

1.1. Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;

- 1.2. Water management projects for agriculture, including irrigation and land drainage projects;
- 1.3. Initial afforestation and deforestation, for the purposes of conversion to another type of land use;
- 1.4. Intensive fish farming.

2. Extractive industry

- 2.1. Quarries, stone crushers, open-cast mining and peat extraction including sites identifies for municipally managed artisan mining (projects which are not included in Annex 1);
- 2.2. Underground mining;
- 2.3. Extraction, crumbling and other minerals by dredging of river beds;
- 2.4. Deep drillings, in particular:
 - 2.4.1. Geothermal drilling; and
 - 2.4.2. Drilling for water supplies, with the exception of drillings investigating the stability of the soil;
- 2.5. Surface installations for extraction of coal, lignite and bituminous minerals (projects which are not included in Annex 1);

3. Energy Industry

- 3.1. Industrial installations for the production of electricity, steam and hot water (projects not included in Annex 1);
- 3.2. Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex 1);
- 3.3. Surface storage of natural gas;
- 3.4. Underground storage of combustible gases;
- 3.5. Surface and underground storage of fluid combustible materials (projects not included in Annex 1) and storage in land surface of fossil carburants;
- 3.6. Industrial briquetting of coal and lignite;
- 3.7 installations for the processing and storage of radioactive waste (unless included in Annex I);
- 3.8. Installations for hydroelectric energy production (projects not included in Annex 1);
- 3.9. Installations for harnessing of wind power for energy production; 3.9.continuous radiate resources (ionizing and non-ionizing).
- 3.10. Installations for the capture of CO₂ streams for the purposes of geological storage (installations not covered by Annex I);

4. Production and processing of metals

- 4.1. Installations for the production of pig iron or steel with continuous casting;
- 4.2. Installations for the processing of ferrous metals (projects not included in Annex 1);

- 4.3. Ferrous metal foundries (projects not included in Annex 1);
- 4.4. Installations for the smelting, including the alloyage, of non-ferrous metals, including reclaimed products (refining, foundry casting etc.), (projects not included in Annex 1);
- 4.5. Installations for surface treatment of metals and plastic materials (projects not included in Annex 1);
- 4.6. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
- 4.7. Installations for the roasting and sintering of metallic ores;
- 4.8. Installations for building and repairing airplanes;
- 4.9. Production of railway equipment;
- 4.10. Disintegration with explosive

5. Mineral industry

- 5.1. Coke ovens (dry coal distillation);
- 5.2. Installations for the manufacture of cement (projects not included in Annex 1);
- 5.3. Installations for the production of asbestos and the manufacture of asbestos- products (projects not included in Annex 1);
- 5.4. Installations for production of glass including glass fibre (projects not included in Annex 1);
- 5.5. Installation for smelting mineral substances including production of mineral fibres (projects not included in Annex 1);
- 5.6. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (projects not included in Annex 1);
- 5.7. Factories for asphalt production;
- 5.8. Factories for beton production.

6. Chemical industry

- 6.1. Treatment of intermediate products and production of chemicals;
- 6.2. Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides (projects not included in Annex 1);
- 6.3. Storage facilities for petroleum, petrochemical and chemical products.

7. Food industry

- 7.1. Manufacture of vegetable and animal oils and fats (projects not included in Annex1);
- 7.2. Packing and canning of animal and vegetables products;
- 7.3. Manufacture of dairy products (projects not included in Annex 1);
- 7.4. Brewing of beer (projects not included in Annex 1);
- 7.5. Confectionery and syrup manufacture (projects not included in Annex 1);

- 7.6. Installations for the slaughter of animals;
- 7.7. Industrial installations for production of farina;
- 7.8. Sugar factories (projects not included in Annex 1).

8. Textile, leather, wood and paper industry

- 8.1. Factories for the production of paper and board (projects not included in Annex 1);
- 8.2. Plants for pre-treatment (washing, bleaching, mercerization) or dyeing of fibres or textiles (projects not included in Annex 1);
- 8.3. Plants for the tanning of hides and skins.
- 8.4. Cellulose-processing and production installations.

9. Rubber Industry

- 9.1. Manufacture and treatment of elastomer-based products.

10. Infrastructure projects

- 10.1. industrial estate development projects;
- 10.2. urban development projects, including the construction of shopping centres and car parks;
- 10.3. construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex 1);
- 10.4. constructions for airports and airfields (projects not included in Annex 1);
- 10.5. construction of roads (projects not included in Annex 1);
- 10.6. inland waterway construction or modification;
- 10.7. flood prevention projects including modifications to river channels (projects not included in Annex 1);
- 10.8. dams or other installations designed to hold water or store it on long-term basis (projects not included in Annex 1);
- 10.9. Construction or modification of tramways, elevated or underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
- 10.10. Oil and gas pipeline installations and pipelines for the transport of CO₂ streams for the purposes of geological storage (projects not included in Annex I).
- 10.11. Groundwater abstractions and artificial groundwater recharge schemes (projects not included in Annex 1);
- 10.12. Works for the transfer of water resources between river basins (projects not included in Annex 1).

11. Tourism and leisure

- 11.1. Ski-runs, ski-lifts, and cable cars and associated activities;

- 11.2. Holiday villages and hotel complexes outside urban areas and associated developments;
- 11.3. Permanent camp and caravan sites;
- 11.4. Theme parks;
- 11.5. Infrastructure installations in protected zones, not included in spatial plans.

12. Other projects

- 12.1. Permanent racing and test tracks for motorized vehicles;
- 12.2. Installations for the disposal of waste (projects not included in Annex 1);
- 12.3. Waste- water treatment plants (projects not included in Annex 1);
- 12.4. Sludge deposition sites (projects not included in Annex 1);
- 12.5. Storage of scrap iron and other metals, including scrap vehicles;
- 12.6. Installations for the manufacture of artificial mineral fibres (projects not included in Annex 1);
- 12.7. Installations for the recovery or destruction of explosive substances;
- 12.8. Sites for disposal of industrial non-hazardous waste;
- 12.9. Sites for storage and processing of dead and unwanted animals (projects not included in Annex 1);
- 12.10. Food industries (projects not included in Annex 1 or under section 7 above).
- 12.11. Any change or extension of projects given in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
- 12.12. Projects in Annex I, undertaken exclusively or mainly for development and testing of new methods or products and not used for more than two (2) years.

ANNEX 3 CRITERIA FOR SCREENING

1. Characteristics of the projects

- 1.1. The characteristics of the project must be considered having regard, in particular, to:
 - 1.1.1. the size of the project;
 - 1.1.2. environment impact when combined with other existing or expected future projects;
 - 1.1.3. the use of natural resources;
 - 1.1.4. the production of waste;

1.1.5. pollution and nuisances;

1.1.6. risk of accidents, having regard in particular to substances or technologies used.

2. Location of projects

2.1. The environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regard, in particular to:

2.1.1. the existing land use;

2.1.2. the relative abundance, quality and regenerative capacity of natural resources in the area;

2.1.3. the absorption capacity of the natural environment, paying particular attention to the following areas:

2.1.3.1. wetlands;

2.1.3.2. mountain and forest areas;

2.1.3.3. nature reserves and parks;

2.1.3.4. special protection areas;

2.1.3.5. areas in which the environmental quality standards laid down in Community legislation have already been exceeded;

2.1.3.6. densely populated areas;

2.1.3.7. landscapes of historical, cultural or archaeological significance.

3. Characteristics of the potential impact

3.1. The potential significant effects of projects must be considered in relation to criteria set out in 1 and 2 above, and having regard in particular to:

3.1.1. the extent of the impact (geographical area and size of the affected population);

3.1.2. the transboundary nature of the impact;

3.1.3. the magnitude and complexity of the impact;

3.1.4. the probability of the impact;

3.1.5. the duration, frequency and reversibility of the impact.

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23 September 2010**

Promulgated by Decree No. DL-048-2010, dated 14.10.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.

