

LAW NO. 08/L-181**ON ENVIRONMENTAL IMPACT ASSESSMENT****Assembly of the Republic of Kosovo;**

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

Adopts:

LAW ON ENVIRONMENTAL IMPACT ASSESSMENT**CHAPTER I
GENERAL PROVISIONS****Article 1
Purpose**

1. The purpose of this Law is:

1.1. to ensure a high level of environment protection through the prevention of damages and negative effects on the environment of public or private projects;

1.2. to define the rules and procedures for identifying and assessing the impacts of projects and activities on the environment, to ensure the prevention or reduction of negative impacts of proposed public and private projects;

1.3. guaranteeing of the comprehensive and open decision-making process through the definition of rules and administrative procedures, during the decision-making process to obtain environmental consent.

2. This Law is partially in accordance with Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 which amends Directive 2011/92 / EU on the environmental impact assessment of certain public and private projects.

**Article 2
Scope**

1. The provisions of this law shall be mandatory for all natural or legal persons whose activity directly or indirectly affects the environment, human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and landscape, as well as paying special attention to species and habitats protected by relevant laws, as well as institutions which deal with the implementation of the provisions of this law.

2. The provisions of this law do not apply to projects that have the sole purpose of responding to civil emergencies and for the purposes of national protection according to a case-by-case assessment, if such a thing is provided for in the legislation related to these projects, it is considered that their implementation will have a negative impact on the environment.

**Article 3
Definitions**

1. The terms used in this law shall have the following meanings:

1.1. **Project** - means the written document which contains execution of construction

works or of other installations or schemes, other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources;

1.2. **Applicant** - means a natural or legal person, local or foreign, who is the holder of the application for obtaining environmental consent and for the implementation of the public or private project;

1.3. **Environmental consent** - the written decision issued by the Ministry as a precondition for the beginning of the implementation of the project;

1.4. **Days** - means working days;

1.5. **Inspector**- means the inspector of environmental protection at the central level;

1.6. **Ministry** - means the relevant Ministry of Environment;

1.7. **Minister** - means the Minister of the relevant Ministry of Environment;

1.8. **Project screening** - means the process by which it is determined whether or not an EIA report will be required for certain projects;

1.9. **Public** - means individuals, civil society organizations and others, as well as various groups of interest;

1.10. **Interested party** – is considered any person, public body, civil society organization, various groups of interest, as well other entities that are affected or are interested to impact directly or indirectly the policies and legislation;

1.11. **Non-technical summary** - means the short document, separated from other documents, which presents the important results of the EIA report, expressed in a simpler and more understandable format for public debate;

1.12. **EIA Report** - means the document prepared by the developer presenting the result of the assessment which contains information about the project, the likely significant effect of the project, the baseline scenario, the proposed alternatives, features and measures to mitigate the significant adverse effects, as well as a non-technical summary and any additional information of defined in Annex 4 of this Law;

1.13. **Licensed person** - natural person who has a university qualification in technical or natural sciences and fields related to the environment, as well as five (5) years of professional and research experience in the field of environmental protection, and has worked in collaboration with other persons in drafting EIA reports or reviewing EIA reports. The requirements from this sub-paragraph also apply accordingly to the legal entity which is provided with a permit from the relevant Ministry for the Environment, for carrying out the activities arising from this law;

1.14. **Environmental Impact Assessment (hereinafter EIA)** - means the process consisting of:

1.14.1. Preparation of EIA report by the applicant;

1.14.2. Realization of consultations with the public according to Article 16 of this law;

1.14.3. Examination by the institution carrying the information presented in the EIA report and additional information provided by the operator, as well as other relevant information received after the public debate process;

1.14.4. The EIA consent and its reasoned conclusion of the Ministry on the consequences of the project on the environment, taking into account the results of the examination set out in sub-paragraph 1.14.3. of this paragraph and where appropriate, its own supplementary examination; and;

1.14.5. Integration of the EIA consent and its reasoned conclusion of the Ministry, in the decision defined in article 18 of this Law.

CHAPTER II COMPETENT AUTHORITY

Article 4 Competent authority

1. The Ministry is the competent authority for the implementation of EIA procedures.
2. When the Ministry itself is the project applicant, the review of the EIA Report is done by the ad-hoc inter-ministerial Commission established by the Secretary General of the Office of the Prime Minister.

Article 5 Commission for reviewing requests for EIA

1. The review of applications for EIA is done by the EIA Commission composed of (5) members who are appointed by a decision of the Secretary General of the Ministry.
2. The EIA Commission has a three (3)-year mandate with the possibility of continuation for another term.
3. The duties and responsibilities of the Commission are:
 - 3.1. Review of the requests, report and accompanying documents of the EIA
 - 3.2. Participation in public debates in person or virtually;
 - 3.3. Examination and assessment of the comments and opinions received from the public and relevant authorities;
 - 3.4. Drafting of the Proposal-Decision with a professional opinion on the EIA report.
 - 3.5. Performing the other works related to the EIA process.
4. Members of the EIA commission are not allowed to participate and be engaged as experts in the preparation of EIA by developers.
5. The EIA Commission shall perform its duties objectively and shall avoid situations that constitute a conflict of interest in compliance with the Law on Prevention of Conflict of Interest.
6. The EIA Commission must have a multi-sectoral composition within the Ministry.
7. Representatives from civil society may also participate in the Commission's meetings, in the capacity of observers.
8. The detailed procedures for the participation of civil society in the meetings of the Commission for the review of requests for EIA shall be determined by a sub-legal act issued by the Ministry.

Article 6 Confidentiality

1. The provisions of this law do not prevent the Ministry from respecting the restrictions related to commercial and industrial confidentiality, including intellectual property and protection of public and individual interest, defined in the legislation in force.
2. Paragraph 1 of this Article does not apply to data on the emission of hazardous substances, risks from accidents, as well as monitoring results and findings of the inspector for environmental protection.

Article 7 Obligation to perform EIA

1. EIA is required for each public or private project listed in Annex 1 or Annex 2 of this law, which may have significant effects on the environment due to its nature, size or location.
2. All projects defined in Annex 1 of this law are obliged to be subject to EIA.
3. The projects defined in Annex 2 of this law will be examined on a case-by-case basis and in accordance with the criteria set out in Annex 3 of this law, to determine whether they should be subject to EIA.
4. A construction permit or any other permit for any project referred to in paragraphs 1 and 2 of this Article shall not be issued to the applicant and he cannot start with execution of the project until obtaining the environmental consent.
5. The environmental consent precedes the construction permit, or any other permit for each project specified in paragraphs 1 and 2.
6. The competent authority responsible for issuing the relevant permits shall, ex officio, act in accordance with the validity of the environmental consent as well as the obligations deriving from it.

CHAPTER III STAGES OF EIA PERFORMANCE

Article 8 Stages of EIA

1. The following stages are included in the EIA procedure:
 - 1.1. Screening of the EIA project;
 - 1.2. EIA report;
 - 1.3. Review of the EIA Report.

Article 9 Application for EIA project selection

1. The application for project selection along with the accompanying documentation, the applicant submits to the Ministry.
2. The application contains the name, address, status of the applicant and the name of the project.

3. The application from paragraph 1 of this Article contains:
- 3.1. Proof of payment for selection for environmental consent;
 - 3.2. Business registration certificate;
 - 3.3. Certificate on the immovable property rights;
 - 3.4. Copy of the plan with coordinates in the KosovaRef system;
 - 3.5. Land survey plan from the licensed cadastral surveyor;
 - 3.6. The contract for the use of the parcel or building, in cases when the parcel or building is not the property of the applicant;
 - 3.7. Consent of the Municipality for exercising the activity, or notification-information according to the Municipal Development Plan, construction conditions.
 - 3.8. The simplified project completed by the operator, based on the criteria of Annex 3 of this Law, for the environmental impacts from the proposed project, the description of the location, the description of the project, the description of the impacts of the project on the environment.

Article 10 Screening

1. For screening projects defined in Annex 2 of this Law, the applicant provides information on the features of the project, the possible consequences for the environment and the measures envisaged to avoid or prevent negative environmental consequences.
2. The list of information to be provided is set out in Annex 2 A of this Law. The applicant should take into account the available results of other environmental impact assessments carried out in accordance with applicable law.
3. Based on the information presented of the simplified project and the criteria set out in Annex 3 of this Law, the EIA Commission determines whether the proposed project may have significant effects on the environment and whether it should be subject to an EIA.
4. The EIA Commission on the basis of analysis of the information provided by the applicant notifies the applicant whether or not the project should be subject to EIA procedures. The notice is made public when:
 - 4.1. It is decided that there is a need for an EIA, to indicate the main reasons why such an assessment is needed based on the relevant criteria listed in Annex 3 of this law; or
 - 4.2. It is decided that there is not needed an EIA, to indicate the main reasons why such an assessment is not needed based on the relevant criteria listed in Annex 3 of this law, and if proposed by the applicant, to indicate the project features and measures intended to avoid or prevent negative environmental consequences.
5. The complete request for review shall be published in the public notice bulletin in the municipality, in the official website of the Municipality and Ministry, five (5) days from the date when the applicant submits all the information required according to paragraph 1 of this Article.
6. The EIA Commission within thirty (30) days from the date when the applicant submits all required information under paragraph 1 of this Article, by the decision determines whether the proposed project should be subject to EIA procedures to obtain environmental consent. In exceptional cases relating to the nature, complexity, location or size of a project, the EIA

Commission may extend the deadline and notify the applicant in writing of the reasons for the postponement and the date on which the determination is expected. This extension of the deadline cannot be longer than sixty (60) days from the day when the applicant has submitted the request for EIA.

7. The decision on the selection is published in the public notice bulletin in the municipality, in the official website of the Municipality and Ministry, five (5) days from the date of issuing the decision.

8. If, in accordance with paragraph 2 of this Article, an EIA report is not required, the designated municipality may initiate the procedure for issuing a municipal environmental permit.

Article 11 **EIA report**

1. The EIA report contains:

1.1. Project description including location information defined in Annex 4 of this law project design, size and other relevant project features;

1.2. Description of the project consequences on the environment;

1.3. A description of the features of the project and the measures envisaged to avoid, prevent or reduce and also to eliminate the negative environmental consequences;

1.4. A description of the reasonable alternatives studied by the applicant, which are relevant to the project and its specific features, as well as a description of the main reasons for the selected option, taking into account the environmental consequences of the project;

1.5. Non-technical summary of the information referred to in paragraphs 1.1 to 1.4 of this Article;

1.6. Additional information defined in Annex 4 of this Law, for the specific features of a certain project, or a certain type of projects, or for the environmental features that are likely to be affected;

1.7. If an opinion is given under paragraph 2 of this Article, the EIA shall be based on that opinion and include the information that may be required to reach a conclusion on the environmental effects of the project, taking into account current knowledge and assessment methods;

1.8. When preparing the EIA report, in order to avoid duplication of assessments, the applicant should take into account the available data of other relevant assessments according to the legislation into force.

2. The EIA Commission, taking into account the information provided by the applicant, in particular on the specific features of the project, including the location and technical capacity, as well as the possible impact on the environment, will consult with the institutions that may be affected by the project, and may also ask the host institutions for their opinion.

3. The opinion given by the institutions that may be influenced by the project is an integral part of the EIA report.

4. In order to ensure that the EIA report is complete and qualitative:

4.1. the applicant proves that the EIA report is prepared by environmental experts;

4.2. the EIA commission can request a written opinion from the external national or international experts on some aspects of the EIA;

4.3. the EIA commission, as needed, requests from the applicant additional information in accordance with Annex 4 of this Law, which are important for reaching a conclusion on the environmental effects of the project.

5. The Ministry shall, by sub-legal act, define the content, methodology and compliance of the report with legal requirements, applicable practices and other technical aspects of the report.

Article 12 **Compiler of the EIA report**

1. The EIA report is compiled by a natural person equipped with a license or a legal person licensed by the Ministry.

2. The Ministry shall, by sub-legal act, determine the procedures and criteria for the licensing of natural and legal persons for the drafting of the EIA report.

Article 13 **Submission of EIA report**

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

2. Upon submission of the EIA report, the applicant submits:

2.1. Proof of payment for application for environmental consent;

2.2. Business registration certificate;

2.3. Certificate on the immovable property rights;

2.4. Copy of the plan with coordinates in the KosovaRef system;

2.5. Land survey plan from the licensed cadastral surveyor;

2.6. The notarized contract for the use of the parcel or building, in cases when the parcel or facility is not the property of the applicant.

2.7. In cases of facilities for liquid fuels or explosives, there must be a consent by the competent authorities for permitting the placement of tanks;

2.8. Consent of the Municipality for exercising the activity, or notification-information according to the Municipal Development Plan, zoning map, construction conditions.

3. The applicant provides one (1) hard copy or electronic copy of the EIA report to the Municipality, in which the project is planned to be implemented, and which should be available to the public

Article 14 **Review of the EIA report**

1. Within five (5) days from the receipt of the EIA report, three (3) copies of the EIA report in written form and one (1) copy in electronic form shall be sent to the EIA Commission.

2. The EIA Commission examines the information presented in the EIA report and any supplementary information provided, where necessary, by the applicant, and any relevant information received through the consultations with the public and the authorities concerned.

3. The EIA Commission reviews the report based on the following criteria:
 - 3.1. The accuracy of the project description including alternative solutions as required;
 - 3.2. Accuracy of identification and EIA;
 - 3.3. The adequacy of the measures taken to mitigate the negative impacts, including the rehabilitation of areas affected by the exploitation of natural resources, waste management activities, or any similar activity;
 - 3.4. The adequacy of the proposed monitoring schemes;
 - 3.5. Other criteria, which are considered to be relevant for special circumstances.
 - 3.6. Where appropriate, its own supplementary examination
4. During the review of EIA reports for specific projects, the EIA Commission requests information from the responsible institutions for the data which are necessary for review.
5. The EIA Commission, after reviewing the accompanying documentation, the EIA report, taking into account the results of the consultations, and where appropriate, its own supplementary documentation, drafts a Proposal-Decision.

Article 15 **Review of the EIA report by external experts**

1. For the review of the EIA report, the Ministry may, when necessary, contract national or international experts who have proven experience in EIA with the minimum qualifications as follows:
 - 1.1. a higher university qualification of technical or natural sciences and related fields; and
 - 1.2. at least five (5) years of professional expertise and research expertise in the field of environmental protection.
2. External experts submit their opinions in writing, which are submitted to the Ministry, within the deadline set by the Ministry within a period of thirty (30) days.
3. External experts involved in drafting an EIA report may not provide opinion for the review of the same report.
4. The report is sent for comments and control of data validity to the Kosovo Environmental Protection Agency and to the Regional River Basin Authority. If negative opinion is issued, then the report must be revised and supplemented based on their comments. In case of second negative opinion, the EIA process is stopped and the request is rejected.

Article 16 **Public information and participation in the EIA procedure**

1. The public and the interested parties will be informed electronically and through a public announcement, as well as they will be enabled to participate in all stages of the EIA process.
2. The public and the interested parties will be enabled to deliver comments on the request for selection after its publication according to paragraph 5 of Article 10 of this Law. The Ministry will set the deadline and details of the competent authority where the comments should be delivered.

3. The public consultation for the EIA report cannot be shorter than thirty (30) days. Upon the publication of the announcement for public debate according to procedures of Articles 3, 4, 5 and 6 of this Law, the EIA report will be published in the website of the Ministry, for comments in writing by the public and interested parties.
4. The Ministry will be responsible for the organization and planning of the public debate which will be done in cooperation with the applicant and the Municipality where the project takes place.
5. The Ministry shall prepare the notification for holding the public debate, including the location of the holding, the exact date and time, as well as the EIA report. Details of the place and exact time of holding the public debate will be provided by the applicant.
6. The applicant, in accordance with paragraph 1 of Article 23 of this law, immediately after receiving the notification from the Ministry, will publish it in a printed or electronic daily newspaper. The announcement will also be published on the website of the Ministry and on the website of the Municipality where the project is implemented. The Municipality where the project is implemented will also publish the announcement on the bulletin board of the Municipality.
7. All public debates will be held in public institutions municipalities where the project is implemented.
8. The public debate shall be held in person and virtually.
9. The detailed procedure for planning and organizing the public consultations for the EIA report will be determined by a sub-legal act issued by the Ministry.

Article 17

The result of reviewing the accompanying documentation and the EIA report

1. The EIA Commission, within twenty (20) days from the day of holding the public debate, is obliged to review the remarks and opinions arising from the public debate, as well as responses provided by the drafter.
2. The EIA Commission may ask the applicant to complete the documentation, to change or complete certain elements of the EIA report, which has been submitted.
3. The applicant shall complete the documentation within thirty (30) days, whereas he shall make the required changes in accordance with paragraph 2 of this Article, within ten (10) days, and shall submit to the Ministry the EIA report amended and completed.
4. If the applicant does not act upon the request from paragraphs 2 and 3 of this Article, the Ministry shall terminate the examination procedure.

Article 18

Decision on environmental consent

1. The decision for environmental consent contains information on:
 - 1.1. Reasoned conclusion of the significant effects of the project on the environment, taking into account the result of the examination of the EIA report and any supplementary information provided as well as any relevant information received through the consultation process with the public and relevant authorities concerned;
 - 1.2. Environmental conditions related to the decision, the description of the project features and the measures envisaged to avoid, prevent or reduce;
 - 1.3. monitoring measures, type of parameters that should be monitored and the duration

- of monitoring should be proportionate to the nature, location and size of the project and the significance of the adverse effects on the environment.
2. The Decision to refuse environmental consent must contain the main reasons for the refusal.
 3. Proposal Decision on environmental consent is prepared by the EIA Commission, within ninety (90) days from the receipt of the EIA report after the consultation period of public debate is finalized.
 4. In exceptional cases, when it comes to the nature, complexity, location or size of a project, the Ministry may extend the deadline, provided in paragraph 3 of this Article in which case it notifies the operator in writing of the reasons for the postponement and the date when the determination is expected.
 5. The Ministry for the decision taken, notifies the applicant and the Municipality in which the project will be implemented.
 6. The decision for the approval or rejection of the environmental consent and the attached conditions shall be published in the official website of the Ministry and Municipality, five (5) days from the date of the decision issuance.
 7. The Ministry repeals the decision for environmental consent, in case it is confirmed by the environmental inspectorate, that the measures foreseen in the EIA report and the conditions defined in the decision for environmental consent, have not been implemented.

Article 19 **Transfer of Environmental consent**

1. In case the applicant for transfer of environmental consent or the possessor of an environmental consent, plans to transfer the consent to another person, the applicant for transfer of environmental consent and the possessor of that consent, submit a joint application to the Ministry regarding that transfer.
2. The following shall be attached to the application for transfer:
 - 2.1. original copy of the decision on environmental consent;
 - 2.2. Business registration certificate for the environmental consent holder;
 - 2.3. name and the address of the applicant for environmental consent transfer;
 - 2.4. Certificate of business registration for the successor to the environmental consent;
 - 2.5. name and the address of the successor;
 - 2.6. The contract for the purchase or lease of the respective property (notarized) or the agreement on the transfer of environmental consent.
3. The Ministry takes a decision to approve or reject the transfer request for environmental consent and in case of approval, obliges the heir to fulfil all the conditions set out in the EIA report and in the environmental consent.
4. When the Ministry approves or rejects the request for the transfer of the environmental consent, it notifies the applicant and the Municipality in which the project is implemented in written form, within fifteen (15) days.

Article 20

The right to appeal

1. Appeal is allowed against any decision for refusal of a consent, permit and another final decision according to this law, in accordance with the Law on General Administrative Procedure.
2. Against decisions made in the review procedure under this Law, complaint is allowed in accordance with the Law on General Administrative Procedure and the relevant Law on Inspections.
3. The competent body that reviews complaints under this article is the Complaints Commission established by decision of the Minister. The work and procedure of the appeal commission is based on the rules set out for the collegial bodies in the relevant Law on General Administrative Procedure and the relevant Law on Inspections.

Article 21

Termination of the decision validity for environmental consent

1. The validity of the decision for environmental consent is terminated if within two (2) years from the date of receipt of the decision for environmental consent:
 - 1.1. The applicant does not obtain the construction permit or the approval for the realization of the project; and
 - 1.2. The location where the project is to be implemented has not been prepared, nor any operational activities have been launched.
2. If the validity of the environmental consent decision has been terminated in accordance with paragraph 1 of this Article, the applicant or his successor may not commence works on the site without applying to the Ministry for a new environmental consent.

Article 22

Withdrawal of the request for environmental consent

1. The applicant may withdraw the request for environmental consent, at any time and at any stage of the process by notifying the Ministry in writing.
2. When the applicant withdraws the request for environmental consent, the Ministry terminates the review procedure and all documentation is archived and not returned. In this case, the administrative procedure shall end.

Article 23

Bearer of expenses

1. The expenses for drafting the EIA report, public debate, review, consultation and translation shall be borne by the applicant.
2. Expenses incurred by the Ministry for reviewing the request, decision making and other services related to the EIA process, are assessed as service fees.
3. The Ministry shall, in consultation with the Ministry responsible for finance, by a sub-legal act, determine the value of the fee from paragraph 2 of this Article.
4. The applicant pays the fee when submitting the request for review. The request will not be considered if the applicant has not made the payment.
5. The fee paid is non-refundable, regardless of whether the request is approved or not with the final decision.

CHAPTER IV CROSS-BORDER IMPACTS

Article 24 Cross-border impacts

1. If during the review of the EIA report, it is established that the proposed project is likely to cause adverse transboundary environmental impacts, then Ministry through the Ministry responsible for Foreign Affairs shall inform the neighbouring state within the public information deadlines.
2. The country where impacts can occur, can be represented in public debates and give opinion and comments about the project.
3. The comments of the neighbouring state affected should be considered, when deciding for environmental consent. If necessary to ensure the effectiveness of this consultation, the time limits set out in this law for EIA procedures may be extended for a specific case, by the Ministry in negotiations with the affected state.
4. The Ministry shall inform the environmental authorities and the interested public of the information provided by the affected States on the transboundary effects of any proposed project.

CHAPTER V INSPECTIVE SUPERVISION

Article 25 Inspective supervision

Inspective supervision for the implementation of this law and sub-legal acts derived from this law, shall be performed by the inspectors for environmental protection in accordance with the relevant law which regulates the activity of the inspectorate for environmental protection, and the relevant law on inspections.

Article 26 Duties of the environmental inspector

1. In performing inspection supervision, the environmental inspector has the right and duty to:
 - 1.1. ascertain whether the obligation to submit an application for securing environmental consent for projects requiring EIA has been met, in accordance with the provisions of this law, before works commenced and development permits are obtained and/or operational phase starts;
 - 1.2. in case it is found that the provisions of this law have been violated, in order to implement its provisions, the inspector for environmental protection is obliged to submit a report to the competent body for violation of the provisions of this law.
 - 1.3. impose the measure defined in Article 27 and punitive measure defined in Article 28 of this Law.

Article 27 Authorizations of the environmental inspector

1. In performing inspection supervision works, the environmental 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 it is provided with environmental consent, by the Ministry;
 - 1.3. order the entire fulfilment of the conditions and the implementation of the measures defined in the decision for environmental consent, issued by the Ministry;
 - 1.4. stop performing the activity of the operator until the fulfilment of the conditions, defined in the decision for environmental consent.
2. The inspector compiles the minutes in which he ascertains the situation and the proposed measures.
 3. Based on the ascertainment for taking measures, the inspector issues a decision.

CHAPTER VI PENALTY PROVISIONS

Article 28 Minor offence sanctions with fine

1. The natural person and the responsible person of the legal person shall be fined for minor offence with a fine from one thousand (1.000) to four thousand (4.000) Euro, the natural person that operates an individual business shall be fined from two hundred (200) up to five thousand (5.000) Euro and the legal person shall be fined from twenty thousand (20.000) to forty thousand (40.000) Euros if:
 - 1.1. the realization of the planned project has started without performing the EIA and providing the decision for environmental consent according to paragraph 1 of Article 7 of this Law;
 - 1.2. there are submitted false data and statements, there is done falsification of documents, false information and disinformation during all stages of the EIA procedure, according to paragraph 3 of Article 12 of this Law;
 - 1.3. it does not fulfil the obligations for protection measures, foreseen in the EIA report and the conditions set out in the decision for environmental consent.
2. The imposition of minor offense sanctions with fines defined in this Law is done in accordance with the relevant legislation in force for minor offenses.

CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS

Article 29 Validity of licenses for drafting the EIA Report

The licenses of natural and legal persons obtained before the entry into force of this law are valid until the expiration of their term defined in the relevant license. After the end of this term, the licensing of natural and legal persons is carried out according to the rules established by this law and the relevant sub-legal acts provisions.

Article 30 **Issuing sub-legal acts**

1. Within twelve (12) months from the entry into force of this Law, the Ministry shall issue the sub-legal acts deriving from this Law.
2. Until the issuance of sub-legal acts according to this Law, the existing sub-legal acts shall be applied but not longer than the period set forth in paragraph 1 of this Article, for the parts that are not in contradiction with this Law.

Article 31 **Repeals**

With the entry into force of this Law, there shall be repealed the Law No. 03/L-214 on Environmental Impact Assessment.

Article 32 **Annexes**

1. An integral part of this Law are the annexes:
 - 1.1. Annex 1 - Projects subject to EIA procedures;
 - 1.2. Annex 2 - Projects to be examined on a case-by-case basis;
 - 1.2.1. Annex 2.A - Information provided by the applicant on the projects listed in Annex 2;
 - 1.3. Annex 3 - Criteria for determining whether the projects listed in Annex 2 must be subject to EIA; and
 - 1.4. Annex 4 - Information on the EIA.

Article 33 **Entry into force**

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

Law No. 08/L-181
15 December 2022

Promulgated by Decree No. DL-360/2022 dated 30.12.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu

ANNEX 1

PROJECTS SUBJECT TO EIA PROCEDURES

1. Metal production and processing

1. Plant for the roasting or sintering of metallic minerals (including sulphur-containing minerals).
2. Factory for casting cast iron and steel (primary or secondary joint), including continuous casting.
3. Factory / foundry for processing of ferrous metals:
 - 3.1. hammer blacksmiths, the energy of which exceeds fifty (50) KJ per hammer, while the calorific power used exceeds twenty (20) KW;
 - 3.2. application of alloy metal protective coatings with a capacity exceeding 1 ton of brutto steel per hour.
 - 3.3. ferrous metal foundry with a production capacity of over one hundred (100) tons / day.
4. Factory / foundry for:
 - 4.1. production of non-ferrous metals from minerals, concentrates or by-products of metallurgical, chemical, electrolytic processes;
 - 4.2. smelting, including alloying, including recovered products (refining, foundry casting, etc.) with a smelting capacity exceeding one (1) ton per day for lead and cadmium, or ten (10) tons per day for all other metals.
5. Factory for surface treatment of metals and plastic materials, using an electrolytic or chemical process, in which the volume of the treatment tub exceeds ten (10) m.
6. Plants for the surface treatment of substances, objects or products using organic solvents, in particular for coating, pressing, overcoating, degreasing, anti-water penetration, dyeing, cleaning or compaction, with a capacity exceeding one hundred (100) tons / year.
7. Production and processing of alloys of non-ferrous metals containing arsenic, mercury and lead, with a capacity exceeding one thousand (1000) tons per year.

2. Mineral industry

8. Factory for the production of cement in rotary kilns (baking and drying) with a production capacity exceeding three hundred (300) tons per day, or for the production of lime in rotary kilns with a production capacity exceeding thirty (30) tons per day, or in other furnaces with a production capacity exceeding thirty (30) tons per day.
9. Factory for the production of materials with the process of calcination and roasting of minerals that contain toxic elements such as mercury, arsenic and cadmium.
10. A plant for the production of glass, including glass fibers, with a melting capacity exceeding ten (10) tons per day.
11. Foundry for smelting mineral substances, including the production of mineral fibers with a capacity exceeding ten (10) tons per day.
12. Factory for the production of ceramic products by fire, in particular tiles, bricks, refractory

bricks or porcelain, with a production capacity exceeding thirty (30) tons per day.

13. Asbestos extraction and processing departments for asbestos and asbestos-containing products: for asbestos-cement products, with an annual output of more than five thousand (5000) tons of final products, for abrasive materials, with an annual production of fifty (50) tons of final products, and for other uses of asbestos, the amount of production of which exceeds two hundred (200) tons per year.

14. Plant for the roasting and sintering of non-metallic minerals with a production capacity exceeding thirty (30) tons / day.

3. Extraction industry

15. Open quarries and mines, in a surface greater than five (5) ha, or peat extraction, in a surface greater than ten (10) ha, or extraction of more than fifteen thousand (15,000) tons / year.

16. Extraction and processing (excluding liquefaction and gasification) of coal, lignite and bituminous minerals, with capacities exceeding fifty thousand (50,000) tons per year.

4. Chemical industry

17. Integrated activities for the industrial production of substances or groups of substances referred to in subparagraphs 17.1 to 17.7 by chemical processes:

17.1. For the production of basic organic chemicals, such as:

17.1.1. simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

17.1.2. oxygen-containing hydrocarbons, such as: alcohols, aldehydes, ketones, carboxylic acids, ethers, peroxides, epoxy resins;

17.1.3. sulphur-containing hydrocarbons;

17.1.4. nitrogen-containing hydrocarbons, such as: amines, amides, nitro compounds, nitrate compounds, nitriles, cyanides, isocyanates;

17.1.5. phosphorus-containing hydrocarbons;

17.1.6. halogen hydrocarbons;

17.1.7. organometallic compounds;

17.1.8. basic plastic materials (polymer synthetic fibers and cellulose-based fibers);

17.1.9. synthetic rubber;

17.1.10. dyes and pigments;

17.1.11. surface active agents.

17.2. For the production of basic inorganic chemicals, such as:

17.2.1. gases such as: ammonia, chlorine or hydrochloric gas, fluorine or hydrogen fluoride gas, carbon dioxide, sulphur compounds, sulphur dioxide, hydrogen, carbonyl chloride;

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

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

17.2.4. salts such as: potassium carbonate, sodium carbonate, perborates, silver nitrate;

17.2.5. non-metals, metal oxides or other inorganic compounds such as calcium carbon, silicon, silicon carbon.

17.3. for the production of phosphate, nitrogen or potassium-based chemical fertilizers (simple or compound chemical fertilizers);

17.4. for the production of basic plant protection products and biocides;

17.5. plants using chemical or biological processes for the production of pharmaceutical-based products, dyes and pesticides;

17.6. for the production of explosives;

17.7. for the production of protein supplements, enzymes and other protein substances by chemical or biological means.

17.8. Waste chemical treatment plants.

5. Energy industry

18. Power plants and other combustion plants with a power output exceeding fifty (50) MW.

19. Nuclear power plants.

20. Construction of high voltage power lines, with a minimum voltage of two hundred and twenty (220) KV and with a length greater than ten (10) km.

21. Oil and gas refineries, equipment for liquefaction and gasification of coal and bituminous sands, plants for the regeneration of used oils in quantities higher than one hundred thousand (100,000) tons / year.

22. Warehouses for storage and storage of oil, its products, chemical and petrochemical products with a capacity higher than or equal to one hundred thousand (100,000) tons

23. Warehouse for storage of radioactive materials.

6. Transport infrastructure

24. Construction of lines for long-distance rail traffic and for airports with a base crossing length greater than or equal to two thousand one hundred (2100) m.

25. The construction of a new road with two or more lanes, or the widening of an existing road with two or fewer lanes, where two or more lanes will be provided, and this new road or the widened part of the road shall be five (5) km or more in a row.

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

26.1. natural gas, petroleum products, or chemicals;

- 26.2. carbon dioxide (CO₂) for geological disposal purposes, including stations pumping companions.
- 27. Pipelines with a diameter of more than eight hundred (800) mm and a length of more than forty (40) km for the transport of carbon dioxide (CO₂) for geological disposal purposes, including associated pumping stations.

7. Food industry

- 28. Targeted treatment and processing for the production of food products by:
 - 28.1. raw materials of animal origin (except milk) with a final production capacity greater than thirty (30) tons / day;
 - 28.2. plant raw materials with a final production capacity greater than two hundred and fifty (250) tons / day;
 - 28.3. treatment and processing of milk, in the amount of one hundred (100) tons / day (average value on an annual basis);
 - 28.4. Meat processing plants.

8. Waste and discharged wastewater treatment

- 29. Plants for incineration, recovery, chemical treatment, or disposal of hazardous waste.
- 30. Municipal waste incineration plants with a capacity greater than one (1) ton / hour.
- 31. Urban waste landfills with a capacity greater than thirty (30) tons / day.
- 32. Discharged urban water treatment plants with equivalent or greater capacity, per one hundred thousand (100,000) inhabitants;
- 33. Industrial wastewater treatment plants.

9. Projects for storage, transport and water supply

- 34. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water discharged or recharged, is equal to or greater than five (5) million m³.
 - 34. 1. Works for the transfer of water resources from river basins, where the transfer aims at shortened preventive waterways and where the amount of transferred water is greater than thirty (30) million m³ / year.
 - 34. 2. In all cases, works for the transfer of water resources from river basins where the perennial flow of the basin is greater than six hundred (600) million m³ / year and where the amount of transferred water is greater than 5 percent of this leak. In both cases the transfer of drinking water through pipes is excluded.

- 35. Dams and other reservoirs designed for the collection or storage of water, where the additional amount of water is greater than five (5) million m³.

10. Paper, wood, textile, and leather industries

- 36. Production of cardboard fibers over one hundred thousand (100,000) m² / year.
- 37. Industrial plants for:

- 37.1. production of pulp from wood or other similar fibers;
- 37.2. production of paper and cardboard with a production capacity greater than fifty (50) tons / day.
- 38. Production of furniture with capacities over ten thousand (10,000) m³/ year, raw material.
- 39. Plants for pre-treatment (operations such as washing, bleaching, mercerization), or dyeing of fibers and textiles.
- 40. Factory for leather treatment and processing.

11. Intensive agriculture

- 41. Farms for intensive breeding of poultry, pigs and small livestock having more than:
 - 41.1. ten thousand (10,000) fowl;
 - 41.2. five hundred (500) pigs;
 - 41.3. one hundred (100) cattle
 - 41.4. one thousand (1000) small cattle;

12. Other projects

- 42. Plant for the disposal or treatment of animal waste and animal skeletons;
- 43. Warehousing areas for geological storage of carbon dioxide.
- 44. Installations for the capture of CO₂ aggregates for the purpose of geological disposal from installations covered by this Annex, or in cases where the total annual CO₂ capture is 1.5 megatons or above this value.
- 45. Any change or extension of any project set forth in this Annex, when such change or extension reaches the threshold set out in this Annex, if such is included.

ANNEX 2

PROJECTS THAT ARE EXAMINED CASE BY CASE

1. Agriculture, forestry and fisheries

- 1.1. Projects for the use of non-agricultural lands or semi-natural areas for intensive agricultural purposes;
- 1.2. Water management projects for agricultural needs including irrigation and land drainage projects;
- 1.3. Afforestation and deforestation for the purposes of changing land use destination;
- 1.4. Intensive fish farms.

2. Extraction industry

- 2.1. Quarries, open pit mining and peat extraction, including identified craft sites (projects not included in Annex 1);
- 2.2. Underground mining;
- 2.3. Extraction, crushing and separation of mineral-inerts from river drainage;
- 2.4. deep drilling, in particular:
 - 2.4.1. geothermal drilling;
 - 2.4.2. drilling for water supplies, excluding drilling to check soil stability;
- 2.5. industrial surface facilities for the extraction of coal, lignite and bituminous materials (projects not included in Annex 1).

3. Energy industry

- 3.1. industrial plants for the production of electricity, steam and hot water (projects not included in Annex 1);
- 3.2. industrial plants for holding gas, steam, hot water; for the transmission of electricity by cable (projects not included in Annex 1);
- 3.3. surface storage of natural gas;
- 3.4. underground storage of combustible gases;
- 3.5. storage on and below ground surface of combustible liquid (projects not included in Annex 1) and storage at ground level of fossil fuels;
- 3.6. industrial briquetting of coal and lignite;
- 3.7. hydropower plants including cascades (projects not included in Annex 1);
- 3.8. wind power equipment for energy production;
- 3.9. Continuous radiation sources (ionizing and non-ionizing);
- 3.10. Installations for the capture of CO₂ aggregates for geological disposal purposes (installations not included in Annex 1).

4. Production and processing of metals

- 4.1. Production of continuous cast iron and steel;
- 4.2. Ferrous metal processing plant (projects not included in Annex 1);
- 4.3. Ferrous metal ores (projects not included in Annex 1);
- 4.4. Smelting plant, including non-ferrous metal alloys, excluding precious metals, including recovered products (refining, foundry casting, etc.), (projects not included in Annex 1);
- 4.5. Plant for surface treatment of metals and plastic materials (projects not included in Annex 1);
- 4.6. Production and assembly of vehicles and production of engines for vehicles;
- 4.7. Plants for roasting and sintering of metal ores.
- 4.8. Aircraft construction and repair installations;
- 4.9. Manufacture of railway equipment;
- 4.10. Fragmentation with explosive.

5. Mineral industry

- 5.1. Coking coal ovens (dry distillation of coal); of dry coal
- 5.2. Cement plant (projects not included in Annex 1);
- 5.3. Plants for the production of asbestos and for processing of asbestos products (projects not included in Annex 1);
- 5.4. Factory for the production of glass and glass fibers (projects not included in Annex 1);
- 5.5. Mineral fusion foundry, including mineral fibers (projects not included in Annex 1);
- 5.6. Production of ceramic products by combustion, in particular roof tiles, bricks, bricks refractory, tiling, stone or porcelain cladding (projects not included in Annex 1)
- 5.7. Asphalt production plant;
- 5.8. Factory for the production of concrete.

6. Chemical industry

- 6.1. inter-product treatment and production of chemicals;
- 6.2. production of pesticides and pharmaceuticals, dyes and varnishes, elastomers and peroxides (projects not included in Annex 1);
- 6.3. storage facilities for the purpose of storing or trading petroleum products, storing petroleum products and chemical products.

7. the food industry

- 7.1. Production of animal and vegetable oils and fats (projects not included in Annex 1);
- 7.2. Packaging and packaging of plant and animal products;
- 7.3. Production of dairy products (projects not included in Annex 1);
- 7.4. Beer production and malting (projects not included in Annex 1);
- 7.5. Production of syrups and confectionery (projects not included in Annex 1);
- 7.6. Animal slaughter installations;
- 7.7. Industrial plants for starch production;
- 7.8. sugar factories (projects not included in the Annex 1).

8. Textile, leather, wood and paper industry

- 8.1. Paper and cartridge factories (projects not included in Annex 1);
- 8.2. Pre-treatment plants (washing, bleaching, mercerizing) or dyeing of fibers and textiles (projects not included in Annex 1);
- 8.3. Fur and leather tanning plants;
- 8.4. Cellulose processing and production plants.

9. Rubber industry

- 9.1. Production and treatment of products, based on elastomer.

10. Infrastructure projects

- 10.1. Industrial development projects;
- 10.2. Urban development projects, including the construction of shopping malls and car parks;
- 10.3. Construction of railways, intermodal transport equipment and intermodal terminals (projects not included in Annex 1);
- 10.4. Construction of airports and airfields for small aircraft (projects not included in Annex 1);
- 10.5. Road construction (projects not included in Annex 1);
- 10.6. Construction, construction or modification of groundwater canals, canal projects and leakage prevention;
- 10.7. Flood prevention projects including modification of river channels (projects not included in Annex 1);
- 10.8. Dams or other installations designed to hold water or store it for a long time (projects not included in Annex 1);
- 10.9. Construction or modification of tram rails, elevators or underground railways, used

only or mainly for passengers.

10.10. Oil and gas pipeline installations and pipelines for the transport of CO₂ effluents for geological storage purposes (projects not included in Annex 1);

10.11. Groundwater abstraction and artificial groundwater recharge schemes (projects not included in Annex 1);

10.12. Work on the transfer of water resources between river basins (projects that do not are included in Annex 1).

11. Tourism and free time

11.1. Ski trails, cable cars, cable cars and developments associated with these types of activities;

11.2. Tourist villages and hotel complexes outside urban areas and facilities associated with these types of activities;

11.3. Places (areas) of caravans and camps;

11.4. Amusement parks;

11.5. Infrastructure facilities in protected zones that are not included in the spatial plan.

12. Other projects

12.1. Permanent roads used for testing and racing of motor vehicles;

12.2. Fertilizer disposal installations (projects not included in Annex 1);

12.3. Wastewater treatment plants (projects not included in Annex 1);

12.4. Sludge collection installations (projects not included in Annex 1);

12.5. Warehouses for the storage of scrap iron and other metals, including metal frames of obsolete machines;

12.6. Installations for the production of artificial mineral fibers (projects not included in Annex 1);

12.7. Installations for the recovery or destruction of explosive substances;

12.8. Landfills for non-hazardous industrial waste;

12.9. Sites used for the collection-disposal of dead or undesirable animals (projects not included in Annex 1);

12.10. Food industry (projects not included in Annex 1 or section 7 above)

12.11. Any alterations or extensions of the projects listed in Annex I or Annex II, which are permitted, implemented or in the process of being implemented, which may have significant adverse environmental impacts (alterations or extensions that not included in Annex 1);

12.12. Projects in Annex I, undertaken exclusively or mainly for the development or testing of new methods or products and which have not been used for more than two (2) years.

ANNEX 2. A
INFORMATION PROVIDED BY THE DEVELOPER ON THE PROJECTS LISTED IN
ANNEX 2

1. Project description, including in particular:

(a) description of the physical features of the whole project and, where necessary, of the demolition works;

(b) description of the project location, with particular emphasis on the environmental sensitivity of the geographical areas likely to be affected.

2. Description of the environmental aspects that are likely to be significantly affected by the project.

3. Description of potential significant effects, based on the information available, of the project on the environment, arising from:

(a) expected residue, emissions and waste generation, where relevant;

(b) use of natural resources, in particular soil, land, water and biodiversity.

4. The criteria of Annex 3 should be taken into account, where appropriate, while collecting information in accordance with points 1 to 3;

ANNEX 3

CRITERIA FOR DETERMINING WHETHER THE PROJECTS LISTED IN ANNEX 2 SHOULD BE SUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT

1. Projects features

Projects features should be considered, with particular emphasis on:

- (a) the size and design of the whole project;
- (b) cumulation with other existing and/or approved projects;
- (c) utilization of natural resources, in particular land, soil, water and biodiversity;
- (d) water production;
- (e) pollution and noise;
- (f) the risk of major accidents and/or catastrophes associated with the project in question, including those caused by climate change, based on scientific knowledge;
- (g) risks to human health (for example, due to water and air pollution).
- (h) the production of waste.

2. Location of projects

There should be taken into account the environmental sensitivity of the geographical areas that are likely to be affected by the projects, with particular emphasis on:

- (a) current and approved land use;
- (b) relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and underground;
- (c) the absorption capacity of the natural environment, paying special attention to the following areas:
 - (i) wetlands, riparian areas, river outflows;
 - (ii) coastal areas and marine environment;
 - (iii) mountainous and forested areas;
 - (iv) nature reserves and parks;
 - (v) areas classified as protected by national legislation; identified Natura 2000 areas and other designated areas by the Law on Nature Protection.
 - (vi) areas where compliance with environmental quality standards set out in Union legislation and related to the project has already failed, or where such failures are considered to have occurred;
 - (vii) densely populated areas;
 - (viii) landscapes and points of historical, cultural or archaeological importance.

3. Type and features of potential impact

The likely significant environmental effects of the projects should be taken into account in relation to the criteria set out in points 1 and 2 of this Annex, paying attention to the impact of the project on the factors set out in Article 3 (1), based on:

- (a) spatial width and extension of impact (for example geographical area and population size likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) intensity and complexity of the impact;
- (e) probability of the impact;
- (f) onset, frequency, and expected reversibility of the impact;
- (g) cummulation of the impact with that of other existing and/or approved projects;
- (h) the possibility of effective impact reduction

ANNEX 4 INFORMATION ON ENVIRONMENTAL IMPACT ASSESSMENT REPORT

1. Project description, including in particular:

(a) description of the project location;

(b) a description of the physical features of the entire project, including where necessary, demolition works and land use conditions during the construction and operation phases;

(c) description of the main features of the Project operational phase (in particular production processes), for example, energy demand and energy used, nature and quantity of materials and natural resources (including water, land, soil and biodiversity) that were used;

(d) calculation, by type and quantity, of expected waste and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste generated during the construction and operating phase.

2. Description of the reasonable alternatives (for example, design, technology, location, dimensions and extension) studied by the developer, related to the proposed project and its specific features, as well as description of the main reasons for selecting the selected option, including comparison of environmental effects.

3. Description of relevant aspects of the current state of the environment (initial scenario) and outline of its possible development without project implementation, so that natural changes from the initial scenario can be assessed with reasonable effort based on the availability of environmental information and scientific knowledge.

4. Description of the factors defined in Article 3(1) that are likely to be significantly affected by the project: population, human health, biodiversity (for example flora and fauna), land (for example, land acquisition), soil (for example, organic matter, erosion, pressure, blockage), water (for example, hydro-morphological changes, quantity and quality), air, climate (for example, greenhouse gas emissions, impacts associated with adaptation), material assets, cultural heritage, including architectural and archaeological aspects, as well as the landscape.

5. Description of the potentially significant environmental consequences of the project, arising from:

(a) construction and existence of the project, including, where applicable, demolition works;

(b) utilization of natural resources, in particular land, soil, water and biodiversity, taking into account as far as possible the sustainability of these resources;

(c) emission of pollutants, noise, vibration, light, heat and radiation, creating problems, and dumping and processing of waste;

(d) Risk to human health, cultural heritage or the environment (for example due to disasters or catastrophes);

(e) combination of consequences with other existing and / or approved projects, taking into account existing environmental problems related to areas of particular environmental importance that are likely to be affected or the use of natural resources;

(f) the impact of the project on climate (for example the nature and width of greenhouse gas emissions) and the project's vulnerability to climate change;

- (g) technologies and substances used. The description of the potential consequences on the factors set out in Article 3(1) shall include the direct and indirect, secondary, combinational, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives set at the Union or Member State level that are project-related.
6. Description of the forecasting methods or evidence used to determine and assess the significant environmental consequences, including a detailed description of the difficulties (for example technical deficiencies or lack of knowledge) encountered during compiling the necessary information and the main uncertainties involved.
7. Description of the measures envisaged to avoid, prevent, reduce or, if possible, eliminate the negative consequences for the environment and, where appropriate, of the proposed monitoring measures (for example, preparation of post-project analysis). That description should explain the degree of avoidance, prevention, reduction or elimination of significant adverse environmental consequences, and should include both the construction phase and the operation phase.
8. Description of significant negative environmental consequences of the project, arising from the project's vulnerability to major accidents and/or disasters related to the project in question. Relevant information available and obtained through risk assessments according to the Administrative Instruction for preventing major accidents involving hazardous substances No.04/2018.
9. Non-technical summary of information provided under points 1 to 8.
10. List of bibliography (references) of sources used for descriptions and assessments included in the report.