

REPUBLIC OF ALBANIA · ALBANIAN ROAD AUTHORITY

**PLANNING AND PREPARATION OF THE RESULTS-BASED ROAD
MAINTENANCE AND SAFETY PROJECT (RRMSP)**

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DRAFT ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF)

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Acronyms

AAS	Agency of Archaeological Service
ARA	Albanian Road Authority
BAT	Best Available Techniques
EBRD	European Bank for Reconstruction and Development
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
ESFD	Environmental and Social Framework Document
ESMD	Environmental and Social Management Document
ESMF	Environmental and Social Management Framework
ESSD	Environmental and social Safeguard Document
ESIA	Environmental and Social Impact Assessment
EU	European Union
GOA	Government of Albania
IEE	Initial Environmental Examination
MOE	Ministry of Environment
MTI	Ministry of Transport and Infrastructure
NEA	National Environmental Agency
NCA	National Council of Archeology
NCL	National Center for Licensing
OP	Operational Procedure
OPRC	Output and Performance based Road Contracts
PR	Performance requirements
RRMSP	Results based Road Maintenance and Safety Project
RED	Regional Environmental Directorate
RRA	Regional Road Authority
TOR	Terms of Reference
WB	World Bank

1 EXECUTIVE SUMMARY

The project aims to prepare a Results based Road Maintenance and Safety Project, in compliance with Environmental and Social requirements in Albania as well as with WB safeguards. Despite the amelioration of Environmental Legislation in Albania, its approximation with EU Directives etc., the legal framework seems to have several gaps regarding environmental assessment and management plan in case of road maintenance or upgrading. . In order to overcome such shortcomings, the project includes the preparation of an EFD and SFD, both to be used as a template for road maintenance development projects.

In developing the Environmental Framework Document, the following tasks have been undertaken:

- Task A - Development of an Environmental Management Framework
WB policies and Albanian legal requirements regarding EIA process related to road maintenance activities have been analyzed. An overview of the future sub-projects related to screening and revising process, determining ways to meet both requirements (Albanian and WB) is also given.
- Task B - Development of two site specific Environmental Management Plans for at least two anticipated project activities.

The EMP is prepared following the outline defined in the EMF. It concerns, the Paper-Vidhas segment (Elbasan Region), and Paper-Paulesh segment, which reconciles both the World Bank and the Albanian legal requirements, while following the general outline given above, and using the standard World Bank EMP tables provided in the Annex of the ToR.

- Task C and D - Development of mitigation measures for works that may be related to cultural heritage and/or Nature Protected Areas with reference to the World Bank's OPs 4.11 on Physical Cultural Resources as well as the OP 4.04 on Natural Habitats and relevant Albanian laws.
- Task E - Assistance in Public Disclosure and Public Consultations of the EMF.

Following the preparation of this document, the Consultant will assist ARA and prepare a summary of EMF conclusions for public consultation. NGOs and other interested parties are invited to attend public disclosure meetings. Documentation regarding the comments and suggestions arising from such meeting shall be included in the Annex of EMF.

This report consists in the presentation of the EMF, covering the task A, C and D of the Environmental Framework Document. The task B, as it is mentioned before is represented by two simple environmental management plans included in two separate volumes of the same project.

The EMF has been drafted based on a long-standing experience of local environmental and social conditions gained through the preparation of several EIA and ESIA reports , Environmental and Social Management & Monitoring Plans for road and other infrastructure projects in Albania. An intensive consultation with experts from ARA , NEA and RED and Environmental NGOs was part of the project drafting, defining the issues and data gaps leading to the proposed solutions.

The report includes a general introduction, explaining project development and background, purpose of the EMF etc. Afterwards, it goes on with a summarized baseline, focused on environmental and social data, related mostly to the road transport development and maintenance issues. Such chapters are characterized by a screening of the Albanian Legislation, WB requirements, their comparison and definition of discrepancies and inconsistencies. Proposals are presented also with regard to the ways to meet both WB and Albanian requirements, action plans in case of works in/close to cultural heritage or natural sites, ways to implement practical procedures

for environmental protection in case of road maintenance/upgrading and public consultation process.

The EMF complies with the provisions of the World Bank Operational Policies and Handbooks as well as with the Albanian legal framework requirements regarding the Environmental Impact Assessment, Environmental Permit Release, Nature and Cultural Protected Areas, Waste Management, and other relevant laws and bylaws.

The Report provides detailed analyses of all this documentation, defining discrepancies between them. A number of discordances were found during the screening, scoping and revising process. An overriding important issue, remains the fact that the Albanian legislation doesn't provide with an explicit regulation or framework for the road maintenance and/or upgrading in any list of EIA categories, except for some cases of "reconstruction or widening from two or one lane to 4 or more lanes, (for section under enlargement or reconstruction longer than 10km), which are considered as projects subject to full and substantial EIA studies.

Another important issue highlighted in the report is the lack of the requirement for preparation of EMP's, in cases where a fully elaborated EIA is not needed. This seem to be not in line with the WB consideration that the EMP is an important instrument of EIA for category B projects. Other discrepancies between WB and Albanian requirements regarding social safeguard issues are mentioned in this report, and additionally covered in the RPF and RAP template, prepared in the same project framework. Also, amongst inconsistencies encountered based on the consultant experience, underlined by environmental experts of ARA, environmental NGOs etc., a quite concerning one remains the lack of accountability and willingness for implementation of Environmental Legislation by some of the responsible staff within the relevant by Albanian Environmental Authorities both in central and local level.

The next step, after the outline of the above mentioned inconsistencies residing in the Albanian Regulatory Framework, was to define ways and propose measures that would comply with both requirements (WB and Albanian Government). Finding practical and readily usable options to prepare and implement the EMP is a very important part of this EMF. Definition of responsible agencies in such actions is part of the chapter 4.0 The consultant proposes the preparation of templates to be used from ARA as EMP in cases that Albanian Legislation doesn't require the preparation of a specific EMP. In this manner, in case that a project doesn't seem to have significant negative impacts, the implementing agency will have to apply simple environmental management measures like dust and gas control using green barriers, solid waste management, etc.

The EMF provides also precaution measures for the protection of cultural heritage and for activities in the proximity or within natural habitats and other protected natural areas. The responsible institutions in cases that such works can affect cultural or natural specific sites are also defined and included in respective chapters (chapter 7.0 and 8.0). Action plans for works in proximity of such sites are included as a guide for the implementing authority

A description of present practice on Environmental Screening and proposal for Practical Procedures is outlined at the last EMF chapter, which consists on giving the guide for main impacts generated by road maintenance/upgrading, how to comply with the requirements for Environmental Permit, guidelines for environmental screening and orientation on main environmental impacts and their sorting into the mitigation measures table.

1.1 Formal Regulatory Framework

The main legal instruments in Albania have been developed in compliance with European Union (EU) standards as part of the country's accession process in EU. During the last years, several National Strategies are developed, which aim to orient the overall development of the country both space and time-wise to a sustainable one with an effective use of financial instruments.

The formal regulatory framework considered in this report refers to:

- WB OPs and Guidelines regarding EIA. The EMF complies with the provisions of the World Bank Operational Policy 4.01: "Environmental Assessment" and its annex related to EMP, Operational Policy 4.04 "Natural Habitats", OP 4.11 "Physical Cultural Resources", the "Pollution and Abatement Handbook-1998", the "Disclosure Handbook, December 2002".
- Albanian Environmental Legislation, considering the basic Law "On Environmental Protection", the Law on "Environmental Impacts Assessment", the Law on "Environmental Permit", and other law and by laws related to EIA processes and implementation, Steps and procedures to get environmental Permit, screening process etc. Under analyses were also legal framework requirements regarding the operation or other activities in/close to Cultural Heritage sites or Natural Sites. The consultant took in consideration additional legislation related to environmental protection such as the laws regarding discharges in air and waters, waste management, protected areas, public consultation etc. A very important tool remains the legislation related to road construction, road maintenance and upgrading, etc.
- Conventions and Strategic Planning documents were under consideration during the evaluation of Albanian Legal Framework. Not only conventions related to Environmental Protection were considered, but also mid to long term strategies and national plans such as the National Strategy for Development and Integration, National Environmental Action Plan have been part of the EMF in term.
- EU Legislation is considered as a very important regulatory framework document, as far as Albania is a member candidate country of the European Union and its legal framework is largely and progressively being harmonized with EU legislation. Consequently, the project has to comply with the main guidelines provided by the European Directives. The EC protocols and EU strategies are considered also as very important on this legislation chapter.
- The Institutional Overview was an important part of the Legal framework chapter. In this part of the report there is a description of the main environment context decision makers like Ministry of Environment, National Environmental Agency, Regional Environmental Agencies, etc. A very important role has to be played by responsible Institutions for Road construction and maintenance such as ARA,ADF,Regional Councils etc. The ARA remains the most important national agency regarding road network administration.

1.2 Revision of the environmental requirements, identification of inconsistencies and definition of ways to reconcile between WB requirements and Albanian Legislation

The review of the environmental requirements is an important part of the EMF document. The analyses to define inconsistencies were focused on EIA typology, implementation process, environmental permits etc. Screening scoping and reviewing were the most important EIA steps where discrepancies were encountered.

This report considered a certain number of screening indicators in respect of the process and timeframe required by WB and Albanian Legislation. It is to be mentioned that, the most important inconsistencies are related to Social Safeguard Policies which in the WB-practice are totally included in EIA whereas in the relevant Albanian legislation they are related to Feasibility Studies and Detailed Design phases of the projects. In this regard EU has similar standards with WB. Nevertheless, the WB practice for an EIA of a category B project is similar to Albanian one for projects categorized at list II of EIA law, where are included projects that have less significant impacts than those classified in category 1, in accordance with a weighing process used actually. Nonetheless, in our opinion, this classification and the effects represented thereby are quite unclear and should be analyzed and reviewed with the aim of a better categorization for inclusion in either category I or II (for more detail please refer to the legislation framework of this report).

There are several inconsistencies regarding the EIA procedures, in its level of detail, i.e., preparation of EMP in case of WB, and preliminary EIA in case of Albanian legislation. This is due to the fact that the Albanian legislation doesn't consider the application of simple EMPs if adverse impacts are not so significant and the project doesn't need an environmental permit of class A, B and/or C.

Time allocation and necessities for scoping process and safeguard policies are not properly developed and it is verified that there is a constant missing of reference indicators in Albanian Legislation. Most evident are discordances during review process, like:

- conditioning of preparation of EIA by entities licensed from National Center for License of Albania,
- differences between WB and Albanian Legislation regarding requirements scheduled by WB EIA category B projects and Albanian EIA activities of list II,
- missing of proper technical design projects for road rehabilitation in Albania (that exclude the EMP implementation in such cases) etc.

A number of suggestions are proposed providing measures to be implemented to meet both WB and Albania requirements:

- Include the requests for safeguard and social studies in ToR of the project development (RPF and RAP to be expressly requested by ToR). Using scoping stage for an agreement between parties (authorities) for implementation of social safeguard requirements. In essence, this implies that ARA or other institutions and the WB should agree since the outset of project preparation and in any case prior to the financing contract agreement, to perform the RPF and RAP as part of the project. This practice should then be passed over to all domestic projects ARA or other authorities are managing which is the argument this report reiterates as an important step forward.
- Incite by agreement (in the scoping phase) the Albanian Environmental Authorities to implement the screening indicators according to the Guidance No. 6, date 27.12 2006, on Approval of the Methodology for Preliminary Impact Assessment of an Activity.
- Provide ARA with screening indicators and EMP template, for cases that an EIA is not required by Albanian Legislation. Unification of screening indicators and compilation of screening timeframe by using pre-agreement on project development. Screening indicators will serve facilitating the categorization and selection methodology, considering natural environments, human environments and environmental specific features, in order to identify the right mitigation measures that should be taken to ensure an appropriate project development implementation.

- Propose DCMs on approval of EMP process, formalizing the Initial Environmental Examination, include the RAP/RPF on EIA studies, require a proper detailed design for road maintenance and rehabilitation
- Amend or revoke the DCM on preparation of EIAs only by entities licensed by National Center for Licensing. This DCM permits only the organizations or individuals that have the NCL license (usually Albanian ones) to deal with EIA or Environmental Auditing, without consideration of other entities or individuals, which could have a quite large and precious experience all over the world but have not applied in Albanian NCL. The procedure restricts entities to be equipped with a license unless successful in a sort of environmental examination before a committee with, in our view, limited capacities to assure it's fitness for the purpose. In order to alleviate all doubts and biased judgment, we are of the opinion that the process should undergo liberalization.
- Incite the correct and constant implementation of National Policies regarding environmental protection,
- Initiate the preparation of a set of guidance books with environmental indicators regarding different activities, using WB or EU templates.
- Agreement in the scoping phase for compiling the timeframe for public consultation and disclosure procedures. WB procedure requires ten days to two weeks for public disclosure process announcement, whereas the Albanian legislation requires the announcement at last 20 days before the public hearing meeting. Such discordance is easy to be over-passed as far as the 20 days period for announcement of the community and stakeholders before public disclosure meeting (required by Albanian Legislation) doesn't contradict the WB requirements for the same item.

1.3 Action plans for works affecting cultural heritage or natural sites

Considering the patrimony of Albania in cultural heritage sites and natural habitats, a specific attention is given on preparation of such plans in case that works may affect the concerned cultural or natural sites. Such working plans are described separately in different chapters, respectively chapter 6.0 for cultural heritage sites and chapter 7.0 for natural sites. In both chapters are described the categorization of specific sites according Albanian legislation and WB requirements respectively for specific Cultural sites and Natural ones. In the reminder of the document the consultant has given an Action Plan considering project stages (planning, implementation, upgrading, rehabilitation or maintenance), information activities, assets evaluation, developments etc, as well as defining responsibilities for each action. Such action plans take in consideration both maintenance/upgrading and operational phases.

1.4 Public consultation process

The Public Consultation Procedure plan is going to be developed also in compliance with the WB and Albanian requirements on Public Information Policy as well as best international practices. The process passes through different phases, where the most important ones are considered:

- Identification of interested parties , stakeholders , types of meetings, announcements and information.
- Stakeholder engagement and EMP disclosure for public review (first and second part).

In this chapter there are templates given for stakeholder/decision maker identification, registration of stakeholders, involvement of NGOs, registration on public consultation meetings and minutes of meetings, etc. Considerations have been given to issues that should be addressed at the initial phase of public consultation, and then goes on with:

- Identification of project stakeholder groups
- Stakeholder engagement process and information disclosure
- Constructive Consultation
- Grievance mechanism

The report goes on with stakeholder register and participation, involvement of public and NGOs, and templates on notes for public meetings and discussions.

1.5 Procedures to implement the EMP and cases to apply it

In this chapter a set of possible ways and procedures to apply the EMP is outlined. A screening procedure is proposed to define the activities that will lead or condition the preparation of the EMP, procedures to be applied in case of screening and scoping of EMPs for maintenance/upgrading projects and expected effects of negative impacts. The documentation needed to start screening procedures based on Albanian Legislation is presented in the first part of the chapter. This documentation is required by the law 10 448 date 14.07.2011, where regulations regarding permits for some activities that cause environmental pollution are given. In addition, there are measures proposed for mitigation of this pollution and in cases that mitigation measures are not possible, then the control or reduction measures for polluters and contaminations effects is proposed, considering reducing of discharges in air, soil and waters of gases, solids and liquids.

Suggestions for screening methodology, giving templates to evaluate the environmental and social sensitivity of the sites, respective to the project type and scale are given in the following subchapter. The environmental sensitivity is elaborated for three levels of sensitivity (Low, Medium and High), followed by a template of evaluation of environmental and social sensitivity relative to the project type and scale. Some orientation on setting mitigation measures in a simple EMP are part of this chapter too, along with a simple EMP structure and steps to ensure the implementation of EMPs. Such orientations consider the development and planning phase as well as maintenance/upgrading phase as part of the operation phase. The document include social and human impacts that can be generated by maintenance/upgrading activities, impacts on air, soils and waters (include ground-waters), natural habitats, biodiversity and protected areas, landscape and specific heritage sites etc.

In addition, the consultant has proposed a template for screening criteria indicators to be used by ARA in road maintenance upgrading activities, and included it at Annex 2. This annex includes the permits requested for road maintenance/upgrading, whether the concerned section has an environmental permit or it should be ensured in the future, whether this stretch of road to be rehabilitated is under appropriate environmental safeguard conditions and if not what is required to be improved. a series of related questions are given effect such as: Are there complains or claims raised from public? Is the new investment in full respect of local demands and giving the right answer to the public concerns? Also, the documentation requires if there is any tax, penalty, levies etc. to be paid by the road administrator. Screening criteria requires also if the project implementation will generate additional air, water and soil pollutants, or needs additional measures for pollution control. Such screening criteria will help to evaluate in which level of detail EMP is

going to be prepared and focus the ARA experts on environmental action plans during project implementation.

2 INTRODUCTION

In Albania, the changes from a centralized to a free-market economy were joined by an intensive increasing of the traffic and transport intensity. Such changes reflected the immediate needs for improvement of the road and transport system. The efforts made on increasing the number of motorways and highways all over the country were not subsequently followed by an appropriate maintenance and rehabilitation strategy of the existing road network.

The Government of Albania has undertaken measures to increase the efficiency and effectiveness with which the management and maintenance of the country's road network is carried out. This was motivated by the recognition that the Albanian road network is the country's single largest asset and that a less-than-optimal system for the management and maintenance of this asset will generally result in high losses for the national economy. This occurs not only in the form of road deterioration and reductions in road asset value, but also in the form of increased vehicle operation costs which must be borne by the road user, reducing therefore the overall competitiveness of the national economy in an increasingly global economy. That's why, in recent years a number of roads have been rehabilitated and further roads are currently in process of rehabilitation or improvement. The establishment of improved systems and standards of maintenance is important in order to ensure that these network improvements are sustained. Such a situation incited the development of the project dealt with in this document, the Results based Road Maintenance and Safety Project (RRMSp).

In order to ensure the compliance with environmental and social requirements, one of the project components is the preparation of the Environmental and Social Safeguard Documents. These documents are composed by:

- The Environmental Management Framework (EMF), which, among other issues, comprises analyses of similarities and inconsistencies between the WB and the Albanian Environmental Framework and the definition of ways to reconcile them. An Environmental Management Plan for two specific maintenance activities also will be an integral part of this document.
- The Social Resettlement Policy Framework (RPF) and templates of the Resettlement Action Plans (RAPs).

Requirements originated from the environmental and social safeguard documents shall be included in the Bidding Documents to be prepared for the project sites and all works financed under the project.

2.1 Project Development

The EMF report is developed in close collaboration with decision makers, stakeholders, NGOs and interested communities. Desk analyses remain a very strong element of the preparation and finalization of the works. The reports are organized as follows:

- a) The Environmental Management Framework (EMF) document,

- b) Two Environmental Management Plans, specifically referred to interventions for the maintenance and improvement of the road SH7 (Elbasan-Rrogozhine), in the section Vidhas-Paper (about 7 km long) and Paper-Paulesh about 3.5 km.
- c) The Resettlement Policy Framework (RPF) document.
- d) The Template of Resettlement Action Plans (RAPs)

All desk, field works and surveys will also be carried out during the training for ARA's Environmental and Social Safeguard Experts.

This report, referred to as the EMF report, consists of following chapters:

- The first chapter gives the executive summary. In this summary all project steps and outputs are presented shortly.
- The second chapter is the introduction which includes the project background, its components and the purpose of the EMF.
- The third chapter gives an overview of environmental and other related requirements in Albania, considering laws and bylaws, international conventions, national strategies and institutional framework. Considerations regarding EU performance requirements related to road maintenance and EIA are also presented.
- The fourth chapter is dedicated to the analysis of the World Bank OP/BPs and Requirements on EIA process, related to road construction and maintenance.
- The fifth chapter gives a review of the Environmental Assessment process in a comparative way between the Albanian Framework and WB requirements, defining the main gaps or inconsistencies in the screening, scoping and reviewing processes, considering also public disclosure and hearings, responsibilities, differences in the time process schedule, etc. In this chapter, suggestions to meet both requirements are given in a synthetic form.
- The sixth chapter presents action plans for dealing with cultural heritage, consistent with WB OP 4.11 and the Albanian legal framework.
- The seventh chapter presents action plans for dealing with natural habitats, with reference to the WB OP 4.04, as well as the Albanian legislation related to specific habitats, biodiversity and Protected Areas.
- The eighth chapter consists in public participation and stakeholder engagement.
- The ninth chapter consists on ways and practical procedures to implement the EMPs in road maintenance and upgrading, considering ARA as the most important implementing Agency.

2.2 Background

The Albanian road network suffered some problems in the past. Starting from 2005, the government investments were focused also in the improvement of this network. The overall length of the road network in Albania totals about 15,000 km. The network comprises about 3,700 km of national roads administered by the Ministry of Transport and Infrastructure (MTI) through the Albanian Road Authority (ARA). The secondary and local road network consists of:

- About 4,400 km of district roads, which provide rural links of district importance and are maintained by district road departments within the three Regional Road Authorities (RRAs);
- About 4,980 km of communal roads, including private access roads, which provide rural links of communal importance and are maintained by road departments;
- About 2,500 km of urban or municipal roads, which are administered and maintained by municipal road departments.

The Government of Albania (GoA) during 2009 launched (on a pilot basis) four packages for output and performance based road contracts (OPRC) covering 245 kilometers of the national road network. They were completed in November 2012. In continuation of this strategy, the Government of Albania through the ARA, is proposing to implement OPRC maintenance contracting, on an area-wide basis, across all national roads throughout Albania. It is currently proposed that the first five years of this maintenance strategy will be funded by the World Bank, GoA and other Donor partners, under a new project to be called the Results based Road Maintenance and Safety Project (RRMSP). At present, ARA has contracted maintenance activities across the entire national road network, and these contracts will end in 2015.

The project consists in following components:

Component 1

- Assessment of the existing National Road Network inventory in order to develop the optimal arrangements for contracting out the maintenance activities on a performance basis of all national roads.
- Preparation of the bidding documents (BD) for all contracts. The BD will incorporate the recommendations of an independent road safety audit.

Component 2

- Introduction of Road Safety Audit Practices as part of implementation of the Road Safety Action Plans
- Identification and need assessment of capacity building requirements to enhance the implementation of Road Safety within ARA and the Secretariat of the Inter-ministerial Road Safety Council (RSC), and preparation of a TOR for additional Technical Assistance (TA) to address the identified requirements.

Component 3

- Review the requirements of the World Bank's Environmental and Social safeguards policies, and prepare the Environmental and Social Safeguards documents for the RRMSP.
- Review and identify gaps / inconsistencies between regulations governing environmental and social safeguard policies of the Government and the guidelines of the World Bank and finding ways to reconcile in an appropriate way, in order to ensure full effective harmonization in the future;
- Provision of on-the-job training of ARA staff to prepare environmental and social safeguard documents.

Component 4

- Definition of the proposed Project Development Objectives (PDOs) for the RRMSP, Disbursement Linked Indicators (DLIs) related to the implementation of the road repair/maintenance, the Results Framework, and establishing baseline values and annual targets.

2.3 Purpose of the Environmental Management Framework

The overall purpose of this EMF is to establish an effective framework that ensures an environmental and social management of the project and at the same time, complies with the Albanian law and the World Bank Safeguard Policies. This framework can also help the local expertise to incite and find out studies related to environmental and social issues, and define the appropriate tracks for future collaboration with WB and other international developers, funding organizations and donors. Because of the approval of Albanian Status as Candidate Member of European Union, the Albanian framework should meet also with the conditions required by European Directives, Funding and development Agencies.

This paper represents one of the elements of the Environmental and Social Safeguard documentations, namely the Environmental Management Framework Document, which is based on:

- The identification of WB safeguard and environmental Operational Policies (OPs) and Guidelines;
- The analysis of the Albanian framework on Environmental and safeguard issues, the identification of obligations of the country to meet international agreements and conventions signed and/or approved by the Albanian Government. It is mandatory that the Bank's environmental and social safeguards policies are applied to all activities within the Project.
- The definition of inconsistencies between the two above mentioned frameworks
- The proposal of actions to harmonize WB requirements and the Albanian Framework, in order to facilitate future developments where both requirements are met.
- The preparation of specific Environmental Management Plans for two activities related to road reconstruction, maintenance or rehabilitation. The EMF will be used to guide the development of Environmental Management Plans (EMPs) as required, once the civil works interventions are defined.

3 ENVIRONMENTAL BASELINE

Albania is a Mediterranean country located at the West of the Balkans. The overall length of Albania's borders is 1094 km. Of this length, 657 km is made up of land borders with Montenegro, Kosovo, Macedonia and Greece, 316 km is provided by the seas, 48 km is marked by various rivers, and 73 km is provided by lakes. The highest point is Mount of Korabi. Albania has a Mediterranean climate with four seasons. Each season offers distinct weather.

General data on bio-physical environments

The interior of the country is mostly mountainous and approximately 36% is lushly forested. There are numerous lakes, the biggest of which is Lake of Shkodra. Measuring 370 km², it is the largest

lake in the Balkans. Lake Ohrid, in the eastern part of the country, is shared with Macedonia and at 294 m or 931ft, is exceptionally deep. The Ionian coast is characterized by rocky coast. The Adriatic coast is characterized from low coast and very fine sand.

The climate of Albania is a Mediterranean climate, semi-continental climate and continental climate in Eastern parts. Albania is part of the Mediterranean Alps in the line Dinarido-Albanido-Helenid, and is characterized by a diversity of rock formations since Palaeozoic time. There are more sedimentary and volcanic formations, while metamorphic ones are less common. Other formations such as alluvial, proluvial, koluval, and deluvial glaciers, marshes, and lakes, are younger and from the Quaternary area. Within Albania there are tectonic zones which during their geological development changed to tectonic and neo-tectonic configurations.

The Albanian relief is mostly hilly and mountainous. There is a diversity of morphological formations and slopes. It has a young age since the Albanian relief originated during the Miocene Age. At the beginning of the Quaternary Age, the Adriatic lowland and other inland lowlands were attached to the continental part of Albania, but the existing relief shape was formulated during the Pliocene Period. The evolution of the Albanian relief continues to this day. The highest point is 2751m above sea level (Korabi Mountain) and the lowest one is 8 meters below sea level (the former Terbufi Marsh). The medium altitude of the country is 708m above the sea level. The altitude declines moving from the east to the west of the country, and this determines the conditions of the climate, land, and vegetation. The climate of Albania is varying. It has four major climatic zones and 13 sub-zones, which contribute to the country's rich biological diversity.

Albania is well known for its rich and complex hydrographic network composed of rivers, lakes, wetlands, groundwater, and seas. The main rivers are the Drini, Buna, Mati, Shkumbini, Semani, Vjosa, Erzeni, Ishmi, Bistrica, and Pavlo, and their courses have an important effect on the country's coastal biodiversity. About 247 natural lakes of different types and dimensions, and a considerable number of artificial lakes, are located inside the country. Based on their origin, they are divided into tectonic lakes (4), glacier lakes (134), carsic lakes (94), and fluvial lakes (15). Among the more important ones are the trans-boundary lakes of Shkodra, Ohrid, and Prespa, the most important and largest ones in the Balkans with European and international significance. In the coastal area of Albania there are wetlands such as Karavasta, Narta, Patoku, Viluni, Kune-Vaini, Orikumi, and others, with a total area of 150km².

The high diversity of ecosystems and habitats (marine and coastal ecosystems, wetlands, river deltas, sand dunes, lakes, rivers, Mediterranean shrubs, broadleaf, conifers and mixed forests, alpine and subalpine pastures and meadows, and high mountain ecosystems) offers a rich species variety of plants and animals. In Albania, there are around 3,200 species of vascular plants and 756 vertebrate species. Approximately 30% of all European floras occur in Albania. There are 27 endemic and 160 sub-endemic species of vascular plants, which have a special protection importance for the country. The high Albanian forests maintain the communities of large mammals such as wolf, bear, lynx, and wild goat, and also the characteristic bird communities, which are associated with virgin forests. Coastal lagoons and large lakes inside the country are important areas, especially for wintering migratory birds. There are annually around 70 waterfowl and water-bird species with a total population of 180,000 individuals in Albania during the winter. Albania is also an important crossroad for the migration of birds, bats, and insects. There are some 91 globally threatened species found in Albania. These include the Dalmatian Pelican (*Pelecanuscrispus*), Pygmy Cormorant (*Phalacrocoraxpygmeus*), and the Sturgeon (*Acipensersturio*) for which Albania is a country of particularly critical importance. The landscape diversity inside the country derives from natural characteristics and Albania's ancient origins and the associated human activity. Traditional agriculture and stock farming have been developed according to the natural characteristics of the country, and are the major factors, which determine the landscape physiognomy in those areas, which are characterized by autochthonous species. A number of local autochthonous livestock and

plant species exist in Albania. They represent very important heritage values for protecting and improving the quality and productivity of agricultural and livestock products.

The natural vegetated lowlands exhibit “bush” vegetation, comprised by evergreen *makias*. In the hills, below 800m, this vegetation is substituted by plantations, mostly olives or fruit trees. With increasing altitude the main vegetation changes to oak (*Quercus*), beech (*FagusSylvatica*), as well as hop hornbeam (*OstriaCarpinifolia*) and oriental hornbeam (*CarpinusOrientalis*). At the altitude of 1,000 m and above woodlands of ash (*Fraxinus*) and pine(*Pinus*) appear. The territories higher than 1500 m are characterized by natural pastures.

The fauna of the country is typical to Balkan and European elements. The areas surrounding the roads usually are not very rich in wildlife primarily due to the close proximity of human habitats, risk of life and disturbance from noises, dusts lighting etc. In the more remote forest areas wolves, bears, wild cats and other mammals occur and have a protected status. Around the road draining channels can be observed many different kind of raptors, reptiles and amphibians. The artificial lakes/reservoirs waters have some fish species introduced such as carp(*Cyprinidae*) etc. Within the streams can be found indigenous fish species (i.e. Greyling (*SalmoThymallus*)).

Considering such assets, Albania has applied the territorial management using Protected Areas regulations since the year 1940. Around 15% of the Albanian surface is covered by nature Protected Areas (see Map 1 - Albanian Protected Areas). Nowadays, Albania has the same classification of the Protected Areas as International Union for Conservation of the Nature.

- Cat. Ia Strict Nature Reserve

Category Ia areas are strictly protected zones set aside to protect biodiversity and also possibly geological/geo-morphic features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring.

- Cat. Ib Wilderness Area

Category Ib protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.

- Cat.II National Park

Category II protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities.

- Cat.III Natural Monument or Feature

Category III protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.

- Cat.IV Habitat/Species Management Area

Category IV protected areas aim to protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular, active interventions to address the

requirements of particular species or to maintain habitats, but this is not a requirement of the category.

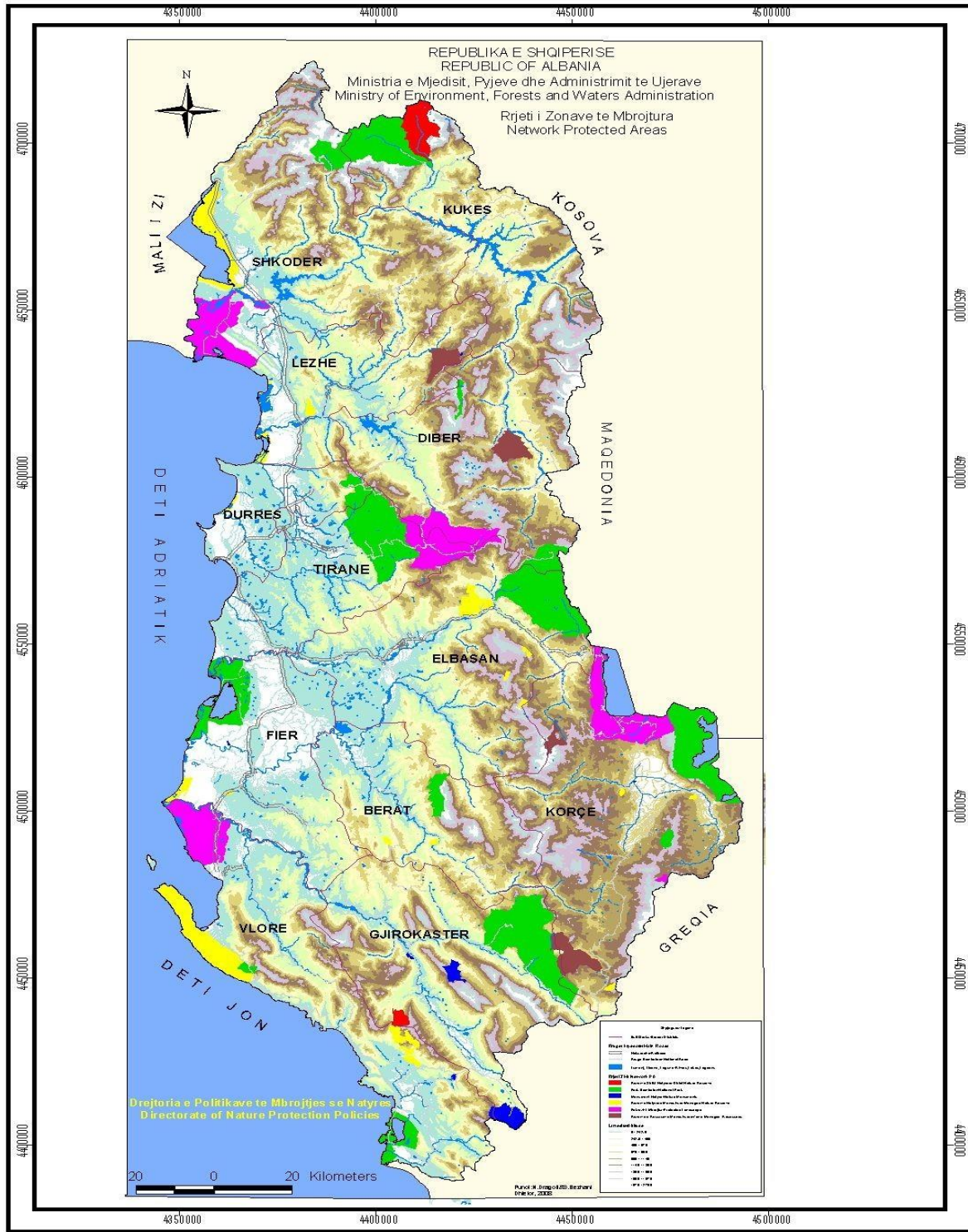
- Cat. V Protected Landscape/ Seascape

A protected area where the interaction between people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

- Cat. VI Protected area with sustainable use of natural resources

Category VI protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.

DRAFT



Albanian Protected Areas

Socio-economical data

The road maintenance and upgrading is quite important for life standards of Albanian population. The transport and traffic activity raw well related to the accessibility on places of production, sites where are taken the raw material, transport of goods, transport of citizens, accessibility to education or health facilities etc.

From the census of 2011, Albanian population results on 2 831 741 inhabitants, 1 421 810 of which are males, and 1 409 931 females. The population density all over the country is 99 inhabitants/km². 53.7% of inhabitants are living in city and towns.

During the inter-census period 2001-2011 the number of births per year has decreased significantly, from about 53 thousand in 2001 to about 34 thousand in 2011, while the number of deaths per year has remained stable at around 20 thousand. This means a positive natural increase which is characterized by a declining trend. Under these conditions, the decline of fertility is supposed to be one of the factors that was involved in the population decline. The average age of the population increased from 30.6 years in 2001 to 35.3 in 2011. The old-age index, the proportion of population 65 years and over divided by total population, is higher than in any previous Albanian censuses; this value increased from 8.0 per cent in 2001 to 11.0 per cent in 2011. The substitution index, the proportion of the population under 15 years old divided by the total population, is reduced from 29.0 per cent in 2001 to 21.0 per cent in 2011.

For the first time, the population living in urban areas has exceeded the population living in rural areas. The resident population in urban areas was 53.5 per cent while 46.5 per cent of the population lived in rural areas. The population density in the prefectures of Tirana and Durrës indicates higher values compared to other prefectures, respectively 454 and 343 persons per square kilometer. The number of private households is 722 262. The average size of a household declined from 4.2 in 2001 to 3.9 members in 2011. In urban areas this indicator is 3.6, while in rural areas it is 4.2 household members. The prefecture of Kukës has the highest figure, 5.0, while the prefectures of Gjirokastër has the lowest figure with 3.4 household members.

Tab 3.1 Resident population, surface and density by prefecture

Prefecture	Resident population	Surface (km ²)	Density (inhabitants/km ²)
Berat	141,944	1,798	79
Dibër	137,047	2,586	53
Durrës	262,785	766	343
Ebasan	295,827	3,199	92
Fier	310,331	1,890	164
Gjirokastër	72,176	2,884	25
Korçë	220,357	3,711	59
Kukës	85,292	2,374	36
Lezhë	134,027	1,620	83
Shkodër	215,347	3,562	60
Tiranë	749,365	1,652	454
Vlorë	175,640	2,706	65
Total	2,800,138	28 748	97

Cultural Heritage

Albania, as one of the oldest country of the world, is characterized by very rich and divers heritage assets. A very important aspect to be taken into consideration when preparing EMPs remains the activities and operations in or close to sites with cultural heritage values. As shown in the chapter on legal framework, during years Albania has prepared a range of laws and by laws related to preservation of human heritage sources, the most important of which are declared “cultural monuments”, that represent very important and specific values at local, national, regional and international levels.

Petrelle Castle (Cultural Monument)



The Cultural Monuments are defined and evaluated by specialized governmental institutions, and are listed after registration of the asset in the National Center for Inventory of Cultural Assets. All physical or juridical persons are forced to protect and preserve such monuments as it is requested by the law No 98048 on “Cultural Heritage”. By the same Law, the cultural heritage is classified as Movable Cultural Heritage and Immovable Cultural Heritage. The immovable cultural heritage objects have following protection scales:

- a) Under observation;
- b) Under preliminary observation;
- c) Cultural Monuments of category II;
- d) Cultural Monuments of category I.

Education

The illiteracy rate for the population 10 years and over is 2.8 percent. This relatively high rate is nowadays affected by the relatively large number of illiterates in the ages 75 years and over, who constitute about 50 per cent of the total illiterate people, in combination with the increased share of this elderly age group in the total population. The percentage of illiterates is higher in women, 3.7 percent, than in males, 1.7 per cent. The population aged 10 years and over who are currently attending or have completed school is 2 361 718 or 96.2 per cent of the population 10 years and over. In the 2011 census, 262 369 persons have completed or are attending university or post-

graduate studies. The population with tertiary education is about 10.7 per cent of the total population 10 years and over, a significant increase from the 2001 census (amounting at 5.5 percent). The prefectures that have the highest percentages with at least a university diploma are Tirana, Vlora and Gjirokastra. Prefectures that have the lowest percentages of individuals with at least a university degree are Dibra and Lezha.

The distribution of the population 10 years and over by highest level of education attained shows that 14.9 percent has primary school as the highest level, 40.9 percent has lower secondary school as the highest level, and 28.4 percent attained upper secondary education, including general or vocational schools. Among those with only primary education, women are overrepresented with 53.4 percent, compared to 46.6 percent for men. For upper secondary education, the gender distribution is the opposite: 44.5 percent for women and 55.5 percent for men.

Tab. 3.2 Resident population aged 10 years and over not currently attending school by urban and rural area, age and educational attainment

Urban and Rural, age		Total	Never attended school	Attended school in the past						
				Total attendedschool	Without diploma	Primary	Lower Secondary	Upper Secondary	First stage of tertiary	Second stage of tertiary
Total	Total	1,966,795	93,230	1,873,565	12,311	194,955	838,717	601,984	222,279	3,319
Urban	Total	1,049,137	43,771	1,005,366	6,091	76,937	335,529	399,810	184,080	2,919
Rural	Total	917,658	49,459	868,199	6,220	118,018	503,188	202,174	38,199	400

Health

One important objective of health policy is sustainable and equitable health care financing. In Albania, total health expenditures increased from 52 to 65 billion LEK in the period 2007 – 2009. Compared to earlier estimations, the privately financed share is significantly lower. In total, 5.7 percent of the GDP is devolved to health in 2009, 50 percent public funded, 47 percent privately funded, and 3 percent financed by Foreign Programs. The Albanianshare of GDP devoted to public health care expenditures is the lowest share in Europe, together with Cyprus.

For the year 2012 were estimated 41715 pregnancies, 34960 births and 6755 abortions. During the last 20 years according to INSTAT the number of abortions has decreased. The peek was during 1993, with 33441 abortions.

Table 3.3 Activity of institution with beds 1999 - 2012

No.	Activity indicators	2007	2008	2009	2010	2011	2012
1	Number of hospital institutions	46	45	44	44	44	44
2	Number of beds in hospitals	9,191	9,092	8,805	8,707	8,711	8,410
3	Hospitalized persons	273,266	260,164	265,200	258,407	240,562	247,220
4	Persons recovered	271,719	258,965	263,028	255,024	239,049	247,331
	- from rural areas	110,093	100,907	104,591	99,067	91,046	91,316
	- less than 1 year	14,269	13,410	13,093	13,674	13,074	12,383
	- 60 years old and over	41,084	50,060	43,352	45,303	44,256	47,211
5	Days in bed realized	1,641,550	1,524,407	1,509,882	1,472,480	1,404,806	1,508,714
6	Bed occupancy (in days)	178.6	167.7	171.5	169.1	161.3	179.4
	Bed occupancy (in %)	49.9	46	47	46.3	44.2	49.2
7	Average duration of hospitalization period:	6	5.9	5.7	5.8	5.7	6.1
8	Bed turn	29.6	28.5	29.9	29.3	28.5	29.4
9	Number of persons operated	57,679	55,908	54,553	52,086	51,163	50,802
10	Discordance	505	72	406	244	197	279

Households and Social Welfare

The number of private households in Albania was 722 262 of which 56.7 percent were located in urban areas and 43.3 per cent in rural areas. About 90.2 percent of the enumerated private households owned the dwelling where they lived, or were paying a mortgage, a loan or were in the process to acquire the legal act of ownership. 5.7 percent of the total households rented their dwelling, mainly in urban areas. The annual income of the population in ALL is estimated in the sum of 344 374 012, with a per capita average in the extend of 130,608 ALL. The income of families in the rural areas according to the Ministry of Agriculture, Rural Development and water resources is estimated considerably lower.

Energy Sector

Albania is working towards the alternation of energy efficiency policy and renewable energy sources. The Albanian National Strategy of Energy 2007-2020 (updated), include the classic fossil fuel, as well as the energy efficiency and renewable energy sources. Energy policy integration is an Albanian government obligation under the Stabilization-Association Agreement due to the legal framework harmonization. Increasing of the security of supply and renewable energy contribution, are key issues in the Albanian energy policy reflecting energy efficiency and renewable energy sources issues. Energy supply security and climate changes are important guideline energy factors for energy policy in Albania, which is always reflected to energy efficiency and renewable energy sources. The main energy sources are considered hydro-energy, solar and wind energy, energy from geothermal sources etc.

Mining and Oil Sector

Albania is a country rich in various minerals. Discovery, exploitation and processing, is an important activity for the Albanian economy. Traditionally, after 1944, mineral extracting and processing of chromium, copper, iron, coal, etc., has provided substantial revenues. Albania is also an oil and gasbearing country. It is almost one century that Albania is producing significant petroleum quantities. Petroleum operations in Albania started early 1800 when the first geological surveys have taken place. Later, early 1900 petroleum operations were intensified and a lot of oil and gas fields were discovered. The cooperation with international petroleum industry has started around 1900, when some concessions were granted by Albanian government to the most known petroleum companies of the time. After 1990 several licensing rounds were organized and a number of petroleum agreements with foreign companies were approved. Petroleum operations carried on during these times produced also a great number of data that are used for evaluation and planning of the current petroleum operations. AKBN is promoting the free areas. The conduct of petroleum operations is possible thanks to a specific and very effective legal framework in petroleum sector. A suitable institutional organization is in place in petroleum sector.

Agricultural Sector

Agriculture is a very important sector of the economy. Despite considerable growth potential, as in terms of production as well as trade, it provides the basis of income for more than half of the population and employment for a greater proportion of it. In 2010, the agricultural sector contributed by about 18% to the GDP, making it a key sector in the economic development. The most important part of raw agricultural production comes from livestock (55%), while 30% comes from crops and 15% from the orchards. In the last years, the weight of orchards in the agricultural production has increased, while it has been the opposite for the livestock production. The agricultural sector is currently the most undeveloped part of the Albanian economy and suffers from deep fragmentation of the agricultural land surface. Only in 2010, the government decided to subsidize farmers who plant olives, citrus, fruit trees and vineyards. This measure is necessary, in order for the Albanian agriculture sector to compete with neighboring countries agricultural products. Increasing the agricultural production not only helps in developing the economy and reducing unemployment, but it also enables the reduction of primary products prices and reduces the country's dependence on imports.

Tourism development

Tourism sector is wide spread in Albania. The growth in tourism in recent years confirms that Albania is on the path towards making tourism an active generator of its economic development. If Albania could use its own resources to the interest of tourism it could be much more developed than it actually is. Today, Albania is gaining its rightful position, not only in the political and economic sense, but also as a tourist destination. Tourism holds excellent potential as a catalyst for economic growth and is therefore considered as a key sector at a macro-economic level. This presents an ideal situation for foreign investors to step in and expand their business in Albania's tourism sector. Albania is concentrated on the development of the tourism sector, which will have a great influence on increasing the gross domestic product and employment, being attractive to investors, and in particular those which can utilize the uniqueness of the local potential. Albania is developing the sea sun tourism, nature tourism, historical tourism, cultural tourism, business tourism etc.

Transport

Albania inherited a very poor infrastructure from the former communist regime which was a serious obstacle to the development of the country and attraction of foreign investors. For 20 years Albania has been trying to overcome this major problem by investing in the road, sea, railroad and air transport sector. Till our days, the road transport remains the most important compared with

other means of transport. The country relies heavily on its road network both for transit trade into landlocked southern and central Europe, and to link urban and rural settlements. The development of crucial sectors is dependent on the country's transport infrastructure, therefore, a number of key road development projects have been undertaken in the last decade. Climate conditions, high yearly amplitudes, very high daily amplitudes (extreme lower and higher ones) cause the destruction of the pavement of the new constructed or rehabilitated roads. This phenomenon is joined by erosion activity caused by deforestation on road sides and frequent atmospheric events with intensive heavy rain in a short period of time. Without a proper maintenance, the increasing of traffic, the transport of goods by heavy trucks, together with natural and manmade factors create problems on the quality of the road system.

The maintenance and rehabilitation of existing roads is a permanent activity that in some ways can affect the natural and/or human environments. The preparation of environmental and social safeguard documents will create a great orientation framework that can be used as a guideline on preparation of ESIA and Management Plans studies related to road maintenance and rehabilitation.

4 OVERVIEW OF ENVIRONMENTAL LEGAL FRAMEWORK REQUIREMENTS IN ALBANIA

The environmental legal framework of Albania regards the relevant national legislation and international conventions or agreements, institutional framework, etc. In June 2014, Albania has been officially declared as an EU candidate country.

The Republic of Albania has adopted a body of environmental laws to make a considerable progress towards its objective of the "approximation" to the EU legislation, in view of Albania's goal of joining the European Union.

Albania also signed several International Agreements on the environment, which this project must comply with. All this complex set of rules and regulations is applicable to the present project.

Today, Albania's environmental legislation and management is one step closer to that of the European Union. "Work on environmental standards" is part of Albania's obligations under the "Stabilization and Association Agreement".

This section describes the legal framework and the environmental regulatory requirements, within which the Project will be prepared. The Environmental Management Framework will be prepared in such a way to represent a model which will comply both with Albanian and WB requirements.

Approved in 1998, the Albanian Constitution established the general framework for the protection of the environment and endorsed the principles of sustainable development and sustainable management of natural resources, as well as the public's right to freedom of information on the environment.

The Legislation for the Environment and Safeguard considered in this study can be divided into following sections, summarized in following paragraphs:

- Fundamental Law on Environmental Protection and related legislation,
- Legislation on urban planning and road construction and maintenance,
- Legislation on EIA and Environmental Permits
- Public Consultations

- Conventions

4.1 Fundamental Law on Environmental Protection

The fundamental law on the environment is the Law No. 10 431 of 9.6.2011, named "On Environmental Protection", that has the purpose of aligning Albanian Environmental law with EU environmental legislation, and more precisely with Directive 2004/35/EC of the European Parliament and Council, dated 21 April 2004 "On environmental liability, prevent and repair damage on the environment" as amended. The Law No. 10.431, has come into force in January 2013. This Law aims at the Environmental Protection at a higher level than similar laws implemented in years 1993-2002. Among other aspects, the law aims at the protection and improvement of environment, prevention or reducing of risk for human health, insuring the prevention of human life risks, amelioration of life quality and provision of means for a sustainable development of the Country. The law makes reference to water resource protection, quality water norms, air and soil protection etc., while dealing with the goals and principles of the EIA. The law declares the National Environmental Agency as the competent authority for the definition of the conditions for the Environmental Permit. This law also underlines the obligation of any state or private entity to invite the public and the interested parties in hearings and public consultations to discuss on Environmental Protection.

4.2 Other legislation related to Environmental Protection

Laws regarding environmental quality, marine and natural resources and biodiversity protection are also taken into account:

- Law No 10463, dated 22.09.2011, on "Integrated Management of Wastes", which gives regulations and framework for environmental protection from waste contamination.
- Law No. 8897, dated 16.05.2002, on "Protection of Air from Pollution", which refers to the measures for prevention of air pollution by several activities.
- Law No. 8905, dated 2002, on "Protection of Marine Environment from Pollution and Damage" of 2002, which includes the Albanian national legislation and the obligations that result from the Convention for the Protection of Mediterranean Sea and its Protocols.
- Law No. 8364, dated 2.07.1998, on "Hazardous Substances and Wastes", which refers to pollution control from hazard substances generation and liquid and solid waste disposal.
- The Law No. 9587, dated 20.07.2006, on "biodiversity protection", which refers to the protection of animal and plant species. The Albanian red book is followed by Albanian Red List, which categorizes species with specific status, relating to National, Regional, European and Mediterranean, as well as world wide range.
- The Law No 9868, dated 4.02.2008, "For some changes and Regulations of the Law on Protected Areas, No 8906, dated in 6.6.2002", that regulates previous laws and by laws regarding Protected Areas. The law is in compliance with IUCN categories and structure of Protected Areas, and among others issues, treats with the integration of Buffer Zones in the peripheral Part of Protected Areas, gives land use in any subcategory of Protected Areas and defines the prohibited activities in any management sub-zones of Protected Areas.
- Law No. 8906, dated 6.06.2002, for Protected Areas, where procedures to declare the P.A. and its management zones are given.

- DCM No.266, dated 24.04.2003, concerning “The Administration of Protected Zones”.
- DCM No. 267, dated 24.04.2003, concerning “Procedures Regulating Proposal and Declaration of Protected and Buffer Zones”.

Very important is the legislation dealing with cultural heritage like:

- Law No. 9048, dated 7.04.2003, on “Cultural Heritage”.
- Law No. 9490, dated 13.3.2006, on “Ratifying of the Convention on Conservation of Material Cultural Heritage, Paris 2003”
- DCM No. 795, dated 26.11.2003, on “Building up, Composition and Functioning of General Permanent Commission for Evaluation of Cultural Heritage Objects, owned by private entities, movable properties, and for scientific criteria and assessment procedures of such objects”.
- DCM No. 426, dated 13.07.2007, on “Approval of Albanian Restoration Chart”.
- DCM No. 723, dated 14.05.2008, on “Composition of National Committee of Spiritual Culture Heritage.”
- Guide No. 446, dated 5.07.2007, on “Approval of Standard Documents of Public Procurement for Restoration of Cultural Monuments”.

A range of bylaws apply for the right implementation of the environmental laws.

4.3 Legislation on Environmental Impact Assessment and Environmental Permit

The introduction of the new Laws and amendments on land planning has been also very important.

- The Law No.10 119, dated 23.04.2009, on “Land Planning” amended which substituted the old Law Nr. 8406, dated 16.09.1998, on “Urban Planning” amended.
- Decision Nr. 502 dated 13.07.2011 recently introduced, on “Approval of the Uniform Rules of Territory Development Control”, which goes together with Law Nr.10 119.

Legislation related to road construction, operation/maintenance and transport is also regarded as of primary importance. This legislation not only sets out how to improve transport, define road categories, establish auditing and evaluation institutions etc., but also defines the rules of the road code, determines methods for technical control of the roads, identifies main road authorities. All of such legislation is important for safety, reduction of pollution and, in general, for the socio-economic development of Albania.

The legislative system of road transport is currently based on three main laws and several by-laws:

- The Law on Road Transport, No. 8308/1998, which regulates the conditions and the modalities by which the transport of passengers and goods is carried out, both in domestic and international road transport activities.
- Decision No. 1243/2008, on "Approval of rules for admission to the occupation of road transport operator of goods and passengers, driving working hours as well as recognition of official documents, set for these operators”.

- The Law on Road Code of the Republic of Albania, no. 8378/1998, which regulates road categories, competencies, road control agencies, maximum allowed dimensions and maximum authorized weight of vehicles.
- Decision of the Council of Ministers No. 153//2000, on "Approval of the Rules of Implementation of the Road Code of the Republic of Albania".
- Instruction of the Ministry of Public Works and Transport No. 2 of 2010 on "Technical control of road means".
- The Law no.10164/2009 on Albanian Road Authority (ARA).

On Article 41/4, the Albanian Constitution provides: *"The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation"*. Laws and bylaws regarding resettlement, expropriation and compensation are also taken into considerations in the study. This legislation shall be analyzed in the RPF document of this project.

Economic activities that could have a significant impact on the environment or are connected with the use of natural resources are permitted only after an Environmental Impact Assessment (EIA).

- The newest Law regarding EIA, is the Law no. 10 440, dated 7.07. 2011, on "Environmental Impact Assessment". This law entered into force in early 2013. In the law the general procedures of EIA, the authorities which formalize and approve procedures are given. Two types of EIA, namely "full-grade" and "preliminary" are also provided and described. The classification of EIA categories in respect of investments are given in the annex I (full-grade EIA) and II (preliminary EIA) of this Law. In the law, the requirements for "Environmental Permit" for both EIA categories are defined, and the National Environment Agency (NEA, as mentioned in the environmental basic Law No. 10 431, dated 9.6.2011, "On Environmental Protection") is re-declared the competent authority for the definition of the conditions for the Environmental Permit. The Law gives also the rules regarding Public Information during the EIA process.
- The Law No. 10448, dated 14.07.2011, "On Environmental Permits", gives rules and procedures related to the EIA process, categorization and permits. This law describes the types of Environmental Permits, defines the competent authority for verification of each type of license, provides consultation procedures, etc. The Law also describes the importance of the Best Available Techniques (BAT) for the determination of the Environmental Permit category and underlines that the documentation should be presented at the National Center of Licensing (NCL) after consultation with NEA for the level of EIA ("full-grade" or "preliminary"). The required documentation needed to be delivered in the NCL for the request of Environmental Permit in respect with all EIA categories is also shown in the Law. The law categorizes activities in terms of issues, discharges and risks into three classes: A, B, and C. Regarding impact significance, the Law defines three level of Environmental Permit:
 - a) Permit of Type A, obligatory for activities listed in category A (annex 1/A of this Law);
 - b) Permit of Type B, obligatory for activities listed in category B (annex 1/B of this Law);
 - c) Permit of Type C, obligatory for activities listed in category C (annex 1/C of this Law);
- The DCM no. 13, dated 4.1.2013, on "Approval of the rules, responsibilities and deadlines for development of EIA procedures" gives details for the procedures, clarifies the documentation needed for Environmental Permit requests, defines consultation procedures. The EIA should be delivered at NCL, revised by NEA and RED, with the support of technical/scientific/research institutions, and their comments will be represented at NCL, which inform the client on

reviewer requests. The client, after fulfilling the decision makers' requirements, presents the revised study at NCL, waiting for investment permission from the environmental point of view. The time period for revising of ESIA by decision makers (without the time of fulfilling requirements from revising process) is 20-30 days.

- In the Guideline dated 02.12.2013, on "Obligatory documentation requested to get the environmental Permit of type A, B, C, for new and existing activities", additional requirements for documentation and procedures and for environmental permits are given, regarding activities listed in annex 1/A, 1/B and 1/C of the Law No. 10448, dated in 14.07.2011, on "Environmental Permits".
- DCM No. 419, dated 25.06.2014, on "Approval of requests for environmental permits of type A, B and C", deals with transferring of such permits from one entity to another, conditions of respective environmental permits, as well as several detailed regulations for permits revising from competent authorities till such permissions to be delivered from NCL.

4.4 Procedures to ensure the environmental permits for Roads rehabilitation and upgrading.

The framework for the steps to ensure the environmental permits is Law No. 10448, dated 14.07.2011, "On environmental Permits", that provides rules and procedures related to the EIA process, categorization and permits. This law is provided by the new DCM no.13, dated 4.1.2013, on "Approval of the rules, responsibilities and deadlines for development of EIA procedures". By the law on "Environmental Permits" is given the annex, which contains the list of activities that requires EIA of category I (equal to EIA category A of WB) and the list of categories that require the EIA of category II (equal to EIA category B of WB), and the conditions for the preparation of a preliminary EIA. The environmental decision makers define if the EIA will need to be profound (EIA of list I) or not (EIA of list II), and the additional works required to get "Environmental Permits". In order to ensure an Environmental Permit, this project should adapt the EMP in Preliminary EIA as it is required by Albanian Legislation.

Simple EMP chapters	Preliminary EIA chapters
Introduction	Description of proposed project
Project Description	Environmental characteristics of the project area
Possible environmental impacts associated with proposed project activities	Characteristics of possible impacts on environment (combined with project and environmental characteristics)
Environmental Management Plan: <ul style="list-style-type: none"> • Environmental Mitigation Plan • Environmental Monitoring Plan • EMP Implementation Responsibilities • Capacity Development and Training Needs 	Overall Management Plan
Public consultation and disclosure	

The simple EMP of WB requirements is quite the same with Albanian legislation requirements. The Albanian DCM no. 13, dated in 4.1.2013, on "Approval of the rules, responsibilities and deadlines for development of EIA procedures", gives details for the procedures, clarifies the documentation needed for Environmental Permit requests, defines consultation procedures and information ones etc. The preliminary EIA should be delivered at NCL, revised by NEA and REA, with the support of technical/scientific/research institutions, and their comments will be represented at NCL, which inform the client on reviewer requests. The client, after fulfilling the decision makers' requirements, presents the revised study at NCL, waiting for investment permission from environmental point of

view. The time period for revising of ESIA by decision makers, (without the time of fulfilling requirements from revising process) is 20-30 days. In the Guideline dated on 02.12.2013, "On obligatory documentation requested to get the environmental Permit of type A, B, C, for new and existing activities", are given additional requirements for documentation and procedures for environmental permits regarding activities listed in annex 1/A, 1/B and 1/C of the Law No. 10448, dated in 14.07.2011, "On environmental Permits". The DCM No. 419, dated 25.6.2014, on "Approval of requests for environmental permits of type A,B and C, for transferring of such permits from one entity to another, for conditions of respective environmental permits, as well as for several detailed regulations for permits revising from competent authorities till such permits to be delivered from NCL, gives several tables with categorization of activities by their characteristics and level of permits required. As the road rehabilitation or upgrading is not included specifically in any of such tables, the level of EIA can be different, even though is considered to be minimal.

The activities that consist only in rehabilitation activities are supposed to be categorized at C level. Those that consist in upgrading activities may require additional evaluation by REA/NEA, in order to define the category of permission.

To require the environmental permission of category B or C, the EIA, Preliminary EIA (or EMP in our case) should be accompanied by the following documents:

Permits of category A and B require:

- Legal copy or original documents that provide that the subject responsible for the activity is registered in the Albanian Trade Register,
- Technical Documentation with project characteristics and location,
- EIA report (joined by the license of the consultant for Environmental Impact Assessment Studies, given by NCL),
- Information and documentation of public consultation,
- Rehabilitation plan for projects that consists on exploitation of mineral sources,
- Contingency plan for activities that use, produce and stores hazardous substances,
- Summary of EIA, and
- Document providing that the interested subject has paid the services of Environmental Permission Procedures.

Permits of category C requires:

- Legal copy or original documents that provide that the subject responsible for the activity is registered in the Albanian Trade Register,
- Technical Documentation with project characteristics and location,
- Preliminary EIA report (joined by the license of the consultant for Environmental Impact Assessment Studies, given by NCL),
- Information and documentation of public consultation,
- Summary of preliminary EIA, and
- Document providing that the interested subject has paid the services of Environmental Permission Procedures.

For the activities that already exist, the permission procedures require the following documentation:

- Legal copy or original documents that provide that the subject responsible for the activity is registered in the Albanian Trade Register,
- Technical Documentation with project characteristics and location,
- Information on measures needed for implementation of requirements of Environmental Permit,

- In case that by environmental Permit conditions is required environmental rehabilitation, should be represented the information regarding implemented rehabilitation works;
- For activities with discharges in environment should be represented the results of self monitoring of discharges for a period of 1 year from the date that is required the updating of permits at NCL, joined by the name of the subject that has done the monitoring activity, description of sampling, equipment used and analytic methodology.
- Photocopy of Environmental Permits, even if it is outdated
- Data on interested subject (name, address, contact person, email, telephone, etc.).

4.5 Legislation regarding Public Consultation

Albania has signed the Aarhus Convention in 1999 and adhered to it in 2001. Since then, public consultation has remained an important part of development process within the environmental framework. In the meantime, the following laws and bylaws have been established:

- In the Act 17 of the Law no. 10 440, dated 7.07. 2011, on "Environmental Impact Assessment and public hearing process during EIA and procedures to organize it". This law explains how the public hearing and consultation findings should be reflected on EIA report and defines the NEA (permit of Category A and B) and RED (permit of category C) and the authorities that should organize the public hearings during the disclosure process.
- The DCM No. 247, dated 30.04.2014 "Definition of rules, requirements and procedures for informing and involving the public in environmental decisions", which deals with the public participation effect on decisions for environmental permit of activities that impact the environment. A time frame for the procedures of Public Consultation is given also in this DCM.

4.6 Conventions

Conventions are an important part of the current environmental framework taken into consideration in the current study. Some of the most important conventions related to the project, adhered to by the Albanian Government, are mentioned below:

- Aarhus Convention, that ensures the public access to environmental information, public participation on environmental decisions making and public access to justice.
- Convention to Combat Desertification, which tries to combat desertification and reduce the effects of the dry climate. This convention is related to the ways in which road maintenance activities may affect agricultural lands or urban areas, sites with specific natural or heritage status, coastal areas or wetlands, etc.
- Bern Convention for Conservation of wild Flora and Fauna and Natural environments in Europe, which incites protection of specific habitats and wildlife with protection or endangered status.
- Convention on Biodiversity Protection (Barcelona Convention), that proposes a global framework for the conservation of flora, fauna and protected areas, at local, national and international level.
- UN Convention for Climate Change, which aims for preventing effects and mitigate impacts caused by climate changes. In particular, references can be found here in case of possible slides and floods provoked by climate change effects.

- The Convention for Conservation of Migratory Species in Albania, related to bird species, that are seasonally wintering, feeding or breeding in natural areas (forests and wetlands).
- RAMSAR Convention, regarding Wetlands of international Importance, especially Waterfowl Habitats.
- Convention for Protection from Pollution of Mediterranean Sea and its related Protocols, regarding measures to be taken at National and International Levels for contamination control in the Mediterranean Sea.
- Convention on Conservation of material cultural heritage, Paris 2003.

4.7 Institutional Framework

The highest authority for environmental protection in Albania is the Environmental Ministry, while the most important regional agencies are the Regional Environmental Directorates (RED), which have the right to issue environmental permits, after an overall evaluation by the National Environmental Agency. The National Centre for Licensing accepts the demands for permits and formally gives these permits upon the comments of NEA and REDs. A large number of scientific and research institutions at national level, universities with their laboratories are collaborating with NEA for reviewing of EIAs, environmental monitoring, evaluations and auditing. The competent authorities for Environmental permits are:

- The National Centre for Licensing, where is presented the request for environmental permits of type A, B and C.
- The Environmental Ministry is the authority that assigns the approval of Environmental Permits of type A and B, after approval and preparation of final legal documentation from NEA.
- The National Environmental Agency is the authority that verifies the exactness of the information presented in the requests for Permits of type A and B and gives the qualified opinion for approval of the permit to the National Centre for Licensing.
- The Governmental Competent Authority is the authority which verifies if prescriptions contained in the Environmental Permit are respected, after delivering of the permit from the NCL.

The Ministry of Transport and Infrastructure (MTI) is the principal supervisory organization for the transport sector in Albania. Recently, the Government and the Ministry have taken the following legislative actions to achieve institutional reforms in the different transport sub-sectors:

- The MTI has overall oversight of the road transport. The MTI has historically managed infrastructure through the General Directorate of Roads (GDR). GDR was recently replaced by the Albanian Road Authority (ARA), which has a more formal arrangement with the Ministry within the context of a service agreement. The new Albanian Road Authority (ARA) has become the principal institution responsible for the national road network, while the road transport and regulatory functions have been maintained in the Ministry.
- Road safety is a shared responsibility of a number of Ministries and is coordinated through an inter-ministerial committee chaired by the Prime Minister.

4.8 Strategic and Planning Documents

The legal framework of Albania is organized in compliance with international requirements, considering as well the specificity of the country. The WB and other UN agencies like UNEP, UNESCO, etc. have contributed in the preparation of strategic and planning documents. Other development or funding instruments like GTZ, SIDA, etc. have supported the preparation of such documents in the light of international best international practices.

After 2005, the main legal instruments in Albania have been developed in compliance with the European Union (EU) standards. The National Strategy for Development and Integration (NSDI) is the main document for strategic development within Albania, whilst the National Strategies for Agriculture and Food and similarly for Rural Development were developed to enhance synergies within related public institutions. The National Environmental Action Plan (NEAP), revised in 2001, stipulates that it is a constitutional right to live within an ecologically healthy environment and prioritizes investment in watershed management, forestry and flood control.

The environmental framework related to agriculture has a high importance since agriculture remains a very important economic sector in Albania. The Ministry of Agriculture is the main national institution responsible for agricultural lands and rural areas. The National Strategy on Agriculture and Food and the National Strategy Plan for Rural Development, covering the period 2007-2013, have been developed to provide the framework for integrated rural development programs, designed to enhance synergies among all related public institutions. Poverty reduction and sustainable management of natural resources (including land, water, and biodiversity) are among the objectives.

4.8 Considerations regarding EU requirements

As Albania is a candidate member of the European Union, its legal framework is largely and progressively being harmonized with EU legislation. Consequently, the project shall also respect the main guidelines provided by the European Directives.

The Environmental Impact Assessment (EIA) was introduced in 1985 by the EIA Directive (85/337/EEC) and represents a key instrument for the European Union environmental policy. The EIA Directive of 1985 has been amended three times by the Directive 97/11/EC, the Directive 2003/35/EC and the Directive 2009/31/EC, while the Directive 2011/92/EU on the effects of public and private projects on the environment was published in the Official Journal. The scope of this Directive is to ensure that plans, programs and projects have a significant effect on the environment, undergoing an Environmental Assessment prior to their approval or authorization. Annex I lists the types of projects for which EIAs are required. Annex II lists the types of projects for which Member States may require EIAs.

The EC protocols and EU strategies can be considered very important references. Regarding expropriation, Article 1 "Right to property" of the Protocol 1 in the European Convention on Human Rights says: *"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law..."*.

5 OVERVIEW OF WORLD BANK ENVIRONMENTAL POLICIES

5.1 The World Bank Policies

To ensure the social and environmental sustainability of the projects, the World Bank developed its Safeguard Policies, covering environment, social and legal areas. Further, the World Bank has a Public Disclosure Policy that is of cross-character and applies in all the Safeguards Policies.

The various WB policies are provided hereunder:

ENVIRONMENTAL POLICIES (relevant to the project)

- OP/BP 4.01 Environmental Assessment
- OP/BP 4.36 Forest

SOCIAL POLICIES (relevant to the project)

- OP/BP 4.12 Involuntary Resettlement
- OP/BP 4.11 Physical Cultural Resources

ADDITIONAL WB SAFEGUARD INSTRUMENTS

- Environmental, Health and Safety Guidelines
- Environmental Assessment Sourcebook (and updates)
- WB Participation Sourcebook (1996)
- Disclosure Hand Book

The Safeguard Policies pursue three objectives:

- (i) Ensuring that environmental and social issues are evaluated in the preparation and decision-making process;
- (ii) reducing and mitigating the environmental and social risks of Bank-financed programs or projects; and
- (iii) providing mechanisms for consultation and information disclosure.

The various policies applicable, regarding in particular the proposed road works are briefly described in the next section. Full details of the various policies are available on the Bank Website. In infrastructure and road projects, the environmental and social Safeguard Policies that are commonly triggered are:

OP/BP 4.01 Environmental Assessment

OP 4.01 is the World Bank Policy addressing Environmental Assessment (EA) for Category A and Category B projects (to be funded by World Bank).

The Policy discusses the EA process, EA instruments, Environmental screening including definition of project categories (A, B, C and F1), Institutional Capacity, and Bank requirements concerning Public Consultation, Disclosure, and Project Implementation.

OP/BP 4.11 Physical Cultural Resources

This policy addresses physical cultural resources, which are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be

above or below ground, or under water. Their cultural interest may be at the local, provincial or national level, or within the international community.

Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices.

The objective of this Safeguard policy reads as follows:

"The Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects that it finances. The impacts on physical cultural resources resulting from project activities, including mitigating measures, may not contravene either the borrower's national legislation, or its obligations under relevant international environmental treaties and agreements."

The Policy provides a description of various steps forming an integral part of an environmental assessment process with regard to physical cultural resources. These steps concern screening and identification of such resources, likely impacts and their significance, mitigating measures in case of adverse impacts, consultation and disclosure.

OP/BP 4.12 Involuntary Resettlement

General

OP.4.12 is World Bank Policy addressing the issue of Involuntary Settlement due to the implementation of projects.

Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

Objectives of Policy

The overall objectives of the Bank Policy on involuntary resettlement are as follows:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The policy covers direct economic and social impacts that are caused by

- (a) the involuntary taking of land resulting in:

- (i) relocation or loss of shelter;
- (ii) loss of assets or access to assets; or
- (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

For required measures on Resettlement Action Plan and Resettlement Policy Framework, please refer to the separate documents prepared for the same project.

6 REVIEW OF THE ENVIRONMENTAL ASSESSMENT PROCESS

As mentioned before, the concepts, steps and strategy to plan and implement an EIA are quite similar between WB and Albanian requirements. This is because Albania has developed its EIA policies with reference to the international requirements (EU). The obligation to approach the Albanian legislation with European Directives has incited the Albanian governments to compile its legislation in accordance with EU requirements. In the Albanian legislation as well as in WB guidelines, the EIA should identify and characterize impacts, propose acceptable and realistic mitigation measures and monitoring programs as part of the management program, considering stakeholder engagement and public participation. Still, several differences exist between Albanian Legislation and WB requirements. Similarly, social and safeguard requirements are well defined in WB requirements but not so properly considered in the environmental legislation of Albania.

In the Albanian Legislation, the Initial Environmental Examination (IEE) is not clearly defined or separated from Preliminary Assessment. The IEE is made up by the NEA or RED on the basis of initial information offered by the developer and local and regional environmental authorities' verifications. During this stage, NEA and/or RED evaluate various aspects of the project, such as size and location, discharges, pollutants generated or contamination control, reuse, etc.. On the basis of the expected impacts, if needed, objectives and the grade of the EIA are defined, orienting the screening process.

A problem in Albania may be represented by the low authority of Environmental Institutions, including the governmental bodies. As the legislation does not define the level of EIA (full-grade or preliminary) required in prefeasibility or feasibility stage, the definition of the EIA stages or types on the several phases of the projects are not clear. It would seem that such classification should be done under the screening stage.

The WB requirements consider the Initial Environmental Examination as an important step on prefeasibility stage, in order to determine whether potentially adverse environmental effects are significant or whether mitigation measures can be adopted to reduce or eliminate these adverse effects. The IEE contains a brief statement on key environmental issues, based on readily available information, and is used in the early (pre-feasibility) phase of project planning. The IEE also suggests whether in-depth studies are needed. When an IEE is able to provide a definite solution to environmental problems, an EIA is not necessary. IEE also requires expert advice and technical input from environmental specialists so that potential environmental problems can be clearly defined. The structure of the EIA required by WB is very similar with those requested by the Albanian framework. The World Bank operational directive says that the EIA document must be submitted to the Bank before the project is appraised. The EIA should be prepared as part of the overall project implementation, so that it can be incorporated into the project's design. For major projects, 6-18 months should be allowed for preparation of the EIA.

6.1 Screening

Once decided that the activity under consideration may require an EIA, a preliminary assessment is made to determine whether an EIA is in fact required, the EIA degree of importance, its extent, etc. During this stage, referred to as "Screening Process", that follows the Initial Environmental Examination, level and type of EIA are defined.

The old law on EIA, No. 8990 dated 21.01.2003, in Appendix 3, includes a list of the environmental indicators to be considered in a screening process. The law has been replaced by the Law No. 10.440, on EIA, in which information on such indicators is not given. In another document, the Minister Guidance No. 6, dated 27.12.2006, "Approval of the Methodology for Preliminary Impact Assessment of an Activity", a screening table with environmental indicators is given (see Annex 1). According to the Albanian legislation, screening is apparently related more to the Preliminary Assessment, even if Annex I and II of the Law clearly and explicitly define a range of projects that should be object of a full grade EIA (without preliminary assessment), equivalent to WB category A, or preliminary ESIA equivalent to WB category B. During consultation with NEA, in the early preliminary stage, the project is screened also by the type of environmental permit class needed, expressed as A, B and C class.

Table 6.1 Equivalence of screening indicators in the Albanian Laws on EIA and Environmental Permit

Type of EIA	Framework	Environmental permit
Full-grade	EIA Law Annex I	Class A – for project listed in annex A of EIA category, almost objects of Annex A of Law on environmental Permit
Preliminary	EIA Law Annex II	Class B – For project listed in Annex B of the EIA category, almost objects of Annex II, sometime objects of annex I of EIA category. Class C – Only for projects listed in annex B of the EIA category, and objects of class C on environmental permit law.

Screening steps and time table are considered as very important keys, even not always respected presently by developers in need of Environmental Permits.

Table 6.2 Screening process and timeframe

Procedure/Responsible	Operation/Responsible	Time frame
Delivering of the general environmental information and technical data on project proposal to NEA (Developer)	Screening, consultation with REDs and other institutions, and answer to the developer (NEA)	Maximum 20 days
Preparation of the Preliminary EIA and delivering to NCL, National Center for Licensing (Developer)	NCL delivers the materials to the NEA, who defines if either the EIA needs to be full-grade as required by list I, or there is no need for additional EIA study. NEA deliver the revised document to the Developer and goes on with procedures or deliver the environmental permit to the NCL, which gives	Maximum 25 days

	the answer to the Developer at last 5 days after getting the answer from NEA.	
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In case of road projects, the indicators given at the annexes I and II of the EIA Law are not clear. In the annex I, it is mentioned that projects regarding:

- point 7(c), construction of high speedroads
- point 7 (ç), construction of highways and roads with four or more lanes and/or road reconstruction or widening from two or one lanes to 4 or more lanes, (for section under enlargement or reconstruction longer than 10km)

are object of full-grade EIA. On the other hand, Annex II of the same Law, does not mention any maintenance activity regarding roads.

In the mentioned lists the rehabilitation or maintenance activities for 4 lane roads that do not require an increase of lane number are not included. The same happens for rehabilitation or construction of bridges, roundabouts, etc. where there is no change of road widths or number of lanes.

In the Act 8, point ç, of the EIA Law, it is mentioned also that all activities that interfere with protected areas should be screened and focused with the aim at protecting and preserving the affected specific area.

The WB undertakes environmental screening of each proposed project to determine the appropriate extent and type of EA. The Bank classifies the proposed project into one of four categories, depending on the type, location, sensitivity and scale of the project and the nature and magnitude of its potential environmental impacts. Following are shortly summarized the characteristics of the four categories:

- *Category A:* A proposed project is classified as Category A if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works. EA for a Category A project examines the project's potential negative and positive environmental impacts, compares them with those of feasible alternatives (including the "without project" situation), and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. For a Category A project, the borrower is responsible for preparing a report, normally an EIA (or a suitably comprehensive regional or sector EA) that includes, as necessary, elements of the other Environmental Assessment instruments, like Environmental Impacts Assessment, Strategic environmental and Social Assessment, Environmental Management Plan, Environmental and Safeguard Framework documents etc.
- *Category B:* A proposed project is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas including wetlands, forests, grasslands, and other natural habitats are less adverse than those of Category A projects. These impacts are site-specific; few if any of them are irreversible; and in most cases mitigation measures can be designed more readily than for Category A projects. The scope of EA for a Category B project may vary from project to project, but it is narrower than that of Category A. Like Category A, it examines the project's potential negative and positive environmental impacts and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. For

many Category B projects, the EA may result in a management plan only. Upon the WB requirements, to prepare a management plan, the borrower and its EA design team should:

- Identify the set of responses to potentially adverse impacts;
 - Determine requirements for ensuring that those responses are made effectively and in a timely manner; and
 - Describe the means for meeting those requirements.
- *Category C:* A proposed project is classified as Category C if it is likely to have minimal or no adverse environmental impacts. Beyond screening, no further EA action is required for a Category C project.
 - *Category FI:* A proposed project is classified as Category FI if it involves investment of Bank funds through a financial intermediary, in subprojects that may result in adverse environmental impacts.

EIA is supposed to start at the very beginning of the project cycle (the project identification stage). It begins with the identification of key environmental issues and assignment of the project to one of categories mentioned above by the Task Manager after consultation with the Regional Environmental Division. The identified issues and project category usually are included in the Initial Executive Project Summary.

Considering the above analyzed screening process, with regard to the comparison between the Albanian Legislation and WB requirements, it can be mentioned that there are many similarities in the categorization of the EIAs, but also a number of inconsistencies. Nevertheless, it seems that such inconsistencies will not delay or jeopardize the project developments, provided that Albanian legislation is respected and fully implemented.

Table 6.3 Comparison of screening process between WB and Albanian EIA indicators

Requirements	Equivalency of EIA category		
Albanian Law EIA list	Full-grade EIA (Annex I)	Preliminary EIA (annex II), for the evaluation of the grade of the EIA study	Preliminary EIA (Annex II), projects that do not need full-grade assessment
WB EIA list	Category A	Category B	Annex C

The main inconsistencies of the screening procedures and steps between Albanian Legislation and WB requirements are summarized in the following table.

Table 6.4 Screening procedure inconsistencies between Albanian Legislation and WB requirements

WB requirements	Albanian Requirements	Comments
The WB requirements on Social and Safeguard policies are fully included in the ESIA process	The Social and Safeguard policies are partially included in the EIA process, and in most cases, are not required to be considered in detail in EIA studies	The most emergent cases is that of the RAPs, which presently for road development projects not financed by WB or EU institutions, do not fulfill the international requirements on compensations.
WB category B	Albanian category II of	This discordance creates problems on the

projects require a less deep assessment than those of category A	EIA implies a preliminary assessment which defines that a project can be object of a full-grade EIA or that the EIA is terminated in the preliminary phase	requirements to consultants. In some cases the WB require a MP, when according to the Albanian Legislation the same project can be object of full-grade EIA or will stop at the preliminary phase.
Environment Management Plans are important EIA instruments used in cases of category B projects	Albanian Legislation does not consider the EMPs as a separate study, but only as a chapter of EIA.	In some cases the detailed EMPs are missing, and the full-grade EIA, defined during the preliminary stage, miss the focus.
Initial Environmental Examination remains a strong requirement of WB on prefeasibility phase	Despite this step is required by the relevant Minister Order, its implementation remains theoretical	Despite some projects in the preliminary phase are categorized in list II (preliminary EIA), the reviewers may require information and analyses that are equal to those of a full-grade EIA

6.2 Scoping

Scoping is more than simply determining the scope of the EIA document. It is the process of identifying issues, alternatives, and impacts that must be considered in preparing the EIA. It is an opportunity to determine which are the key issues that must be examined in depth, and which issues are of less importance and can be disregarded. Scoping also provides an opportunity to allocate work assignments, determine timing of various stages of the process, set time or page limits for the EIA document and generally plan the remainder of the EIA process. Scoping should occur in early EIA stage to avoid wasting time and money on tangential or secondary issues. Scoping should also be made public to ensure that issues of concern to the community are addressed and to allow collection of information from citizens who often have firsthand knowledge of local conditions and resources.

Usually, in Albania, scoping is mixed with screening, because the legislation does not specify the scoping process, but still the reviewers consider scoping part of the preliminary EIA. The main steps and responsibilities for screening and scoping can be summarized as follows.

Table 6.5 Responsibilities and activities of the screening and scoping stage in Albania

Stage	Activity	Responsibility
Screening	Consultation with NEA and RED	Governmental agencies
Scoping	Define the EIA focus and grade, orienting the developer to carry out a Full-grade EIA or stop at the stage of a Preliminary EIA	Developer Governmental Agencies Auditors

The Scoping process is strongly linked to the screening outputs and conducts the EIA and reviewing process. The new legislation recommends the consultant to do some consultation with Albanian

decision makers; the NEA/RED will deliver to the developer an oriented guideline on the EIA focus and level. The focus is usually much more detailed for a new activity than in maintenance or rehabilitation activities.

World Bank procedures do not explicitly provide for public participation early in the scoping process, when key decisions are made. The Bank does, however, encourage borrowers to consult with "affected groups" and nongovernmental organizations shortly after the EIA category has been assigned (screening). Scoping is done partly internally within the Bank and partly in consultations between the Bank and the borrower. The Bank discusses the scope of the EIA with the borrower and assists the borrower in preparing the Terms of Reference for the EIA. The Terms of Reference are to provide for "adequate interagency coordination and consultation with affected groups and local nongovernmental organizations." For category A projects, Bank staff are advised to attend scoping meetings.

For projects regarding new facilities, the focus is generally on technology and construction methods. The project proponents act to:

- a) Justify the need and the use of a determined technology;
 - describing the actions taking place during each of the main phases of a project (construction, operation and maintenance), which could lead to environmental damage;
 - preparing drawings which show the location of the facility relative to the local bio-physical and socio-cultural environmental features;
- b) Identify the potential impacts of the facility relative to surrounding land use within a 5 km radius/corridor of the facility;
- c) Formulate a plan to prevent anticipated undesirable impacts from being actualized.

For projects regarding existing facilities (i.e. upgrading, widening, repair, etc.), the proponent has to:

- a) Define the nature of the proposed work and the modifications to the existing facility;
- b) Identify if any particular aspect of the work may cause unacceptable negative impacts;

The inconsistencies between the Albanian framework and WB requirements are summarized in the following table.

Table 6.6 Summarized inconsistencies between Albanian and WB requirements for scoping process.

WB requirements	Albanian Requirements	Comments
Scoping is part of the early feasibility stage	Scoping is carried out during the first phase of a full-grade EIA or in the preliminary phase	This status, when the full-grade EIA is required, postpones the evaluation of project focuses by reviewers.
Scoping is done at the right time and prepares references for the production of EMPs	An EMP is not required in case that the project is not categorized for full-grade EIA	The preparation of EMP is required only for WB projects and may not pass through the evaluation process by reviewers
Existing guidelines regarding environmental indicators for several activities and different project stages are available	Reference indications are not given	Project scoping, where applied, may take time if unguided, causing delays.
Social safeguard policies are part of the ESIA	Social safeguard policies are not properly developed	Even if RAPs may not be part of the study, compensation policies and action plans are mentioned in Albanian EIA law

6.3 Auditing

Auditing remains an important instrument of the environmental assessment process. After preparation of the Environmental Statement report, the reviewers comment on additional data and analyses required or approve the EIS. In the first case, the developers fill the gaps and go on with analyses, to satisfy the reviewer requests. In the second case, the reviewers prepare the documentation of the environmental permit and follow the procedures for finalizing of the EIA. The reviewing authorities in Albania are NEA and RED.

The reviewing process passes through three important steps:

- a) screening and reviewing of preliminary documents
- b) reviewing of EIS drafts
- c) reviewing of approved draft in close collaboration with interested parties, using stakeholder consultation and public disclosure.

As it is mentioned in Albanian legal framework part, the environmental permits are given according to three separate classes, correspondent to three annexes of activities given in the Law on the Environmental Permits. The Albanian legislation, specifically the Minister Order No. 3, dated 02.12.2013, "Obligatory documentation required to get the environmental Permit of type A, B and C for existing and new categories", gives a set of rules for preparation of the right request for environmental permit. In particular this order requests the following:

- The EIA study should be prepared by an entity licensed from NCL on preparation of EIAs. There are two types of license; one for entities and another for persons. To be acceptable for NCL and NEA/RED one EIA study should be signed by at least two licensed individuals or one licensed entity joined by one licensed individuals.
- The provision of the summary or the full report on technical and/or engineering design.
- The production of a simplified document for appropriate disclosure to the public.

The EIA law, as well as the law and bylaw on public consultation, define the timeframe and identifies the NEA and RED as responsible authorities for public hearing.

For the Environmental Permit of Class C and B, the permit documentation is given by NEA and generated by NCL. The Environmental Permit of Class C is given by the Regional Environmental Agency and delivered by NCL.

The WB is also an important player in the reviewing process. The WB Environmental Division assists and monitors the EIA process. For EIA of category A, the Bank assists the borrower in determining the scope of the EIA and preparing the Terms of Reference. For projects with potentially major adverse environmental impacts, the Bank procedures suggest that the borrower retain an advisory panel of independent environmental specialists not affiliated with the project to advice on preparation of the EIA and implementation of its recommendations.

For category A projects (projects requiring a full EIA) the EIA document is reviewed by the WB Task Manager. The Task Manager assesses the document to see whether it complies with the Terms of Reference and adequately takes into consideration the views of affected groups and local NGOs. The Regional Environmental Division also reviews the EIA document. If they are not satisfied with the document, they may recommend that the appraisal is postponed. If decision is made to proceed with the appraisal, the Appraisal Mission reviews the EIA document with the borrower and resolves any remaining issues. Once the Regional Environmental Division is satisfied that all issues have been

resolved, they give formal environmental clearance, and negotiations can be authorized by the Regional Vice President.

The WB requests the consultant to realize a public disclosure finalized to a public hearing. The same requirements are found in the Albanian Legislation, except that the national legislation define the NEA or RED, depending on the permit category, to organize the public hearing meeting.

A summary of inconsistencies between WB procedures and the Albanian Legislation regarding Reviewing Process is given in the following table.

Table 6.7 Inconsistencies between WB guidelines and Albanian Legislation regarding reviewing process.

WB requirements	Albanian Requirements	Comments
Invitation to the preparation of EIA open to all companies	Only companies licensed from NCL are entitled to take part in the relevant process	Risk to not obtaining the environmental permit if a not licensed company carries out the work
WB request EMPs, in case of a category B project	Projects listed in Annex II, needs only the preliminary EIA and, except full-grade EIA, the project may go on without additional environmental study	Lack of clarity regarding material needed for environmental permit
WB requires a technical description of project	Despite technical or engineering study should complement the EIA or preliminary EIA, in most of road rehabilitation projects, full information design may be missing	Lacking of technical/engineering information may impair the quality of environmental documentation.
Public disclosure needs a public hearing, to be announced at least 1-2 weeks in advance	Public disclosure needs a public hearing, to be announced at least 3 weeks (20 days) in advance	Agreement between ARA and WB should be to be correct with the time requested by Albanian government (20 days). The WB requires the announcement at least 10 days before public hearing, so this is not against doing the meeting 20 days before.

6.4 Proposals to reconcile inconsistencies between WB requirements and the Albanian Framework

In case of projects financed by the WB on the Albanian territory, EA processes must comply with both Albanian and WB requirements. In order to reconcile the existing discrepancies, some simple adaptations can be presented without proposing significant changes in the legislation.

Table 6.8 Summary of inconsistencies between WB guidelines and Albanian Legislation and relevant proposals for compliance with both requirements

No	WB requirements	Albanian Requirements	Proposal for compilation (responsibilities of Albanian Decision Makers)
1	The WB requirements on Social and Safeguard policies are fully included in the ESIA process	The Social and Safeguard policies are partially included in the EIA process, and in most cases, are not required to be considered in detail in EIA studies	1.Include the requests for safeguard studies in the ToR 2.Agree for social and safeguard requirements from the scoping stage (agreement between WB and ARA)
2	WB category B projects require a less deep assessment than those of category A	Albanian category II of EIA implies a preliminary assessment which defines that a project can be object of a full-grade EIA or that the EIA is terminated in the preliminary phase	1.Implement the screening indicators given by the Guidance No.6, dated 27.12.2006, on "Approval of the Methodology for Preliminary Impact Assessment of an Activity", MOE 2.Agreement signed by both parts (WB and ARA) for the scoping definition before the following steps of the project
3	Environment Management Plans are important EIA instruments used in cases of category B projects	Albanian Legislation does not consider the EMPs as a separate study, but only as a chapter of EIA.	1.Additional DCM should be prepared and approved by MOE on approval of EMP as an important instrument in case of projects listed in annex II
4	Developing of screening procedures in respect with WB plans	Developing of screening procedures needs about 20 days, after representation of the preliminary data at NEA.	1.Agreement between the two parts to proceed on screening step before preparation of preliminary EIA (WB and ARA) 2.Unification of Albanian indicators with WB ones for screening process using WB templates (ARA)
5	Initial Environmental Examination remains a strong requirement of WB on prefeasibility phase	Despite this step is required by the relevant Minister Order, its implementation remains theoretical	Prepare a DCM on formalizing of the IEE and screening implementation from the very early project stage by all national and local development authority and decision making institutions of Albania (MOE)
6	Scoping is part of the early feasibility stage	Scoping is carried out during the first phase of a full-grade EIA or in the preliminary phase	Prepare a DCM to define responsibilities, time frame, project technical data, project stages, etc for developers in Albania, according to the requests of international institutions (MOE)
7	Existing guidelines regarding environmental indicators for several activities and different project stages are available	Reference indications are not given	1.Implement the approved national policies for institutional strengthening in regard to environmental protection (Albanian Government) 2.The Ministry of Infrastructure and Transport prepare a set of guidance books and/or lists with overall environmental indicators to be considered for different activities and stages of a project 3.Build up and strength Albanian Government instruments for the enforcement of environmental policies.

8	Social safeguard policies are part of the ESIA	Social safeguard policies are not properly developed	Amend the Albanian EIA law with requirements for the production of social safeguard documentation such as RAPs, RPF, etc. (MOE)
9	Invitation to the preparation of EIA open to all companies	Only companies licensed from NCL are entitled to take part in the relevant process	1. Amend or revoke the DCM on licensing for EIA and Environmental Auditing (MOE)
10	WB request EMPs, in case of a category B project	Projects listed in Annex II, needs only the preliminary EIA and, except full-grade EIA, the project may go on without any additional environmental study	An additional DCM should be prepared and approved by MOE regarding the production of EMPs as important instruments (in case of projects listed in Annex II) (NEA)
11	WB requires a technical description of project	Despite technical or engineering study should complement the EIA or preliminary EIA, in most of road rehabilitation projects, full information design may be missing	Include the preparation of technical/engineering information on projects from the scoping process and include it in the ToR of the project. (ARA)
12	Public disclosure needs a public hearing, to be announced at least 1-2 weeks in advance	Public disclosure needs a public hearing, to be announced at least 3 weeks (20 days) in advance	Agreement between the parts to consider the Albanian legislation requiring a longer period for public hearing announcement, as far as this is not detrimental to the project. (WB, ARA, NEA)

7 ACTION PLANS FOR WORKS AFFECTING CULTURAL HERITAGE

As mentioned in the Baseline chapter, Albania is rich in cultural heritage. Such heritage is classified as archaeological, historical, cultural and religious, and might be affected by road maintenance or upgrade activities. Regulations and procedures are defined by Albanian authorities in case of works in, or close to cultural heritage sites. Still, additional attention should be given to reconciling the Albanian and WB requirements in such cases.

7.1 WB requirements related to works affecting heritage areas

With reference to WB OP 4.11, on physical cultural sources, it can be mentioned that the borrower should address impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment (EA) process. The steps elaborated below follow the EA sequence in terms of: screening; developing Terms of Reference (TORs); collecting baseline data; impact assessment; formulating mitigating measures and a management plan. The following projects are classified during the environmental screening process as Category A or B and are subject to the provisions of this policy:

- (a) any project involving significant excavations, demolition, movement of earth, flooding or other environmental changes;

- (b) any project located in, or in the vicinity of, a physical cultural resources site recognized by the borrower.

Projects specifically designed to support the management or conservation of physical cultural resources are individually reviewed, and are normally classified as Category A or B. To develop the TORs for the EA, the borrower, in consultation with the Bank, relevant experts, and relevant project-affected groups, identifies the likely physical cultural resources issues, if any, to be taken into account by the EA. The TORs normally specify that physical cultural resources are included in the baseline data collection phase of the EA. The borrower identifies physical cultural resources likely to be affected by the project and assesses the project's potential impacts on these resources as an integral part of the EA process, in accordance with the Bank's EA requirements. When the project is likely to have adverse impacts on physical cultural resources, the borrower identifies appropriate measures for avoiding or mitigating these impacts as part of the EA process. These measures may range from full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost. As an integral part of the EA process, the borrower develops a physical cultural resources management plan that includes measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance finds, any necessary measures for strengthening institutional capacity and a monitoring system to track the progress of these activities. The physical cultural resources management plan is consistent with the country's overall policy framework and national legislation and takes into account institutional capabilities with regard to physical cultural resources. The Bank reviews, and discusses with the borrower, the findings and recommendations related to the physical cultural resources aspects of the EA, and determines whether they provide an adequate basis for processing the project for Bank financing.

Considering the project under question, the rehabilitation or maintenance activities do not seem to have important impacts on cultural assets. Nevertheless, in cases that activities consist in opening of new spaces or additional excavation works, it can be possible for accidental impact on undiscovered cultural assets. In such cases, a working plan should be elaborated to avoid negative effects and preserve the asset.

In case of road construction the developer (ARA) should ensure an approval for planning and construction from the National Council of Restoration and National Council of Archaeology. Where the area consists of important archaeological, ethnographical, or ancient and heritage architectural traces assets, the project should be modified. The expenditures for the surveying activities, preparation of the documentation, etc. should be covered by the developer.

Table 7.1 Plans for works affecting cultural heritage during road maintenance and rehabilitation

Steps	Planning Phase	Action-Responsibility	Information activity-Responsibility	Assets evaluation-responsibility	Development-responsibility
1	Project preparation – Screening and scoping stages	Prepare the documentation technical design and outputs of EIA screening and scoping - Developer	Information on decision makers and cultural local and national authority for project development - Developer	Identify the assets known in/around the project site and inform the project client and Developer-NCA,AAS	1.Stop the project if the site is very rich with heritage assets that cannot or shouldn't been removed - NCA 2.Inform the developer on the exact location of assets, clarify on steps to be considered to avoid affecting of specific assets etc -

					NCA
2	Project preparation - Establishment of cultural receptors and training indicators	Define rules for avoiding impacts at specific sites – Developer	Information of public and stakeholders on the assets on the project site and measures for avoiding negative impacts to them – Developer, NCA,AAS	Evaluation of present status and values of assets in/surrounding the site and inform the Developer and public - NCA,AAS	Inform the workers on assets location and values, put signs and tables in surroundings to inform the citizens for site and nature of assets - Developer Train the workers on the reaction in cases of meeting of heritage values – Developer, AAS
In case that unknown cultural heritage assets are found during project implementation					
Steps	Activity/im pact	Action-Responsibility	Information activity-Responsibility	Assets evaluation-responsibility	Development-responsibility
1	Ensure that the existing assets are well defined and protected	Surround the assets with well visible ribbons - Developer	Inform the workers and citizens on the penalties in case of assets damage from them - Developer	Prepare a documentation on monetary and other obligations and penalties, for responsible in case of assets damage. - AAS	1. Define a responsibility list and obligations for workers and responsible on works related to specific assets - Developer . 2. Evaluate the scientific/historical/heri tage and educational value of the founded asset – NCA,AAS
2	Accidental impacts on cultural heritage assets	1.Immediate interruption of the works - Developer 2.Documentati on (photos etc) of the assets discovered, also in case that the asset is damaged - Developer	1.Immediate information (not longer than 3 days) of the local administrative authorities, Archeological Service Agency and Regional directorate for national Culture on discover - Developer 2.Immediate information of the project client and loaning institution on the interruption of the works - Developer	Evaluation of discovered or damaged assets no later than 10 days after interruption of the works – Agency of Archeological Service (AAS)	1.If the objects discovered are of the high importance and cannot or should not removed from the site, the project should affect the site, and alternative solutions should be found out to develop the project.- Developer a) the site should be well surrounded by warning strips- Developer b) in all exposed direction there should be information tables showing the nature and location of cultural asset.- Developer

					<p>2.If the object discovered are removable ore permitted to be removed, the AAS inform for full relocation of the objects the project Developer and local and national authority - AAS</p> <p>3.The local and national responsible authorities gives permit to the Developer to go on with project development – Responsible agencies</p>
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8 ACTION PLANS FOR WORKS AFFECTING NATURAL HABITATS OR PROTECTED AREAS

Although a small country, Albania is distinguished for its rich biological and landscape diversity. This diversity is attributable to the country's geographic position as well as geological, hydrological, climatic, soil and relief factors. The mountainous terrain combined with steep cliffs creates ideal conditions for maintaining and protecting a large number of ancient species, which are both endemic and sub endemic.

8.1 WB requirements regarding works affecting natural habitats

WB policies are very sensitive regarding natural habitats. Such policies are expressed on the WB OP 4.04, on natural Habitats, which seeks to ensure that World Bank supported infrastructure and other development projects take into account the conservation of biodiversity, as well as the numerous environmental services and products which natural habitats provide to human society. The policy strictly limits the circumstances under which any Bank supported project can damage natural habitats (land and water areas where most of the native plant and animal species are still present). Specifically, the policy prohibits WB support for projects which would lead to the significant loss or degradation of any Critical Natural Habitats. In projects with natural habitat components, project preparation, appraisal, and supervision arrangements include appropriate environmental expertise to ensure adequate design and implementation of mitigation measures.

Natural habitat components of a project are linked as appropriate to the schedule of implementation for the project. The costs of conservation of any compensatory natural habitats are included in the project's financing. Mechanisms to ensure adequate recurrent cost financing are incorporated into project design.

8.2 Action Plans for works affecting specific natural areas

The Albanian legal framework related to specific natural habitats and landscapes, expressed as Natural Protected Areas, has been well developed in the last 10 years. Laws and by laws are inciting and trying to support nature conservation efforts. The MPs are developed in most of the important Protected Areas of the country. Zoning, action plans and development activities permitted are included in the spatial planning of such management plans. Such plans also mentioned prohibited activities in each zone of the protected areas, including buffer areas. The Albanian roads are distributed all over the country and also inside or in peripheral part of protected areas. Despite it is not expected that road rehabilitation and maintenance have significant impacts on the protected area, an improper management of works can generate undesired effects. Negative impacts can also be generated in water bodies, to which the Protected Areas or specific habitats are related. Noise, vibration, artificial lighting, generation of wastes, fragmentation, etc. generated by maintenance works may affect the specific biodiversity values and habitats of national and international importance. As mentioned before, Albania have prepared and put into force a range of laws and by laws regarding biodiversity, habitat and landscape protection, but their implementation is not at the required level. In reality, the Protected Areas values and assets are in danger and threatened year by year by the implementation of activities that are missing effective EIA or EMPs. A range of activities taken in consideration in cases of road upgrading works may require a profound EIA. In this regards, these activities are not eligible for financing by the project in term. Example of such activities are: construction of high speed roads, road works that cause significant changes in the Protected Areas topography, changes that directly or indirectly affect specific habitats and related biodiversity, activities that threaten environmental quality, like changes on land use, changes on surface water flows or volumes, changes on surface and ground water quality, activities that cause significant and cumulative impacts like pollutions by dusts, noises and vibration, risk of accidents for humans and wildlife, pollution by accidental leakages (oils), etc. The following action plan is related to project planning and implementation stages.

Table 8.1 Action Plan for works affecting natural habitats during the planning phase of road maintenance and rehabilitation projects

Steps	Planning Stage	Planning-Responsibility	Information activity-Responsibility	Assets evaluation-responsibility	Development-responsibility
1	Project Preparation and planning Early stages - screening	Prepare the documentation on technical design and outputs of EIA screening, where specific natural habitats are involved - Developer	Information on decision makers and environmental national and local authorities for project development- Developer	Identify the specific natural habitats and landscapes in/around the project site and inform the project client and Developer- NEA/RED, municipality	1. Stop the project if in the site is not allowed for maintenance and rehabilitation activities – NEA, RED, Related municipality 2. Inform the developer on the exact location of specific site, inform the client and Developer on allowed and prohibited activities in or close to the site, inform them on land use, environmental norms, explain protection and enforcement measures, inform on related legislation regarding environmental protection

					and penalties, etc.- NEA/RED
2	EIA Scoping	Focuses in project implementation in/close to the natural habitats and prepare the preliminary documentation on works related to natural sites - Developer	Inform reviewing authority (NEA/RED) and local authorities for project expected actions and expected effects to the natural sites - Developer	Orient scoping to the most effective MP considering the specificity of the natural habitat or landscape, to avoid negative impacts on it, using oriented cost benefit analyses – NEA/RED	1.Allow the project development only throughpermittedactivities in such natural habitats. – Local and national authorities 2.Evaluate the impact indicators and project for establishment of environmental indicators – NEA/RED
3	Before implementation stage	Installing a supervision and reaction system to control activities that may affect natural habitats – Developer, RED Document and keep record of any activity related to natural habitats - Developer	Periodically report at the RED and municipality for works related to natural habitats and possible accidents - Developer	Monitoring the works to evaluate the risk on impact of natural resources- Developer Supervising the operations and evaluated their impact on natural habitats, wildlife and landscape – RED, municipality inspectors	Build up an a contingency plan in case of accidents and train the workers for implementation of contingency – Developer Define the indicators for supervising and monitoring activities due to project implementation actions - RED
4	Before starting the implementation	Prepare a detailed plan on controlling the undesired access to specific sites - Developer	Inform the workers of the importance of conservation of natural specific sites - Developer		

Table 8.2 Action Plan for works affecting natural habitats during implementation of rehabilitation/maintenance activities

Steps	Impact/Action	Reaction-Responsibility	Information activity-Responsibility	Characterize the protection measures, impact etc-responsibility	Development-responsibility
1	Control accidental	Construct decantation	Inform the workers, the	1.Evaluate the protective	1.Approve the implemented ways to

	impacts	pounds and draining channels, barrier silts to control sedimentation of polluted material, install temporary toilet, select the right facilities and equipment to avoid noises and vibrations, use techniques to avoid dusts. Define temporary paths or roads to avoid disturbance of natural habitats. Use the right flux of light and the right time to use it, define the appropriate time for working operations etc.	community and the RED and municipality on the measures taken to control negative impacts on the natural habitats, biodiversity and landscape - Developer	measures taken – RED and municipality 2. Monitor the implementation of protective measures – RED, environmental inspectors of the municipality	control negative impacts – RED, municipality 2. If approval is not given, stop the works and restart works only after fulfillment of the environmental requirements – RED, Municipality
2	Pollution of air, soil or water by over passing norms of discharges and noise and vibration generation, lighting etc. - Developer	Interrupt the works that negatively impact the air, soils and waters, and explain to the public the reasons for generation of such issues asking its collaboration in future project development on impact control - Developer	Request collaboration of community for denouncing of any un appropriate activity that damages the environmental elements – Developer, RED Monitoring will be the most important information instrument that will help on the assessment of the implementation process – Developer, RED	1. Define the damaged or extinct species or habitats- RED 2. Evaluate the damage scale and possibilities on restoration 3. Define ways for environmental compensation (re-plantation of damaged plats in the same area if possible), restoring the habitats etc, or plantation and development of similar habitats in other areas – RED, municipality	1. Proceed with fines – Municipality, RED 2. Continue of the rehabilitation/maintenance works as well as environmental compensation works – Developer Use the funds generated by fines, for construction of goods to the community (infrastructure etc) – Municipality 2. See above if approval is not given - RED, Municipality
3	Public consultation	Organize public consultation with stakeholder and decision makers participation – RED,	1. Inform public on measures to control the negative impact - Developer 2. Inform public on accidental	1. Collaborate with interested parties on project monitoring and evaluation – RED 2. Discuss the efficiency of	Continuation of project implementation in close collaboration with local authorities and community

		municipality, Developer	negative impacts - Developer 3. Inform public on abusive activities – RED, municipality Inform public on ways to mitigate possible impacts - Developer	protective measures and find out new ones if necessary – Developer, RED, interested parties	
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9 PUBLIC CONSULTATION PROCESS

The present chapter regards a public consultation process/stakeholder engagement plan and contains also the requirements by the World Bank as for: OP. 4.01,4.04,4.36,4.11 and 4.12 specified in the TOR and referred to the RRMSP launched by ARA. Stakeholder engagement is a process regulated by operational guidelines and can be carried out in different stages of project cycle, encompassing a range of activities and interactions over the life of a project. During the initial consultation, the following issues shall be addressed:

- Stakeholder Identification and Analysis
- Information Disclosure
- Stakeholder Consultation
- Grievance Management

In the following steps of the project the following issues will be further addressed:

- Negotiation and partnership
- Stakeholder Involvement in Project Monitoring
- Reporting to Stakeholders
- Management Functions

The Public Consultation Procedure plan is going to be developed also in compliance with the WB and Albanian requirements on Public Information Policy and the best international practices.

The following system of Stakeholder Engagement Plan is applicable to this project:

- **Identification of project stakeholder groups**
- **Stakeholder engagement process and information disclosure**
- **Constructive Consultation**
- **Grievance mechanism**

The following sections summarize how ARA will have to comply with stakeholder engagement.

Each of the site-specific EMPs will have to be disclosed to the public with public consultations being held. There is a possibility for more locations within one area to be held together. With a strong cooperation with NEA or RED and Local government and with their consent, in cases when the EMPs sites are close to each other, the public consultation can be held together.

There are several groups of people and social groups that are involved within the present project at different levels. These may be described as following:

1. People, institutions and industries that will be directly or indirectly involved within the project: residents of villages in the project area, affected land & residential owners, owners/operators of existing infrastructures along the road corridors, managers of National Parks crossed by the roads under the scope of work and, particularly, those involved in Tourism and Recreation potentially affected by the project.
2. People and institutions that participate in the implementation of the project: WB, ARA, Ministry of Public Works, construction contractor(s) and suppliers.
3. People and institutions that can influence the project and make choices about it: local self governments (LSG) administrations and inspectorates, different responsible Ministries and National Agencies, Natural Park administrators, UNESCO authorities, and NGOs.

The following table represents the identified stakeholders in accordance to the classification above.

Table 9.1 Identification of stakeholders

Stakeholders directly or indirectly involved with the project	Stakeholder who participate in implementation of the project	Stakeholder with significant influence and decision makers on project implementation
<ul style="list-style-type: none"> • Residents of municipality, villages and communities where the roads will be upgraded and or/widened • Residents along transport routes • Tourism and Recreational Industry (HO.RE.CA) • Albanian Business Community • Users/managers of protected areas National Parks along the route • Operators/owners of local infrastructure (gas, water pipelines, roads etc.) 	<ul style="list-style-type: none"> • WB • Other IFIs • The Developer (ARA) • Construction companies • Equipments suppliers • Building and road Material suppliers • Engineers and road technical experts 	<ul style="list-style-type: none"> • Local self governments (LSG) • Local Inspectorats, communal affaires, environnement, transport, etc.) • Ministry of Sustainable Development and Tourism • Ministry of Agriculture and Rural Development • Ministry of Economy • Ministry of Labour and Social Welfare • Ministry of Culture • State Agencies (environment, forestry, energy, etc.) • National Park authorities • UNESCO authorities • NGOs – Associations on local and national level

A variety of communication methods can be used as appropriate for each set of stakeholders. In general these include:

1. Public meetings
2. Individual meetings
3. Announcements in media
4. Provision of general information on notice-boards at key public locations
5. Regular mail/email correspondence

6. Publication of relevant project information on the ARA WEB website

Due to the nature of the present project (Cat B), the characteristic of the road and timeline, the methods selected were:

1. Public meeting
2. Individual interview and questionnaire submitted
3. Announcements in media

A Stakeholder register proposal and appropriate communication methods for each of these stakeholders are given in the following tables.

Table 9.2 Stakeholder proposal engagement plan & EMP disclosure for public review (1st part)

STAKEHOLDER	HOW	WHEN	WHY
All stakeholder	Public announcements	After EMP disclosure	WB & ARA
	Websites of: ARA Related Ministry: Concerned municipalities, villages and settlements. Notice boards in each involved community and in mayor's offices of each municipality; Public meetings in selected settlements along the routes; Meetings with involved institutions (National parks, national UNESCO commission, etc); Meeting(s) with interested NGO;	After project's - EMP disclosure - WB context	- WB requirements (informal meetings upon disclosure of the EMP package on the WB web-site) - Albanian requirement (formal procedure in compliance with national EIA regulations upon disclosure the EIA report)

Table 9.3 Stakeholder proposal engagement plan & ESIA disclosure for public review (2nd part)

STAKEHOLDER	HOW	WHEN	WHY
<ul style="list-style-type: none"> • Governmental institutions • Local self governments • National Parks authorities 	<ul style="list-style-type: none"> • Official letters • Submission of relevant project documentation • Meetings 	Preparation period	To obtain permits of all kind and nature under existing laws and regulation
<ul style="list-style-type: none"> • Affected settlements • Property owners 	<ul style="list-style-type: none"> • Community and individual meetings 	Prior to construction	Land acquisition

	<ul style="list-style-type: none"> with property owners • Public announcements in daily newspapers • Notice boards in affected communities 		
<ul style="list-style-type: none"> • All stakeholders 	<ul style="list-style-type: none"> • Public announcements in daily newspapers 	Commencement of construction	Commencement of construction activities
<ul style="list-style-type: none"> • Relevant governmental institutions/agencies • Local self governments • National parks authorities 	<ul style="list-style-type: none"> • Official letters • Meetings 	Throughout construction period	Monitoring
<ul style="list-style-type: none"> • Affected settlements/ • Property owners 	<ul style="list-style-type: none"> • Group meetings in premises or other • Appropriate locations • Grievance mechanism 	Throughout construction period Grievance mechanism Throughout implementation	Answer of concerns by affected stakeholders
<ul style="list-style-type: none"> • Internal stakeholders • Contractors 	<ul style="list-style-type: none"> • Official letters • Meetings 	Throughout construction period	Monitoring/ progress of construction and related activities
<ul style="list-style-type: none"> • Relevant governmental institutions agencies • Local self governments • National parks authorities • Involved settlements 	<ul style="list-style-type: none"> • Official letters • Meetings 	Prior to operational period	Formal delivery to the operators/concessionaire/authorities
Affected settlements	<ul style="list-style-type: none"> • Official letters • Meetings • Grievance mechanism 	Throughout operational period	Answer to any grievance received

Stakeholder register and communication methods

Table 9.4 Template for the registration of stakeholders

STAKEHOLDER	MUNICIPALITY OF	SETTLEMENTS (SEE APPENDIX 3)	SETTLEMENTS POPULATION	COMMUNICATION METHODS
<i>Residents of villages communities where the project will be implemented</i> <i>Residents of villages communities where the project will be implemented</i>		(to be completed)		Public Consultation/ meeting Public Consultation/ Meeting
		(to be completed)		
		(to be completed)		
		(to be completed)		
		(to be completed)		
		(to be completed)		

Table 9.5 Template on Stakeholder-decision makers identification

STAKEHOLDER	COMMUNICATION METHODS
Ministries Ministry of Address Web: Email.....	Official letters / correspondence Submission of documentation On-going-process, in accordance to administrative procedures
Ministry of Address Web: Email.....	Official letters / correspondence Submission of documentation On-going-process, in accordance to administrative procedures
Ministry of Address Web: Email.....	Official letters / correspondence Submission of documentation On-going-process, in accordance to administrative procedures

National Agencies	(to be completed)		
UNESCO, other international organizations	(to be completed)		
National Parks	(to be completed)		

Table 9.6 Template on Stakeholders identification - directly & indirectly involved

STAKEHOLDER		COMMUNICATION METHODS
Business Community	Chamber of commerce	
	(to be completed)	
Professional association	(to be completed)	
Private and Public donors	(to be completed)	
Others	(to be completed)	

Table 9.7 Template for involvement of NGOs

NAME	CONTACT	COMMUNICATION METODS (FOR ALL)
Name..... Address Web: Email.....	Name..... Address Web: Email.....	Public meetings, direct meetings, documentation delivery, email& phone, on request
NGOs'	Name..... Address	Public meetings, direct meetings, documentation

	Web: Email.....	delivery, email& phone, on request
NGO's	Name..... Address Web: Email.....	Public meetings, direct meetings, documentation delivery, email& phone, on request
(to be completed)		

Table 9.8 Template for participation in public consultation meetings

Name	Organization/occupation	Address	Mobile no.	Signature

Table 9.9 Template on discussions during public meetings

Name	Question	Status or representative of	
Name	Answer	Representative of	

10 PRACTICAL PROCEDURES TO IMPLEMENT EMPs ON ROAD MAINTENANCE AND/OR UPGRADING ACTIVITIES

Presently in ARA the EMPs are applied only in cases that are required from WB advisor. This is because as it is explained in the previous chapters, the Albanian Legislation does not consider EMPs as a EIA instrument. In cases of Rehabilitation projects, the EMPs are not applied also because of the missing of technical data (project design), on which the EMPs can be based. There is no screening process in case of road rehabilitation, and only in rare cases on roads upgrading, where the impacts are considered to be of some significance. In this second case, the screening process is very superficial, and the Albanian Screening Indicators (please refer to annex 1) are formally used. The Initial Environmental Examination process should be done at the early beginning of the process, unless it is not required by the funding agency.

10.1 Procedures to be applied in cases of road maintenance/upgrading for EIA screening and scoping

Albanian legislation does not include any definition for preparation of environmental reports in cases of road maintenance. This law disposes only in cases of road upgrading. Usually, the interested parties do not consult with NEA/REDs for uncertain cases of upgrading (i.e. building of a roundabout, enlargement of a bridge, etc).

The missing of an appropriate legislation, or gaps in it, are creating important environmental issues in cases of road maintenance and upgrading activities. Not only the increase of pollution by discharges and inappropriate execution of works, but land acquisition as well can be considered as a problem generated by missing of implementation of EMPs related to road maintenance and upgrading works.

Impact characterization methodology

The impact characterization methodology is based on establishment of the environmental and social receptors, as basic indicators for impact assessment.

The project activities are assessed mainly for:

- Planned routine activities,
- Planned activities but not routine
- Un planned activities - accidents

The assessment of environmental indicators is done in respect of environmental receptors where are classified expected elements that seem to be affected as described in the following table:

Table 10.1 Summary of environmental and social receptors and possibilities to impact them

Biophysical receptors	Impact
Physical environments like water, air, soils	Possible, but appropriate mitigation chances
Biological environments	Possible at running water habitats, but appropriate mitigation chances
Protecteed Areas	Not applicable
Human Receptors	Impact
Health	Possible, but with good mitigation opportunities
Socio-economic	Possible, but with good mitigation opportunities
Culture	Possible, but with good mitigation opportunities

Characterization of negative impacts remains the most important part to be considered in the EMPs for road maintenance and upgrading activities. Potential cumulative negative impacts are classified upon the project's activities and do consider the following elements:

- Impact/risk sources and nature (kind and type) of pollutant/contamination
- Sites/subjects to be mostly affected.
- Impact/risk significance (effects and duration) and possibilities to be mitigated.

To avoid high scale empiric evaluation the qualitative assessment can be expressed in three levels of indicators:

- High – when the impact has an important effect. (expressed by no. 3)
- Medium - when the impact has medium (expressed by no.2)
- Low – when impact has a low effect (expressed by no. 1)

For each impact element, is considered one of the indicators and the impact is expressed in the evaluation of each of the element where the dominance of one indicator or the average of indicators conditions the impact significance. Three are the main elements considered for impact prediction:

- Spatial scale, where is considered spatial effects of the impact.

- The impact effect is expressed as the logical sum of impact irreversibility, amount and type of change, likelihood, etc.
- Impact duration, which gives the impact effect in time.

The impact indicators have Short (expressed by no. 1), Medium (expressed by no.2) and Long term significance (expressed by nr.3).

Table 10.2 Main negative impacts expected to be generated by road maintenance/upgrading activities, and their effects

Project phase	Negative impacts	Effects in environment	Effects in project implementation
Rehabilitation upgrading works	Generation of noises and dusts during works	Human disturbance and disclaims	Project delay
Rehabilitation upgrading works	Soil, water and ground water pollution/contamination	Health risk, plant and animal life risks	Project interruption
Rehabilitation upgrading works	Land acquisition (permanent or temporary)	Poverty, human disclaims	Project interruption
Increase project cost	Accidental destruction of existing infrastructure (ex. Water pipelines, energy net etc)	Disturb local community life, reduce life standards	Project delay
Operation phase	Reduce the air quality and/or increase the life risk by change of vehicle speed by changing road characteristics and size.	Increase the air pollution by discharges in case of reduction of vehicle speed (cases of roundabout etc) Increase life risk by increasing the vehicle speed	Avoiding the use of road by drivers – reduce road efficiency

In case that is required an environmental permit (usually from the funding agency, or conditioned by public disclaims, etc), the interested agency (ARA) shall prepare a technical design where should be included:

- Project characteristics: main technological processes, changes in capacities, raw material to be used, energy to be used, working program for upgrading, supporting activities like opening of new roads for transport, exploitation of drinking water, etc.
- Project design, territory and boundaries, maps and photographs that show the site location and characteristics, and local/regional development plans.

The ARA (or licensed consultant employed by it) should prepare a preliminary EIA, where should be included:

- Legal framework regarding road maintenance and/or upgrading activities, and environmental legislation
- Site environmental characteristics, natural environments and human ones, specific values, environmental issues, etc.
- Defining of significant impacts and their characterization
- Environmental Management Plan with its mitigation measures and monitoring program
- The program of public consultation and public meetings

The technical and environmental documentation should be delivered to NCL, which consequently delivers it to the NEA. After an initial evaluation, NEA in collaboration with REDs and other institutions, decide to carry on with the screening process and define the level of EIA (for the Albanian Screening Indicators please refer to the annex 1). It should be mentioned that nevertheless an EMP is incorporated at this preliminary EIA, its level is quite simplified.

Scoping should be defined by ARA and approved by NEA or REDs. The scoping report, nevertheless is not well defined by Albanian Legislation, usually is determined by a close collaboration of the interested entity (ARA) and REDs and NEA. In complex cases (uncertainties on impact significance, etc), NEA requires the consultation of specialized institutions.

10.2 Suggestions for screening methodology to be applied for implementation of EMPs in road maintenance and upgrading activities

To be more efficient on environmental protection and avoid ineffective enforcement measures, aiming at including the Albanian Environmental Authorities in this process (in cases that the Law does not provide so), it is necessary that ARA applies simple EMPs in projects involving road maintenance and/or upgrading activities. Nevertheless, it looks that some maintenance projects do not have important negative impacts to the natural and human environments. In several cases, such investments face only delays by issues generated during the works.

A checklist, will be used by ARA's environmental experts for environmental screening and EMP focus, in case that the project is not object of EIA according to Albanian Legislation. This checklist should include environmental quality indicators, natural environment indicators, and human indicators. A template of this list is elaborated from WB templates on screening indicators, and included in annex 2.

To avoid confusion related to project environmental category and the type of environmental and social work required, a clear definition of the type of works and activities is needed to be defined by their technical design. In increasing order of environmental concern, the following 5 categories, together with the related studies needed, are proposed in following table.

Table 10.3 Guidance table for identification of environmental studies level regarding road improvement activities

Road improvement activities(categories)	Expected activities	Level of environmental study
Maintenance	Routine works in existing platform, to maintain the road in appropriate conditions.	Preliminary EIA and simple EMP
Rehabilitation	Bringing existing deteriorated roads (in existing platform) to previous/original condition	Preliminary EIA and simple EMP
Improvement	Most of the work is done on the existing platform. Additional land acquisition may be needed	Preliminary EIA, and WB EMP
Upgrading	Changing of road category (i.e. seasonal to all-weather, secondary to primary). Land acquisition is needed in most cases.	Preliminary EIA, and WB EMP (followed by profound EIA if needed– not applicable for financing by this project)
Widening works	Adding of additional road lanes in roads with 2 or less lanes, realignments,etc. in segments longer than 10km, which in most cases imply land acquisition.	Profound EIA – not applicable for financing by this project
New constructions	Construction of a new road (with one, two, or four lanes).	Profound EIA – not applicable for financing by this project

Site location and sensitivity

Site location and sensitivity is a major factor in determining the type and extent of the required environmental work. A three grade system (low, medium, and high sensitivity) can be proposed for natural habitats, resettlement, indigenous peoples, induced development, soil stability/erosion, and cultural heritage. If information is available, more items could be added during project preparation (such as noise, water quality, and drainage density).

Table 10.4 Template of environmental sensitivity (elaborated from WB – Guidelines for Environmental Screening of Road Projects)

Natural habitats	Low sensitivity	Medium sensitivity	High sensitivity
Resettlements	No critical natural habitats No other natural habitats	No critical natural habitats; other Non forest natural habitats occur	Critical natural habitats. Critical natural habitats are defined as existing and proposed protected areas, along with unprotected natural habitats of known high importance for biodiversity conservation. For details see Natural Habitats OP 4.04. and all natural forest
Indigenous people	Low population density; dispersed population; no	Medium population density; settlements;	High population density; major towns and villages; intensive roadside activity; low income families and illegal

	or little road side activities; well established businesses and legal tenure along right of way.	some roadside activity; mixed ownership and land tenure along right of way.	ownership of land in and along right of way; communal properties.
Induced development	No indigenous peoples	Dispersed and mixed indigenous populations; mainstream (highly acculturated) indigenous populations	Indigenous territories; vulnerable indigenous populations
Soil stability/erosion/slides	Flat terrain; no potential erosion problems.	Medium slopes; some erosion potential	Mountainous terrain; high slopes; unstable soil formations; high erosion potential
Cultural heritage	No known or suspected cultural heritage sites	Suspected cultural heritage sites; known heritage sites in area of influence	Known heritage sites along the right of way

Definition of Environmental Requirements

A cross analysis taking into consideration project type and scale, and environmental and social sensitivity is shown in the following table. For each project type and sensitivity, a level of environmental work is specified, based on the **most sensitive** issue for a project (NOT on the "average" sensitivity of different issues).

Table 10.5 Environmental and social sensitivity upon the project type and scale. (elaborated from WB – Guidelines for Environmental Screening of Road Projects)

Type of Work	Low Sensitivity	Medium Sensitivity	High Sensitivity
Maintenance	Level 1	Level 1	Level 1
Rehabilitation	Level 1	Level 1	Level 2
Improvement	Level 1	Level 2	Level 2
Upgrading	Level 2	Level 2	Level 3
New construction	Level 2	Level 3	Level 3

Project's description should explicitly establish the type of work that will be financed (maintenance, rehabilitation, improvement, upgrading, new construction). Three levels of environmental work are defined taking into account the "highest" type of work that will be included in the project:

- **First Level:** Application of environmental guidelines for design and environmental rules for contractors
- **Second Level:** Application of above environmental guidelines and rules for contractors; additional screening may be necessary; limited environmental analysis for specific issues is usually necessary; a RPF to deal with minor RAP is needed. Institutional capacity for

environmental management may need to be strengthened. Immediate consultation with NEA/REDs is needed

- **Third Level:** Application of environmental guidelines and rules for contractors; a full/detailed EA is necessary. Specific mitigation/compensation measures (including resettlement action plans and indigenous people's development plans) need to be identified. Institutional capacity for environmental management needs to be in place. This level is excluded to be object of EMPs required by ARA without NEA guidelines.

The type of projects to be developed need to be defined (maintenance, rehabilitation, new construction, etc.). If the specific projects are not known at appraisal and the site sensitivity cannot be determined, as a minimum, an environmental analysis will be required during project preparation. For such analyses can be used a checklist-matrix.

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Table 10.6 Screening criteria template related to Maintenance Activities performed on an Existing Road – Checklist matrix (to be used by ARA)

Location of works (name):			
Scope of works:			
CRITERIA	YES	NO	Comments
Does the existing road have a valid operating permit, licenses, approvals etc.? If not, please explain. Permits to screen for include: <ul style="list-style-type: none"> - Construction Permit - Operational /Use Permit - Urbanistic Permit - Environmental Permit - Water Management Permit 			
Does the existing road have or is awaiting (or is required by law to have) an environmental permit? If the permit is based on profound EIA, this activity cannot be financed.			
Are there nature protected areas or areas of cultural heritage in the vicinity? Please note the approximate distances in the comments.			
Will the sub-project require procurement of substantial amounts of materials to be used – stone, aggregate, sand, asphalt or others that need environmental permit?			
Will the subproject generate large quantities of construction waste that will need permission from the Commune to be disposed of (including soil, rock, humus, etc)?			
Will the sub-project potentially impact areas of known significance to local, regional or national cultural heritage? (During the public consultation, the local population should be asked to provide information about any sites or structures which are not on any official list, but which they consider to be of significance and which they think should be protected)			

Does the project negatively affect community assets or activities?		
Proposed Sub-project	Level of existing or expected impact (1=low, 2=medium, 3=high)¹⁾	Comments
Will the sub-project cause changes in the drainage patterns of the road and the immediate surrounding areas?		
Will the project cause air, land and/or water pollution by dusts, noises and/or vibrations.		
Will the subproject include activities that will require sanding, paints, or other potentially hazardous materials that will need to be properly stored and contained?		
Does the project create conditions for accidental pollution by leakages?		
Will the project affect any species or population with specific status?		
Does the project create problems on accessibility?		
Has the local population or any NGOs expressed concern about the sub-project environmental aspects or expressed opposition? Are there any expected public claims?		
Is there any other aspect of the sub-project that would – through normal operations or under special conditions – cause a risk or have an impact on the environment, the population or could be considered as a nuisance?		
Total of existing or expected impact value (sum of values).		
Level of EIA study	EMP, Preliminary EIA, Profound EIA?	

¹⁾ Level of expected impact: 1 expresses the lowest negative impact, 2 the medium level, and 3 the highest one. In case that no impact is expected, please let the cell empty.

The first part of the table is used as an environmental checklist that provides answers to the general environmental impacts, which will orient ARA's staff on the needed environmental permits, and on road segment characteristics related to specific natural or protected areas. The second part, "Proposed subproject", focuses in evaluating the possible expected negative impacts, using a numerical methodology based on three levels (1=minimal effects, 2=medium level effects, 3=maximal effects). This environmental checklist takes into consideration the sum of 8 impact references, and is categorized as follows:

- a) Sum resulting lower than or 8 – 12: Simple WB EMP, where all activities cause or are expected to cause minimal or medium negative impacts (level 1 to 2). In case that one activity's impact is evaluated as level 3, a preliminary EIA is expected to be required by the National Environmental Agency.

- b) Sum resulting from 13 – 19: Preliminary EIA with EMP included, where each activity causes, or is expected to cause negative impacts that are to be considered of medium level.
- c) Sum resulting from 20 – 24: Profound EIA is required, or in case of uncertainties, it can be defined after the preparation of the preliminary EIA.

By the above clarifications can be noted that, despite a road maintenance activity might have a low/medium sum in the environmental matrix, if one of the activities can cause a high level impact (equivalent to level 3), the environmental study should be subject of a preliminary EIA, with related EMP. Category "C" projects (evaluated with 20-24 points), or those of category "B", characterized by preliminary EIA evaluation that entails the need of a profound EIA (referring to Albanian legislation), are not applicable for financing under this project.

The Albanian legislation in case of projects listed in Annex II of EIA law requires a preliminary EIA as the first step. This preliminary EIA is quite similar with EMP, but as it is mentioned before, its quality in most of cases is neglected. The ARA should collaborate with NEA and RED using the Albanian indicators checklist when a preliminary EIA is needed (the example of which can be found in the Guidance No. 6, date 27.12 2006, on "Approval of the Methodology for Preliminary Impact Assessment of an Activity").

First step: To include preparation of EMPs for road maintenance and/or upgrading activities should be first ensured the formal part, considering that no legislation is asking for preparation of EMPs or Preliminary EIA in case of road maintenance. Therefore, it is necessary to approve a Director Order, that for maintenance / upgrading projects that are not objects of NEA/REDs screening and preliminary EIA, ARA has the obligation to prepare a simple EMP, where can be included the main impacts expected, mitigation measures and monitoring program, joined by public consultations and disclosure as it is required from WB.

Second step: Screening of the project by ARA's environmental and social experts

Third step: Scoping/focusing the EMP

Fourth step: Consultation with REDs and local stakeholders on EMP scope

Fifth step: Initiating the EMP and proceed with public consultations

Sixth step: Collaboration with local stakeholders to prepare public disclosure

Seventh step: Finalize the EMP and attach it to technical design and procurement documents for project implementation.

Eighth step: Revising of EMP implementation.

Considering simple EMPs (where cumulative impacts are missing), some mitigation measures can be planned and done considering typical expected impacts. An orientation for the identification of impacts and appropriate mitigation measures is prepared in the below table:

Table 10.7 Orientation on identification of impacts and setting mitigation measures in simple EMPs

Project development phase	Impacts that can be generated	Orientation on mitigation measures ¹⁾
Planning phase	<p>1-Public and stakeholder disclaims (land acquisition, change on activity or resident access, inappropriate change on infrastructure etc)</p> <p>2-Missing of right identification of issues and impacts</p>	<p>1/1 Organize public consultation, 1/2 Engage interested parties and stakeholders in project development 1/3 Prepare RAP if needed and inform and consult affected persons 2/1 Review the impact identification process and re-focus the mitigation measures</p>
Maintenance/upgrading phase	<p>1-Air pollution by noises, dusts, vibration etc.</p> <p>2-Soil and water pollution by leakage or accidental discharges</p> <p>3-Ove exploitation of waters</p> <p>4-Incide slides and erosion</p> <p>5-Damage existing infrastructure</p> <p>6-Surface cleaning (cutting of vegetation)</p> <p>7-Damage sites when will be taken the raw material</p> <p>8-Damage sites where will be disposed the solid wastes and waste waters</p>	<p>1/1 Respect legislation regarding air pollution levels and discharges. 1/2 Use barriers to control noises and dusts, preferable green barriers with autochthon plants with horizontal roots, evergreen with dense crown (consult with biologists) 2/1 Take appropriate measures to control soil pollution by leakages, overflows and avoid accidents as much as possible 2/2 Well design the places where will be disposed raw and construction materials and debris. 2/3 Avoid inappropriate activities (coloring, car washing etc) without taking protective measures 2/4 Set appropriate and simple barriers to avoid water and sediment dispersion 3/1 Respect Albanian legislation for water exploitation and ensure a water exploitation permit by local authorities. 4/1 Take erosion protection measures, if possible planting with autochthon plants with tubular roots. 5/1 Immediate interruption of works, information of responsible agencies and repairing the damage 6/1 Avoid as much as possible surface cleaning, if not possible remove the existing plant and plant in another place as close as possible. If not possible, take the same kind of plants and plant in the closed areas.</p>

		<p>Before removing and planting consult with RED expert.</p> <p>7/1 Inspect and control the movements of materials in the working site. Accept materials only from entities that has Environmental Permit.</p> <p>8/1 Inspect waste management and incite implementation of proper way for disposal and transport of solid wastes and waste waters. Provide the working site with collection been, with separate pockets for different wastes like hospital wastes, papers, glass etc.</p>
	<p>1-Change of water discharges and water running paths</p> <p>2-Life risk by increasing of vehicle speeds in well maintained roads</p> <p>3-Increase of air pollution by gases in case of slowing the vehicle speed, roundabouts etc.</p>	<p>1/1 Evaluate and consult the changes on artifacts or facilities join upgrading works</p> <p>2/1 Improve lighting, implement speed control facilities and signals</p> <p>3/1 Implement barriers like in point 1.2 of this column</p>

1) Mitigation measures need to be as effective and realistic as possible. The cheaper and easy to apply the measures can be, the easier can be to obtain approval by decision makers.

10.3 Simple EMP structure

After screening and scoping to define the level of EMP and its focuses, a report should be prepared with at least the following chapters:

a) Description of technical project and its activities, types/volumes and quality of raw materials, and places where will be taken off, technologies and equipments to be used, its location, accessibility, use of infrastructure needed for works, etc.

b) Environmental description, considering:

- nature environments, specific sites like protected areas, biodiversity and landscape, etc
- Human environments, demography, socio-economy, industries and development branches, specific values like recreation and tourism, specific sites like cultural and heritage ones, religious, etc.

c) Formal framework with legislation and regulatory considerations.

d) Determination and characterization of potential impacts, identification of positive impacts. Evaluation of the most significant impacts to be object of mitigation measures is the goal of this chapter. Definition of impacts that cannot be reduced is important to show to the developer what are the expected negative effects in the present and future that may join the activity during all its existence. The analysis can be performed with the Leopold Matrix (LM) (Leopold et al. 1971, please refer to Annex 3). This matrix has: (1) on the horizontal axis the actions which cause environmental impact, and (2) on the vertical axis the existing environmental conditions which may be affected by those actions. This provides a format for comprehensive review of the interactions between proposed (anthropogenic) actions and environmental factors (characteristics and conditions). The number of actions listed on the horizontal axis is 100. The number of environmental factors (characteristics and conditions) listed on the vertical axis is 88. This provides a total of 8,800 interactions. However, only a few of the interactions would be likely to involve impacts of such magnitude and importance to warrant detailed treatment.

e) Management Plan with its: Mitigation measures (template table included at annex 4) and Monitoring Program (template table included at annex 5). In case of roads, the EMP considers both direct and indirect impacts, analyzing three phases of the project, the planning phase, maintenance and upgrading phase, and operational phase. To define how the significant impacts can be reflected in Management Plan, please refer to the EMP of Vidhas-Paper, developed for the project in term.

f) Public consultation report, where should be included the program of public consultations, meetings held and participation, decision makers identified, findings by consultations, public disclosures, etc.

11 REFERENCES

- Albanian Environmental Legislation and related formal framework
- Screening criteria for modification and expanding projects, WB project
- WB OP 4.01, 4.01 annex c, 4.04, 4.11, 4.12
- WB Handbook EIA on roads
- Pollution Prevention and Abatement Handbook, WB
- Guidance for Environmental screening of Road Projects, WB
- Disclosure Handbook, WB
- <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:23408394~menuPK:64701763~pagePK:64709096~piPK:64709108~theSitePK:502184,00.htm>
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- Guidelines for environmental screening of the road projects, WB 1997
- CEIA/COWI, Environmental Management Framework, for ESIA on rehabilitation of irrigation reservoirs, Albania, WB, MIT, 2013
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Annexes

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12 ANNEX 1: ALBANIAN SCREENING INDICATORS

The screening indicators given in table 1 of the Guidance No. 6, date 27.12 2006, on Approval of the Methodology for Preliminary Impact Assessment of an Activity”.

Questions to be considered for classification of EIA During project development or implementation/operation	Yes / No / Short description	Will it have interaction / important impact? Yes / No / Why?
1. Will the project cause qualitative or quantitative changes in topography, land use or water sources etc?		
2. Will the project implementation exploit natural resources as land, water, other matters or energy, or not renewable resources?		
3. Is it planned to be used, saved, transported, or produced any harmful substances that damage health and/or environment?		
4. Will the project generate solid wastes?		
5. Will the project discharge pollutants/contaminators in the air?		
6. Will the project generate noise, vibration, or cause changes on natural lighting, energy or electromagnetic radiation?		
7. Will the project cause soil, water and/or air contamination?		
8. Will the project threaten human health?		
9. Will the project impact the socio-economical and cultural environments (demographic, heritage, occupation, etc.)?		
10. Does the project risk to cause cumulative environmental and socio-economical impacts?		
11. Is the project affecting areas protected by international and national legislation, for biodiversity, ecological, landscape, cultural/heritage, historical or archaeological values?		
12. Are there sensitive sites like wetlands, coastal sites, mountains, forests, pastures, habitats for specific flora and fauna, fruit trees, etc in or close to the project's territory?		
13. Does the project affect the areas with species with specific status, or breeding, nesting, standing, wintering?		

14. Are there in project site or in the surrounding areas surface waters, ground waters, coastal or sea waters, that can be affected by project development?		
15. Are there sites with specific landscapes, or visual assets in/surrounding the site that can be affected by project development?		
16. Does the project impact the public access to recreational areas, or transport roads with high traffic?		
17. Are there present land use forms, or development plans that can be affected by project development?		
18. Is the territory in/close to the project area under environmental risk status?		
19. Is the project site characterized by earthquakes, landslides, erosion, floods, extreme climatic conditions, etc?		

13 ANNEX 2 – LEOPOLD MATRIXES

Table 1. Actions listed in the horizontal axis of the Leopold matrix.

ACTIONS <ul style="list-style-type: none"> • [Proposed actions which may cause environmental impact] • 	A. Modification of regime	a. Exotic flora or fauna introduction
		b. Biological controls
		c. Modification of habitat
		d. Alteration of ground cover
		e. Alteration of groundwater hydrology
		f. Alteration of drainage
		g. River control and flow modification
		h. Canalization
		i. Irrigation
		j. Weather modification
		k. Burning
		l. Surface or paving
		m. Noise and vibration
		B. Land transformation and construction
	b. Industrial sites and buildings	
	c. Airports	
	d. Highways and bridges	
	e. Roads and trails	
	f. Railroads	
	g. Cables and lifts	
	h. Transmission lines, pipelines and corridors	
	i. Barriers including fencing	
	j. Channel dredging and straightening	
	k. Channel revetments	
	l. Canals	
	m. Dams and impoundments	
	n. Piers, seawalls, marinas, and sea terminals	
o. Offshore structures		

		p. Recreational structures
		q. Blasting and drilling
		r. Cut and fill
		s. Tunnels and underground structures
	C. Resource extraction	a. Blasting and drilling
		b. Surface excavation
		c. Subsurface excavation and retorting
		d. Well drilling and fluid removal
		e. Dredging
		f. Clear cutting and other lumbering
		g. Commercial fishing and hunting
	D. Processing	a. Farming
		b. Ranching and grazing
		c. Feed lots
		d. Dairying
		e. Energy generation
		f. Mineral processing
		g. Metallurgical industry
		h. Chemical industry
		i. Textile industry
		j. Automobile and aircraft
		k. Oil refining
		l. Food
		m. Lumbering
		n. Pulp and paper
		o. Product storage
	E. Land alteration	a. Erosion control and terracing
		b. Mine sealing and waste control
		c. Strip mining rehabilitation
		d. Landscaping

		e. Harbor dredging
		f. Marsh fill and drainage
	F. Resource renewal	a. Reforestation
		b. Wildlife stocking and management
		c. Groundwater recharge
		d. Fertilization application
		e. Waste recycling
	G. Changes in traffic	a. Railway
		b. Automobile
		c. Trucking
		d. Shipping
		e. Aircraft
		f. River and canal traffic
		g. Pleasure boating
		h. Trails
		i. Cables and lifts
		j. Communication
		k. Pipeline
	H. Waste emplacement and treatment	a. Ocean dumping
		b. Landfill
		c. Emplacement of tailings, spoil and overburden
		d. Underground storage
		e. Junk disposal
		f. Oil well flooding
		g. Deep well emplacement
		h. Cooling water discharge
		i. Municipal waste discharge including spray irrigation
		j. Liquid effluent discharge
		k. Stabilization and oxidation ponds
		l. Septic tanks, commercial and domestic

		m. Stack and exhaust emission
		n. Spent lubricants
	I. Chemical treatment	a. Fertilization
		b. Chemical deicing of highways
		c. Chemical stabilization of soils
		d. Weed control
		e. Insect control with pesticides
	J. Accidents	a. Explosions
		b. Spills and leaks
		c. Operational failure
	K. Others	a. To be determined
		b. To be determined

Table 2. Factors listed in the vertical axis of the Leopold matrix.			
FACTORS <ul style="list-style-type: none"> • [Existing characteristics and conditions of the environment] • 	A. Physical and chemical characteristics	1. Earth	a. Mineral resources
			b. Construction material
			c. Soils
			d. Land form
			e. Force fields and background radiation
			f. Unique physical features
		2. Water	a. Surface
			b. Ocean
			c. Underground
			d. Quality
			e. Temperature
			f. Recharge
			g. Snow, ice, and permafrost
		3. Atmosphere	a. Quality (gases, particulates)
			b. Climate (micro, macro)
			c. Temperature

		4. Processes	a. Floods b. Erosion c. Deposition (sedimentation, precipitation) d. Solution e. Sorption (ion exchange, complexing) f. Compaction and settling g. Stability (slided, slumps) h. Stress-strain (earthquake) i. Air movements			
	B. Biological conditions	1. Flora	a. Trees b. Shrubs c. Grass d. Crops e. Microflora f. Aquatic plants h. Endangered species h. Barriers i. Corridors			
			2. Fauna	a. Birds b. Land animals, including reptiles c. Fish and shellfish d. Benthic organisms e. Insects f. Microfauna g. Endangered species h. Barriers i. Corridors		
				1. Land use	a. Wilderness and opne spaces b. Wetlands c. Forestry	
		C. Cultural factors				

			d. Grazing
			e. Agriculture
			f. Residential
			g. Commercial
			h. Industrial
			i. Mining and quarrying
		2. Recreation	a. Hunting
			b. Fishing
			c. Boating
			d. Swimming
			e. Camping and hiking
			f. Picnicking
			g. Resorts
		3. Aesthetics and human interest	a. Scenic view and vistas
			b. Wilderness qualities
			c. Open space qualities
			d. Landscape design
			e. Unique physical features
			f. Parks and reserves
			g. Monuments
			h. Rare and unique species or ecosystems
			i. Historical or archaeological sites and objects
			j. Presence of misfits
		4. Cultural status	a. Cultural patterns (life style)
			b. Health and safety
			c. Employment
			d. Population density
		5. Man-made facilities and activities	a. Structures
			b. Transportation network (movement, access)

			c. Utility networks	
			d. Waste disposal	
			e. Barriers	
			f. Corridors	
	D. Ecological relationships such as			a. Salinization of water resources
				b. Eutrophication
				c. Disease-insect vectors
				d. Food chains
				e. Salinization of surficial material
				f. Brush encroachment
				g. Other
	E. Others			a. To be determined
				b. To be determined

14 ANNEX 3 – TEMPLATE OF SUMARIZED TABLE OF ENVIRONMENTAL MITIGATION PLAN (REF. PROJECT TOR)

Phase	Issue	Mitigating Measure	Cost		Institutional Responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
Pre-construction / Design							
Construction							
Operation							
Operation							

15 ANNEX 4 – TEMPLATE OF ENVIRONMENTAL MONITORING PLAN (REF. PROJECT TOR)

Phase	What parameter is to be monitored?	Where is the parameter to be monitored?	How is the parameter to be monitored/ type of monitoring equipment?	When is the parameter to be monitored- frequency of measurement or continuous?	Why is the parameter to be monitored (optional)?	Cost		Responsibility	
						Install	Operate	Install	Operate
Baseline									
Baseline									
Construct									

Phase	What parameter is to be monitored?	Where is the parameter to be monitored?	How is the parameter to be monitored/ type of monitoring equipment?	When is the parameter to be monitored- frequency of measurement or continuous?	Why is the parameter to be monitored (optional)?	Cost		Responsibility	
						Install	Operate	Install	Operate
Construct									
Operate									
Operate									
Decommission									