



Home <URL: <http://www.gazetazyrtare.com/e-gov/index.php>> ▶ Published Laws <URL: http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=blogsection&id=4&Itemid=28> ▶
LAW NO.03/L-024 ON ENVIRONMENTAL IMPACT ASSESSMENT

<URL: #> <URL: #> <URL: #>

P r i
06
2009

LAW NO.03/L-024 ON ENVIRONMENTAL IMPACT ASSESSMENT

LAW No. 03/L-024

ON ENVIRONMENTAL IMPACT ASSESSMENT

Assembly of Republic of Kosovo,

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

Approves

LAW ON ENVIRONMENTAL IMPACT ASSESSMENT

CHAPTER I

GENERAL PROVISIONS

Article 1

Aim

1. The aim of this Law is to prevent or mitigate the adverse impacts of the proposed projects by an applicant.

2. This Law regulates procedures for identification, assessment, reporting and administration of the environmental impacts of a proposed project, in order that during decision taking process by the Ministry of Environment and Spatial Planning (hereinafter: Ministry) for issuing the Environmental Consent, to provide all relevant information regarding the environment.

Article 2

Definitions

Terms used in this Law have following meaning:

"Project" means execution of construction works, installation, reconstruction, removal and dismantling of facilities, installations or systems, rehabilitation, and other activities including the extraction of mineral resources.

"Applicant" means legal or natural person, local or foreign person, who is the bearer of the request to obtain the Environmental Consent for realizing the project.

"Environmental Consent" means written authorization issued by a competent authority in compliance with the law, or sub-legal act with the aim of getting license for construction.

"Ministry" means the Ministry of Environment and Spatial Planning.

"Minister" means the Minister of Ministry of Environmental and Spatial Planning.

"Environmental Impact Assessment - EIA" means identification and assessment of the possible impacts of the project and determination of the method to prevent, avoid, mitigate or rehabilitate the adverse impacts on environment and human health.

"EIA Report" means the report, presenting the results of an environmental impact assessment.

"Screening" is the process, through which will be determined whether will be request an EIA for certain project or not.

"Selection" means a process of defining whether it is requested the EIA for a certain process or not.

"Scoping" is the process of identifying the likely significant environmental impacts of a proposed project based on project information on the site and its surroundings.

"Scoping Notification" is written statement issued by the Ministry, containing an opinion on the information for expected impacts to be submitted in the EIA Report.

"Non-Technical Summary" means short, stand-alone document, which presents important results of an EIA Report, in an accessible and easy-to-read format, for public debates.

"Public" means one or more natural or legal persons, their associations organizations or groups.

"Concerned parties" means bodies and central organizations, local self governance bodies, other legal persons and non-governmental organizations, to whom the project has or should have significant negative impacts.

Article 3

Subject of regulation

1. Environmental Impact Assessment (hereinafter: EIA) shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effects of a project on:

1.1. human beings, flora and fauna;

1.2. soil, water, air, climate and the landscape;

1.3. material assets, natural and cultural heritage;

1.4. the interaction between the mentioned in sub-paragraphs 1.1., 1.2. and 1.3. of this paragraph.

Article 4

Competent authority

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

CHAPTER II

PROJECTS WHICH UNDERGOES EIA

Article 5

1. Projects listed in Annex I shall be subject to the EIA procedure.
2. Projects listed in Annex II shall be selected based on its review, case by case according to the criteria set out in the Annex III.
3. Provisions of this Law shall not be applied on projects designated for populations' defense purposes, avoidance of consequences from elementary fatalities and natural catastrophes.

Article 6

1. Subject to the EIA procedure are also the business objects, installations, built without undergoing through the EIA procedure.
2. Subject to the EIA procedure are also the business objects, installations, which do not have work permit.

Article 7

The obligation of applicant for Environmental Consent

An Applicant should not be licensed for construction or, may not commence of a planned project, pursue to Article 5 paragraph 1. and 2. of this Law, without having completed the EIA procedure, and obtained the Environmental Consent from Ministry.

Article 8

The obligation of the Ministry to the applicant

1. The Ministry shall provide upon the applicant's request, the necessary data and information of significance to the identification and assessment of direct and indirect impacts of the project on environment.
2. The Ministry is obliged to provide, available data and information, to the applicant, within fifteen (15) days from the day of receipt the request.
3. If the Ministry does not possess the requested data and information, it shall inform the applicant, in the written form, within fifteen (15) days from the day of the request receipt.

CHAPTER III

EIA PROCEDURES

Article 9

Fazes of EIA procedure

1. The EIA procedure includes these phases:

1.1. screening;

1.2. scoping;

1.3. review of EIA Report.

Article 10

Application for starting the EIA procedure

1. An applicant shall present the application for starting the EIA procedure together with follow-up documentation, to the Ministry.
2. The application should contain, name, address, legal status of the applicant and name of the project.
3. The applicant should attach to the application from the paragraph 1. of this article:

3.1. the Ministry determines list of the documents to append the application, according to the type and nature of projects or activities that will be applied, determined by the Ministry.

3.2. the fulfilled questionnaire determined by the Ministry regarding to the environmental impacts from proposed project, a description of the location, a description of the project, a description of potential impacts of the project in the environment.

Article 11

Review of the application

1. Based on the information presented together with the application and in regard to the projects from Annex I, Annex II, and criteria's determinate on Annex III, the Ministry within ten (10) days from the day of receipt application, in written form should inform the applicant on taken decision, if:

1.1. EIA Report is required;

1.2. EIA Report is not required

2. If the documentation with the application pursuant to paragraph 1. of this Article is incomplete, the Ministry requests from an applicant additional information and documentation and designate term of delivery.

3. If the applicant does not submit the additional information and the documentation in the designated term, the Ministry refuses the application as invalid.

4. If the EIA Report is not required according to sub-paragraph 1.2. of paragraph 1 of this article, the Municipality may initiate the procedure for issuing the Environmental Municipal Permit.

5. If an applicant does not agree with the decision taken by the Ministry, he has right on appeal in the term of eight (8) days from the day of receipt. Appeal shall be performed by the Ministry.

Article 12

Scoping Notification

1. The applicant may request that the Ministry states in writing its opinion as to the information on environmental impacts to be presented in the EIA Report (Scoping Notification).

2. Request from paragraph (1) includes:

2.1. a description of possible alternatives;

2.2. a description of the likely significant impacts on the environment;

2.3. reasons for identifying these impacts;

- 2.4. a description of protect measures foresees for avoidance, offset or decrease of harmful impacts in environment .
3. The applicant presents this information in a brief scoping report, not exceeding three (3) pages in length, to the Ministry.
4. The Ministry shall consider the information and prepare a scoping notification, which shall be issued to the applicant, within thirty (30) days of receipt of a request from the applicant.
5. Issue of a scoping notification does not prevent the Ministry from requiring additional information at a later date.

Article 13

Scoping

The applicant shall prepare Scoping Report, including the information specified in Article 12 paragraph 2 of this law. Scoping Report shall be included in the EIA Report and attached as an annex to the Non-Technical Summary.

Article 14

EIA Report

1. EIA Report is the core document of the EIA process.
2. The applicant shall submit six (6) written copies of an EIA Report and two (2) electronic copies.
3. At the same time as the applicant submits the EIA Report he shall submit an evidence for made payment.

Article 15

Content of the EIA Report

1. The EIA Report contains:

1.1. description of the project, including in particular:

1.1.1. a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;

1.1.2. a description of the main characteristics of production process;

1.1.3. an estimate, by type and quantity of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, ionized and unionized radiation, etc.), resulting from the operation of the proposed project;

1.2. an outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account environmental effects;

1.3. a description of the aspects of the environment likely to be significantly affected by the proposed project, including in particular population, flora, fauna, soil, water, air, climate factors, material assets, including the architectural and archeologically heritage, landscape and inter-relationship between the above factors;

1.4. a description of the likely significant effects of the proposed project in the environment as: direct and any indirect impact, secondary, cumulative, short , medium and long-term permanent and temporary, positive and negative effects, resulting from:

1.4.1. the existence of the project;

1.4.2. the use of natural resources;

1.4.3. the emission of pollutants, the creation and the elimination of waste;

1.4.4. effects from closure of access or reduction in access and the description by the applicant of the

forecasting methods used to assess the effects on the environment.

1.5. a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse impact on the environment;

1.6. a non- technical summary;

1.7. an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

2. Ministry shall issue Guideline to prepare and review the EIA Report.

Article 16

Compiler of the EIA Report

1. EIA Report shall be compiled by legal or natural persons.

2. EIA Report shall be signed by compiler and by applicant.

3. Compiler of the EIA Report and applicant are responsible for adequacy of all information and the data, presented in the EIA Report.

Article 17

Review of EIA Report

1. The Ministry shall review the EIA Report based upon following criteria:

1.1. adequacy of project description (including alternatives as required);

- 1.2. adequacy of identification and evaluation of the environmental impacts;
- 1.3. adequacy of measures to mitigate significant adverse impacts including rehabilitation of areas affected by extraction of natural resources, waste management activities, or any similar activities;
- 1.4. adequacy of proposed monitoring schemes;
- 1.5. other criteria considered relevant in the particular circumstances.

2. The Ministry, after review of the EIA Report, shall prepare its Opinion-Proposal, which will be presented, in writing, to the applicant.

Article 18

Review by external experts

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

Article 19

Public debate for the EIA Report

1. The main conclusions and recommendations, contained in the EIA Report and the Opinion-Proposal shall be subject to the public debate.
2. Within ten (10) days from the date of receipt the EIA Report, the Ministry shall inform concerned parties and the public for the form, time and venue of debate public holding, in order that they can give their remarks and opinions for the EIA Report.

3. The public debate from the paragraph 2. of this Article shall be held within twenty (20) to thirty (30) days after annunciation of concerned parties and the public.
4. The public debate shall be organized and guided by the Ministry.
5. In the public debate shall participate the applicant and at least one person participated on drafting the EIA Report.

Article 20

The Result of reviewing the EIA Report

1. The Ministry in the term of ten (10) days from the date of the held public debate shall review remarks and opinions come out from public debate.
2. The Ministry may request from the applicant to do changes or fulfillments, designated on the submitted EIA Report.
3. The applicant is obliged for acting pursue to paragraph 2. of this Article, and to hand in the EIA Report, changed and fulfilled, in the term designated by Ministry.
4. If the applicant does not act according to the request from paragraph 2. and 3. of this Article, the Ministry shall suspend the procedure of review.
5. The Opinion for Environmental Consent shall be prepared from responsible body of the Ministry within sixty (60) days from the receipt of the EIA Report, not considering duration designated pursue paragraph 2. of this Article.

Article 21

Decision for the Environmental Consent

1. Within ten (10) days, from the presentation of the Opinion for Environmental Consent, the Ministry shall decide for granting or refusing an Environmental Consent and convey this decision to the applicant in written form.

2. The Ministry may decline to follow or may amend the responsible body's Opinion for Environmental Consent, only in the bases of imperative reasons of overriding public interest, including reasons of an economic, social or environmental nature.

3. The Ministry shall make available approach to the documentation for applicant, concerned public and parties.

Article 22

The right to appeal

An applicant shall be entitled to file an appeal in accordance to the Law within thirty (30) days of the date of acceptance of the Decision for Environmental Consent. Appeal shall be performed to the Ministry.

Article 23

Suspending the validity of the Decision for Environmental Consent

Suspense of the validity of the Decision for Environmental Consent shall be done, if applicant does not accede license or approval for realizing the project, within two (2) years from the day of receipt of the Decision for Environmental Consent.

Article 24

Compliance with environmental conditions from the EIA Report

1. An applicant is obliged to realize the protecting measures foresees on the EIA Report and certain conditions on the Decision for Environmental Consent.

2. The Ministry shall supervise if there are realized all protected measures foresees on the EIA Report and conditions designated on the Decision for Environmental Consent, regarding to the projects for which the Decision for Environmental Consent is issued.

3. The Ministry with regularly procedure shall abate the Decision for Environmental Consent, in the case it verifies that there aren't fulfilled all measures foresees on EIA Report and conditions, designated on the Decision for Environmental Consent.

Article 25

Withdrawal of an application for an Environmental Consent

1. An applicant may withdraw the application for the Environmental Consent at any time and any faze of the process informing the Ministry in writing.
2. When an applicant withdraws his application for Environmental Consent, the Ministry shall cease the review procedure, and the whole documentation shall be archived. Documentation shall not be returned.
3. No fees will be refunded if an application is withdrawn.

Article 26

Bearer of the expenditures

1. The applicant shall bear all the expenditures on preparing the EIA Report, the public debate, review and consultation process.
2. Expenditures made by the Ministry for review of the application, taking decision and other utilities regarding to the EIA process, will be account as the service fee.
3. The Minister with special act designates the scale of the fee from paragraph 2. of this Article.
4. An applicant shall pay the fee, when he submits the request for review. The request shall not be reviewed if applicant doesn't make the payment.
5. No paid fee will be refunded, regardless of the fact whether the request is approved or not with final decision.

CHAPTER IV

INFORMATION, KEEPING OF THE EVIDENCE AND SUBMMISION OF THE DATA ON REVIEW**Article 27****Information and public participation**

1. The Ministry is obliged to inform the concerned parties and the public through at least one local daily newspaper edited in the territory that will be affected by the planed project, as through electronic media.
2. Concerned parties and the public shall participate in all fazes of the EIA procedure, including decision taken process.
3. The Minister, with special sub legal act determines way of information, participation of concerned parties and public in the EIA procedure.

Article 28**Transboundary impacts**

1. If during the review of an EIA Report, it is determined that the proposed project is likely to cause significant transboundary environmental impacts then the Ministry shall inform neighboring country/countries regarding to the terms of public information.
2. Neighboring country/countries that may be affected can give their opinion and comments on the project and can be represented at any public debate concerning the project. Comments of the concerned country/countries must be taken into account in the decision-making process regarding an Environmental Consent.
3. In interpreting and applying of this Article, the relevant authorities shall exert to give effect to the principles enshrined under the Espoo Convention (1991).

Article 29**Archiving the documentation**

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

2. An applicant, for its needs, may request copies of documentation or parts of it, performing written request to the Ministry, who is obliged that within fifteen (15) days from the day of receipt request, to inform an applicant by written form. For this service applicant shall pay fee, pursue to the act designated in Article 25, paragraph 2 of this Law.

Article 30

Access to documentation

1. The Ministry is obliged to make available the documentation for made EIA procedure, to the concerned parties and the public, pursue to the request performed on written form, within eight (8) days from the day of receipt of the request.

2. Based on the obligation to make available the documentation from the paragraph 1. of this Article, there shall not be included documents performed business secrets, official or national secrets.

3. Business, official or national secret may not be data belonging to the emissions of hazardous materials, risks from accidents, outcomes from monitoring and inspective supervision.

Article 31

Enforcement of this Law and provisions issued by this Law shall be conducted by the Ministry and reports to the Assembly of Kosovo every two (2) years.

CHAPTER V

PENALTY PROVISIONS

Article 32

ARTICLE 32**Delinquency**

1. All persons, acting on contradiction with provisions of this Law or with acts issued based to this Law, will be fined for delinquency, and that the natural person from one thousand five hundred (1.500) to three thousand (3.000) €, whereas the legal person from five thousand (5.000) up to ten thousand (10.000) €, if:

1.1. the realization of the planned project starts without carrying out an EIA procedure and obtaining the Decision for Environmental Consent (Article 6 of this law);

1.2. shall submit the false data, false statements, falsification of the documentation or false information, and disinformation during all fazes of the EIA procedure (Article 15, paragraph 3 of this law).

CHAPTER VI**TRANSITIONAL AND FINAL PROVISIONS****Article 33**

For enforcement of this Law, sub legal acts shall be issued within twelve (12) months, from the date of coming into force of this Law.

Article 34

The applications submitted prior to appliance of this Law, shall be pursuant to the Environmental Protection Law (Reg. 2003/9) and Administrative Directive on Environmental Impact Assessment (No. 9/2004).

Article 35

In the date of enforcement of this Law, shall be cease validity of Administrative Directive on Environmental Impact Assessment (No. 9/2004).

Article 36

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

Law No. 03/L-024

26 February 2009

Promulgated by the Decree No. DL-006-2009, dated 19.03.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.

LAW Nr. 03/L-024

ON ENVIRONMENTAL STRATEGIC ASSESSMENT

ANNEX I

Production and Processing of Metals

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

hundred (100) tones/year.

7. Production and processing of alloys from non-ferrous metals which contain arsenic, mercury and lead, with a capacity higher than one thousand (1,000) tones/year.

Mineral Industry

8. Cement factories containing rotating kilns (baking and drying) with production capacity higher than three hundred (300) ton/day or lime producing factories with rotating limekilns with a production capacity of thirty (30) tones/day or more, or containing other types of kilns with production capacity of thirty (30) tones/day or more.

9. Factories for production of materials using processes such as calcification and baking of minerals which contain toxic elements like, mercury, arsenic and cadmium.

10. Glass producing factories, including production of glass fiber, with a production capacity of ten (10) tones/day or more.

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

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

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

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

Extractive Industry

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

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

Chemical Industry

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

17.1. Production of basic organic chemicals, such as:

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

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

17.1.3. sulphate hydrocarbons;

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

17.1.5. phosphor-containing hydrocarbons;

17.1.6. halogen hydrocarbons;

17.1.6. halogen hydrocarbons,

17.1.7. organometallic components;

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

17.1.9. synthetic rubber;

17.1.10. colorings and pigments;

17.1.11. active-surface agents.

17.2. Production of basic inorganic chemicals, such as:

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

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

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

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

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

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

17.4. Production of basic plant health products and biocides;

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

17.6. Production of explosive substances;

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

Energy Industry

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

19. Centrals of Nuclear Energy.

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

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

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

23. Installations for storage of radioactive materials.

Transport Infrastructure

24. Construction of lines for long-distance railway traffic and of airports with a basic runway length of two thousand one hundred (2100) m or more.
25. Construction of a new road of two or more lanes, or realignment and/or widening of an existing road to provide two or more lanes, where such new road, or realignment and/or widened section would be five (5) km or more in continuous length.
26. Pipelines for the transport of gas, oil or chemicals with a diameter of five hundred (500) mm or more and a length of ten (10) km or more.

Food Industry

27. Manufacture of food products from:

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

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

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

Waste and Wastewater Treatment and Disposal

28. Installations for incineration, recovery, chemical treatment, or land filling of hazardous waste.
29. Facilities for municipal waste incineration, with an input of 1 tone/hour or more.

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

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

32. Plants for treatment of industrial wastewater.

Water Storage, Transfer and Supply Projects

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

34. 1. Works for the transfer of water resources between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds thirty (30) million m^3 /year.

2. In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds six hundred (600) million m^3 /year and where the amount transferred exceeds 5% of this flow.

In both cases transfers of piped drinking water are excluded.

35. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds five (5) million m^3 .

Paper, Wood, Textile and Leather Industries

36. Installations for production of paper and board exceeding one hundred thousand (100,000) m^2 /year.

37. Industrial plants for the:

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

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

38. Furniture production with an input of wood or other basic material greater than ten thousand (10.000) m³/year.

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

40. Factories for tanning of hides and skins.

Intensive Agriculture

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

41.1. ten thousand (10 000) poultry;

41.2. five hundred (500) pigs;

41.3. one hundred (100) cattle; and

41.4. one thousand (1000) small livestock;

Other Projects

42. Installations for rendering or disposal of dead animals.

ANNEX 2

1. Agriculture, forestry and fishing:

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

1.2. water management projects for agriculture, including irrigation and land drainage projects;

1.3 initial afforestation and deforestation, for the purposes of conversion to another type of land use;

1.4. intensive fish farming.

2. Extractive industry:

2.1. Quarries, stonecrusher, open-cast mining and peat extraction including sites identifies for municipally managed artisan mining (projects which are not included in Annex 1);

2.2. Underground mining for metallic minerals, industrial minerals, and precious and semi-precious stones which have potential economic value either as a mineral, a mineral constituent or as a combination of minerals or mineral constituents;

2.3. extraction, crumbling and other minerals by dredging of river beds;

2.4. deep drillings, in particular:

2.4.1. geothermal drilling; and

2.4.2. drilling for water supplies, with the exception of drillings investigating the stability of the soil;

2.5. surface installations for extraction of coal, lignite and bituminous minerals (projects which are not included in Annex 1);

3. Energy Industry

3.1. industrial installations for the production of electricity, steam and hot water (projects not included in Annex 1);

3.2. industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex 1);

3.3. surface storage of natural gas;

3.4. underground storage of combustible gases;

3.5. surface and underground storage of fluid combustible materials (projects not included in Annex 1);

3.6. industrial briquetting of coal and lignite;

3.7. installations for hydroelectric energy production (projects not included in Annex 1);

3.8. installations for harnessing of wind power for energy production;

3.9. continuous radiate resources (ionizing and non-ionizing).

4. Production and processing of metals

4.1. installations for the production of pig iron or steel with continuous casting;

4.2. installations for the processing of ferrous metals (projects not included in Annex 1);

4.3. ferrous metal foundries (projects not included in Annex 1);

4.4. installations for the smelting, including the alloyage, of non-ferrous metals, including reclaimed products (refining, foundry casting etc.), (projects not included in Annex 1);

4.5. installations for surface treatment of metals and plastic materials (projects not included in Annex 1);

4.6. manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;

4.7. installations for the roasting and sintering of metallic ores.

5. Mineral industry

5.1. coke ovens (dry coal distillation);

5.2. installations for the manufacture of cement (projects not included in Annex 1);

5.3. installations for the production of asbestos and the manufacture of asbestos- products (projects not included in Annex 1);

5.4. installations for production of glass including glass fiber (projects not included in Annex 1);

5.5. installation for smelting mineral substances including production of mineral fibres (projects not included in Annex 1);

5.6. manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (projects not included in Annex 1)

5.7. factories for asphalt production

5.8. factories for beton production

6. Chemical industry

6.1. treatment of intermediate products and production of chemicals;

6.2. production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides (projects not included in Annex 1);

6.3. storage facilities for petroleum, petrochemical and chemical products.

7. Food industry

7.1. manufacture of vegetable and animal oils and fats (projects not included in Annex 1);

7.2. packing and canning of animal and vegetables products;

7.3. manufacture of dairy products (projects not included in Annex 1);

7.4. brewing of beer (projects not included in Annex 1);

7.5. confectionery and syrup manufacture (projects not included in Annex 1);

7.6. installations for the slaughter of animals;

7.7. industrial installations for production of farina;

7.8. sugar factories (projects not included in Annex 1).

8. Textile, leather, wood and paper industry

8.1. factories for the production of paper and board (projects not included in Annex 1);

8.2. plants for pre-treatment (washing, bleaching, mercerization) or dyeing of fibers or textiles (projects not included in Annex 1);

8.3. plants for the tanning of hides and skins.

8.4. cellulose-processing and production installations.

9. Rubber Industry

9.1. Manufacture and treatment of elastomer-based products.

10. Infrastructure projects

10.1. industrial estate development projects;

10.2. urban development projects, including the construction of shopping centers and car parks;

10.3. construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex 1);

10.4. constructions for airports and airfields (projects not included in Annex 1);

10.5. construction of roads (projects not included in Annex 1);

10.6. inland waterway construction or modification;

10.7. flood prevention projects including modifications to river channels (projects not included in Annex 1);

10.8. dams or other installations designed to hold water or store it on long-term basis (projects not included in Annex 1);

10.9. construction or modification of tramways, elevated or underground railways used exclusively or mainly for passenger use;

10.10. oil and gas pipeline installations (projects not included in Annex 1);

10.11. groundwater abstractions and artificial groundwater recharge schemes (projects not included in Annex 1;

10.12. works for the transfer of water resources between river basins (projects not included in Annex 1).

11. Tourism and leisure

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

11.2. holiday villages and hotel complexes outside urban areas and associated developments;

11.3. permanent camp and caravan sites;

11.4. theme parks;

11.5. infrastructure installations in protected zones, not included in spatial plans.

12. Other projects

12.1. permanent racing and test tracks for motorized vehicles;

12.2. installations for the disposal of waste (projects not included in Annex 1);

12.3. waste- water treatment plants (projects not included in Annex 1);

12.4. sludge deposition sites (projects not included in Annex 1);

12.5. storage of scrap iron and other metals, including scrap vehicles;

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

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

12.8. sites for disposal of industrial non-hazardous waste;

12.9. sites for storage of dead and unwanted animals (projects not included in Annex 1);

12.10. food industries (projects not included in Annex 1 or under section 7 above).

13. Any change or expansion of projects given in Annex I or Annex II which are allowed, realized or in process of realizing. These changes or expansions may have non favorable significant effects in environment;

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

ANNEX 3

CRITERIA FOR SCREENING

1. Characteristics of the projects

1.1. The characteristics of the project must be considered having regard, in particular, to:

1.1.1. the size of the project;

1.1.2. environment impact when combined with other existing or expected future projects;

1.1.3. the use of natural resources;

1.1.4. the production of waste;

1.1.5. pollution and nuisances;

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

2. Location of projects

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

2.1.1. the existing land use;

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

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

2.1.3.1. wetlands;

2.1.3.2. mountain and forest areas;

2.1.3.3. nature reserves and parks;

2.1.3.4. special protection areas;

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

2.1.3.6. densely populated areas;

2.1.3.7. landscapes of historical, cultural or archaeological significance.

3. Characteristics of potential impact

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

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

3.1.2. the transboundary nature of the impact;

3.1.3. the magnitude and complexity of the impact;

3.1.4. the probability of the impact;

3.1.5. the duration, frequency and reversibility of the

Law No. 03/L-024

26 February 2009

Next > <URL: http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=334&Itemid=28>

[Back] <URL: [javascript:history.go\(-1\)](javascript:history.go(-1))>