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***Technical Assistance for Strengthening the
Capacity of the Ministry of Environment in Albania
for Law Drafting and Enforcement of National
Environmental Legislation***

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**EIA Guidance Note
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List of Abbreviations

BAT	Best Available Technique
BREF	BAT Reference Documents
CSP	Compliance Schedule Plan
ELV	Emission Limit Value
EQS	Environmental Quality Standard
EIA	Environmental Impact Assessment
EU	European Union
GBR	General Binding Rule
IPPC	Integrated Pollution Prevention and Control
LEP	Law on Environmental Permitting
LGA	Local Government Authority
MoE	Ministry of Environment
NEA	National Environmental Agency
NLC	National Licensing Centre
REA	Regional Environment Agency
SEI	State Environmental Inspectorate

1 INTRODUCTION

1.1. PURPOSE OF GUIDELINE

The purpose of the present EIA Guideline for Albania is to provide a brief document for a wider audience, the staff of the Albanian National Environment Agency (NEA) and the Regional Environmental Agencies (REAs) that will make it easy to understand the EIA process and the issuance of the Environmental Declaration.

The EIA Guidance Note also in brief clarifies the difference between Environmental Permitting and the EIA Process as part of the Development Consent.

An **Environmental Declaration** is a legal instrument for having a new development project assessed to minimize or avoid environmental impacts. EIA is part of an overall assessment process to result in a Development Consent (environmental impacts assessment, spatial planning assessment, construction consent, etc.).

An **Environmental Permit** is a legal instrument for reducing, minimizing or avoiding environmental impacts from operation of polluting installations, ensuring compliance with environmental requirements and promoting environmental friendly techniques. The environmental permit also cares about the rehabilitation or after-care after termination of an activity.

The Guideline describes the key elements of the environmental permitting system, including:

- The **basic principles of EIA**
- The **EIA procedure** in general
- Setting environmental conditions to proceed with the development
- Brief guidance on **issuance of an Environmental Declaration**
- Brief guidance on the **difference between a preliminary and a profound EIA process**

If more information will be needed valuable information might be found in the EIA Manual that contains most information and checklists, etc.

Similar to the EIA process a Manual and a Guidance Note are prepared for the permitting process.

1.2. PERMITTING AND EIA

EIA is a process only for NEW development projects (including polluting installations but mainly for infrastructure projects). Environmental Permits are issued for OLD and NEW polluting installations.

The result of the EIA process is the Decision and Environmental Declaration – the result of the permitting process is the Environmental Permit.

The Environmental Declaration is prepared by NEA and signed by the Minister. It is the planning authority that issues the Development Consent. The environmental conditions related to the construction of the development project (as part of the Environmental Declaration) are compliance checked by the State Environmental Inspectorate.

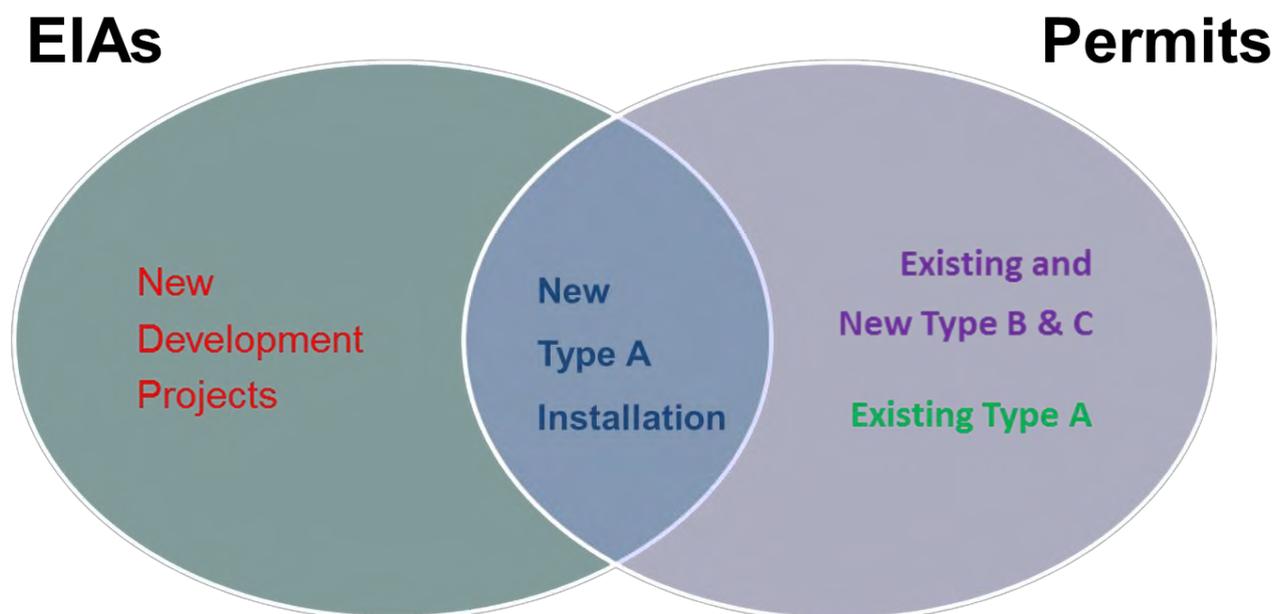
The Environmental Permit is prepared by NEA, signed by the Minister and issued by NLC. Environmental permits are checked for compliance with conditions for operation and rehabilitation by the State Environmental Inspectorate.

The EIA process is prior to the processing of a possible Environmental Permit (or the Development Consent).

If a developer is going to establish a new polluting installation (Type A or selected Type B) as well an Environmental Declaration as an Environmental Permit might be needed.

The EIA process is conducted primarily to justify the best environmental location of a new infrastructure project or a new polluting installation.

The difference and similarities between the EIA process and the permitting process are illustrated in the figure below:



Lists of development projects are annexed to the EIA Law. Development projects that listed in Annex A to the Guidance Note are subject to a profound EIA process (Annex I to the EIA Law) and projects listed in Annex B (Annex II to the EIA Law) are subject to a preliminary EIA.

A similar list of types of polluting installations (Type A, B and C) is annexed to the Permitting Law. If an installation is on the list it is subject to an environmental permitting process for the relevant type of installation.

1.3. APPLICATION

If a development project is listed on Annex I or II to the EIA Law two types of EIA processes can be applied for:

- Annex I – Application for an Environmental Declaration (including a profound EIA report)
- Annex II – Application for a preliminary EIA (including a preliminary EIA report)

A Decision will be taken directly by NEA if the process starts with an application for preliminary EIA. The Decision might result in the need for a profound EIA report and an Environmental Declaration might be granted.

The application should be done according to the **Environmental Impact Assessment Application Format**, which should be completed by the developer for obtaining an Environmental Decision or Declaration.

2 THEORY AND FRAMEWORK

2.1. SCOPE OF EIA

The purpose of an Environmental Impact Assessment (EIA) is to provide information for decision-makers and the public on the environmental consequences of proposed new developments. The primary objective of the EIA is to identify best environmental location for development projects and the related potentially significant environmental impacts. Within this aim, the EIA process seeks to:

- consider alternatives for location and the associated environmental impacts;
- improve the environmental design of the proposal;
- ensure that resources are used appropriately and efficiently;
- identify appropriate measures for mitigating potential impacts;
- setting environmental conditions for construction; and
- facilitate informed decision making and information to the public.

2.2. SYSTEM OF EIA

The private or public projects listed in the Annex I and II of the EIA law are subject to the environmental impact assessment process.

The EIA procedure might include:

- a) A **preliminary** environmental impact assessment process (Annex II); and/or
- b) A **profound** environmental impact assessment process (Annex I or if the preliminary EIA process Decision states that a profound EIA is needed).

The system of EIA in relation to environment protection is established by Law No. 10 440 dated 7.7. 2011 On “Environmental Impact Assessment”, which provides the basic principles for application and issuance of the Environmental Declaration.

2.3. INSTITUTIONAL ASPECTS OF EIA

Based on the existing EIA legislation until the new EIA legislation is in place, the National Licensing Centre (**NLC**) is the “One-stop-shop” authority for receiving all applications. NLC distributes the application to the relevant competent authority.

The application for an EIA is processed by the National Environmental Agency (**NEA**).

NEA gives the justified proposal to the **Minister** for granting or not the Environmental Declaration (with detailed conditions for construction).

It is the Planning authority that issues the Development Consent taking the environmental conditions into consideration.

3 THE EIA PROCEDURE

The EIA procedure involves the following general stages:

1. **Preparation of an EIA application** (request and accompanying documentation) by the developer and submission to NLC;
2. Initial **administrative compliance check** of the application made by NLC;
3. Submission of the application by NLC to NEA;
4. **Initial technical check** made by NEA;
5. Application forwarded to respective institutions for consultation by NEA;
6. Consultation responses received from the respective institutions;
7. **Decision by NEA** whether the project is subject to a profound EIA procedure;
8. **Notification** on the **Decision taken** to the Ministry of Environment, the NLC, the relevant involved parties and publication of Decision at NEA's website.

In case of profound EIA process:

1. Submission of a **profound EIA report** and notification for the public consultation by the developer;
2. Public comments are collated, public hearing;
3. Preparation of the opinion by NEA and provision of the opinion to the developer;
4. NEA prepares the **Environmental Declaration** (approval or refusal) and submits to the Ministry;
5. The **Minister signs** the Environmental Declaration for approval or a refusal;
6. The Environmental Declaration **is submitted** to the NLC and parties involved in the EIA Process;
7. The **Environmental Declaration is published** at NEA's website.

In Annex C of this Guideline are listed the time limits of the main stages of the EIA procedure. The number of days in the timeline reflects the legal framework on environmental impact assessment and the procedure followed by NEA, relevant authorities, Ministry and NLC.

3.1. APPLICATION BY THE DEVELOPER

Applications are formally prepared by the developer of a project. A certified expert must assist the developer to prepare an application including the EIA Report (preliminary or profound).

NEA is the overall coordination body for the whole EIA process and for the provision of compliance with legislation in force.

There are two **types of EIA applications** (please see lists in Annex A and B):

1. **Preliminary** EIA application/report;
2. **Profound** EIA application/report.

3.2. PRELIMINARY EIA APPLICATION

The procedure for a preliminary EIA contains the following steps:

1. The initial administrative check by **NLC**;
2. Confirmation of application as administrative valid by **NLC**;
3. The initial technical check by **NEA**;
4. **NEA** consultation with other institutions and publication of the preliminary EIA application;

5. **NEA** decision taken (might include the need for an application for a propound EIA report);
6. **NEA** notification of the Ministry, NLC , and institutions consulted; and
7. **NEA** publication of the Decision.

3.3. PROFOUND EIA PROCESS

There are **distinct phases** to a profound EIA process as follows:

Pre-application

- Notification by the developer of intention to submit a profound EIA;
- NEA consultation with other institutions, the public and NGOs on the issues that they wish to have addressed in the profound EIA report, publication of the profound EIA application, public hearing;
- NEA communication with the developer on the issues the consulted parties require to be addressed in the profound EIA report.

Application

- Development of the profound EIA report by the developer; and
- Public consultation;
- Preparation of Environmental Declaration by NEA and submission for the Minister's signature; and
- Submission of Environmental Declaration (on Conditions).

Technical assessment - done by NEA that assesses the:

- Alternatives for locations;
- Technical information provided;
- Environmental impact and their significance;
- Necessary mitigation measures; and
- Consider the necessary conditions for development of the project.

Consultation:

- Consult other relevant institutions;
- Consider if granting an Environmental Declaration could compromise or conflict with the requirements of other authorities;
- Take into consideration the views of the public.

Environmental Declaration

After the technical assessment of the application, the consultation of the public and other authorities, NEA decides either to propose **to grant an Environmental Declaration or to refuse the application**.

In case an Environmental Declaration might be granted it is considered a recommendation for the Planning Authority to continue the implementation of the project on the specified environmental conditions.

Notification and Publication

NEA submits to the NLC the notification of approval or refusal of the Environmental Declaration. NEA publishes the EIA Declaration in the National Register of Licenses and Permits available for the public.

In case of transboundary impact some special consultation and assessment process and procedure take place.

ANNEX A - PROJECTS SUBJECT TO PROFOUND EIA PROCEDURES

Law No. 10 440 dated 7.7. 2011 On “Environmental Impact Assessment”

ANNEX I

PROJECTS SUBJECT TO PROFOUND EIA PROCEDURES

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more.
3. Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load). Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.
4. (a) Installations for the reprocessing of irradiated nuclear fuel.
(b) Installations designed:
 - i. for the production or enrichment of nuclear fuel;
 - ii. for the processing of irradiated nuclear fuel or high-level radioactive waste,
 - iii. for the final disposal of irradiated nuclear fuel,
 - iv. solely for the final disposal of radioactive waste,
 - v. solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

Integrated works for the initial smelting of cast-iron and steel;

Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20 000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilization of more than 200 tonnes per year.
6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:
 - a) for the production of basic organic chemicals;
 - b) for the production of basic inorganic chemicals;
 - c) for the production of phosphorous-,nitrogen-or potassium-based fertilizers (simple or compound fertilizers);
 - ç) for the production of basic plant health products and of biocides;
 - d) for the production of basic pharmaceutical products using a chemical or biological process;
 - dh) for the production of explosives.

7. (a) Construction of lines for long-distance railway traffic;
 - (b) Construction of airports with a basic runway length of 2 100 m or more. For these purposes “airports” means airports which comply with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).;
 - (c) Construction of motorways and express roads. For these purposes “express road” means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975;
 - (ç) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 km or more in a continuous length.
8. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes;
 - (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.
9. Waste disposal installations for the incineration, chemical treatment under heading D9, or landfill of hazardous waste, as defined in the Law “On Integrated Waste Management”.
 10. Waste disposal installations for the incineration or chemical treatment under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day, as defined in the Law “On Integrated Waste Management”.
 11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.
 12. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;
 - (b) 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 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 % of this flow.

In both cases transfers of piped drinking water are excluded.

13. Waste water treatment plants with a capacity exceeding 30 000 population equivalent as defined in the legislation on water resources.
14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 50 tonnes/day in the case of petroleum and 100 000 m³/day in the case of gas.
15. 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 10 million m³.
16. Pipelines with a diameter of more than 800mm and a length of more than 40km:
 - (a) for the transport of gas, oil, chemicals, and

- (b) for the transport of carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations.
17. Installations for the intensive rearing of poultry or pigs with more than:
 - (a) 1 000 places for broilers, 20 000 places for hens;
 - (b) 3 000 places for production pigs (over 30 kg); or
 - (c) 100 places for sows.
 18. Industrial plants for the
 - (a) production of pulp from timber or similar fibrous materials;
 - (b) production of paper and board with a production capacity exceeding 50 tonnes per day.
 19. Quarries and open-cast mining where the surface of the site exceeds 0.5 hectares, or peat extraction, where the surface of the site exceeds 1 hectare.
 20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 10 km.
 21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 50 000 tonnes or more.
 22. Storage sites for the geological storage of carbon dioxide, as set out in separate legislation.
 23. Installations for the capture of carbon dioxide streams for the purposes of geological storage from installations covered by this Annex, or where the total yearly capture of carbon dioxide is 1.5 mega tonnes or more.

ANNEX B –PROJECTS SUBJECT TO PRELIMINARY EIA PROCEDURES

Law No. 10 440 dated 7.7. 2011 On “Environmental Impact Assessment”

ANNEX II

PROJECTS SUBJECT TO PRELIMINARY EIA PROCEDURES

1. Agriculture, silviculture and aquaculture

- (a) Projects for the restructuring of rural land holdings;
- (b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;
- (c) Water management projects for agriculture, including irrigation and land drainage projects;
- (ç) Initial afforestation and deforestation for the purposes of conversion to another type of land use;
- (d) Intensive livestock installations (projects not included in Annex I);
- (dh) Intensive fish farming;
- (e) Reclamation of land from the sea.

2.Extractive industry

- 2.1. Quarries, open-cast mining and peat extraction (projects not included in Annex I);
- 2.2. Underground mining;
- 2.3. Extraction of minerals by marine or fluvial dredging;
- 2.4. Deep drillings, in particular:
 - a) geothermal drilling,
 - b) drilling for the storage of nuclear waste material,
 - c) drilling for water supplies, with the exception of drillings for investigating the stability of the soil;
- 2.5. Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

3.Energy industry

- (a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);
- (b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);
- (c) Surface storage of natural gas;
- (ç) Underground storage of combustible gases;
- (d) Surface storage of fossil fuels;
- (dh) Industrial briquetting of coal and lignite;
- (e) Installations for the processing and storage of radioactive waste (unless included in Annex I);
- (ë) Installations for hydroelectric energy production;
- (f) Installations for the harnessing of wind power for energy production (wind farms);
- (g) Installations for the capture of carbon dioxide streams for the purposes of geological storage from installations not covered by Annex I of this Law.

4.Production and processing of metals

- (a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;
- (b) Installations for the processing of ferrous metals:
 - (i) hot-rolling mills;
 - (ii) smithereens with hammers;
 - (iii) application of protective fused metal coats;
- (c) Ferrous metal foundries;
- (ç) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);
- (d) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;
- (dh) Manufacture and assembly of motor vehicles and manufacture of motor vehicle engines;
- (e) Shipyards;
- (ë) Installations for the construction and repair of aircraft;
- (f) Manufacture of railway equipment;
- (g) Swaging by explosives;
- (gj) Installations for the roasting and sintering of metallic ores.

5. Mineral industry

- (a) Coke ovens (dry coal distillation);
- (b) Installations for the manufacture of cement;
- (c) Installations for the production of asbestos and the manufacture of asbestos-products (projects not included in Annex I);
- (ç) Installations for the manufacture of glass including glass fibre;
- (d) Installations for smelting mineral substances including the production of mineral fibres;
- (dh) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

6. Chemical industry (Projects not included in Annex I)

- (a) Treatment of intermediate products and production of chemicals;
- (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;
- (c) Storage facilities for petroleum, petrochemical and chemical products.

7. Food industry

- (a) Manufacture of vegetable and animal oils and fats;
- (b) Packing and canning of animal and vegetable products;
- (c) Manufacture of dairy products;
- (ç) Brewing and malting;
- (d) Confectionery and syrup manufacture;
- (dh) Installations for the slaughter of animals;
- (e) Industrial starch manufacturing installations;
- (ë) Fish-meal and fish-oil factories;

(f) Sugar factories.

8. Textile, leather, wood and paper industries

- (a) Industrial plants for the production of paper and board (projects not included in Annex I);
- (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles;
- (c) Plants for the tanning of hides and skins;
- (ç) Cellulose-processing and production installations.

9. Rubber industry

Manufacture and treatment of elastomer-based products.

10. Infrastructure projects

- (a) Industrial estate development projects;
- (b) Urban development projects, including the construction of shopping centres and car parks;
- (c) Construction of railways and intermodal trans-shipment facilities, and of intermodal terminals (projects not included in Annex I);
- (ç) Construction of airfields (projects not included in Annex I);
- (d) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);
- (dh) Inland-waterway construction not included in Annex I, canalization and flood-relief works;
- (e) Dams and other installations designed to hold water or store it on a long term basis (projects not included in Annex I);
- (ë) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
- (f) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage (projects not included in Annex I);
- (g) Installations of long-distance aqueducts;
- (gj) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;
- (h) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;
- (i) Works for the transfer of water resources between river basins not included in Annex I.

11. Other projects

- (a) Permanent racing and test tracks for motorized vehicles;
- (b) Installations for the disposal of waste (projects not included in Annex I);
- (c) Waste-water treatment plants (projects not included in Annex I);
- (ç) Sludge-deposition sites;
- (d) Storage of scrap iron, including scrap vehicles;
- (dh) Test benches for engines, turbines or reactors;

- (e) Installations for the manufacture of artificial mineral fibres;
- (ë) Installations for the recovery or destruction of explosive substances;
- (f) Knackers' yards.

12. Tourism and leisure

- (a) Ski-runs, ski-lifts and cable-cars and associated developments;
- (b) Marinas;
- (c) Holiday villages and hotel complexes outside urban areas and associated developments;
- (ç) Permanent camp sites and caravan sites;
- (d) Theme parks.

ANNEX C – TIMELINE FOR THE EIA PROCEDURE

This timeline summarises the time limits of the main steps of the procedure. The numbers of days in this timeline reflect the legal framework on environmental impact assessment and procedures followed by the NEA, relevant authorities, Ministry and NLC.

Timeline (within)	Application received, Working File opened by the NLC
	Preparation of request and accompanying documentation by the developer and submission of application to NLC according to the Environmental Impact Assessment Application Format
	Initial administrative compliance check of application made by NLC
[4]days	Submission of valid application by NLC to NEA
	Initial technical check made by NEA . Communication with the developer, through NLC, for additional information
[5]days	Application forwarded to respective institutions for consultation by NEA
[15]days	Consultation responses received from the respective institutions
	Decision whether the project is subject to profound EIA procedure is taken by NEA Informing the developer on the decision taken
	Submission of report of profound EIA and of notification for the public hearing, by the developer
[5]days	Public hearing comments received from REA , preparation of the opinion by NEA and provision of the opinion to the developer
[4]days	Application for Environmental Declaration by the developer, submission of the file by NLC to NEA
	NEA prepares the Environmental Declaration and informs the Ministry on the decision and recommendation of the Environmental Declaration
	The Minister signs the Environmental Declaration, which may be an approval or refusal act
	The Environmental Declaration is submitted to NLC and parties involved in the EIA Process and is published in the NEA's website