



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

*DRAFT 4, v4
25 June 2010*

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No _____, dated _____

ON ENVIRONMENTAL IMPACT ASSESSMENT¹

Pursuant to the Articles 78 and 83 item 1, of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

HAS DECIDED:

¹ This Law fully transposes Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (Directive 85/337/EEC), as amended by Directive 97/11/EC, Directive 2003/35/EC and Directive 2009/31/EC.

CHAPTER 1
ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1
Introductory Provisions

Article 1

Scope of the Law

1. The scope of this law is to secure a high level of environmental protection through the prevention, minimizing and compensation of the impacts of the proposed projects in the environment.

Article 2

Object of the law

1. This law defines the requirements, responsibilities, rules and procedures for the environmental impact assessment process of the proposed public or private project, which may cause direct or indirect negative significant effects on the environment of the Republic of Albania.

Article 3

Field of application

1. This law is intended to be applied for the proposed public or private projects, which may cause direct or indirect negative significant effects on the environment by virtue of their size, nature or location.

Article 4

Exclusions from the scope of this Law

1. The Ministry of Defence in collaboration with the Ministry may decide on a case by case basis to exclude from the environmental assessment process any project for which it is deemed that such a process would have an adverse effect on national defence purposes.

2. A special committee consisting of representatives from the Ministry of Defence and from the Ministry shall be formed for deciding the projects under paragraph (1) above.

3. The Committee shall determine and assess all significant impacts on the environment of such a project due to its structure, size, scale, capacity and location and give an opinion and suggestions for measures necessary in order to prevent or minimize any such significant impacts and makes necessary recommendations.

Article 5

Definitions

1. For the purposes of this Law, the following definitions shall be valid:

Project means the:

- a) the execution of construction works or of other installations or schemes;
- b) other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources;

Developer means the applicant for development consent for a private project or the public authority which initiates a project;

The public has the meaning given to it by the Law no xxxx dated xx.xx.200x "On Environment Protection";

Public concerned has the meaning given to it by the Decision of the Council of Ministers no 994 dated 02.07.2008 "On public participation in environmental decision-making";

Development Consent has the meaning given to it by the law no 10 119 dated 23.04.2009 "On Territorial Planning";

Planning authority has the meaning given to it by the law no 10 119 dated 23.04.2009 "On Territorial Planning";

Environmental Impact Opinion means the official opinion taken by the Ministry on the impacts of the projects on the environment, as supporting document on the process of decision making for development consent;

“Regional Environmental Agency” means the relevant regional office of the Environment and Forestry Agency;

Day means a working day, as defined in the Labour Code;

Ministry means the Ministry in charge of Environment Protection, Forest and Water Administration, and “Minister” shall be interpreted accordingly;

Special Protected Areas has the meaning given to it by the law no 9868, dated 4.2.2008 “On some amendments to the law no. 8906 dated 6.6.2002 “On Protected Areas”.

Article 6

General Requirements of Environmental Impact Assessment of a Project

1. The assessment shall include determining, description, and assessment of expected direct and indirect environmental impacts of implementing or not implementing the project.
2. The environmental impacts of project shall be assessed in relation to the state of the environment in the affected territory at the time of submitting the relevant report of the project.
3. In assessing a project, the impact on the environment shall be assessed for its preparation, implementation, operation and termination, including the results of liquidation thereof, as appropriate, and also decontamination or reclaiming of the area, if the obligation of decontamination or reclaiming is laid down by the special regulation. Both normal operations and the possibility of accidents shall be assessed, as appropriate.
4. Assessment of projects shall also include a proposal for measures to prevent detrimental impacts on the environment through implementation of the project, to prevent, reduce, mitigate or minimize such impacts, or to increase the favourable

impacts on the environment of implementing the project, including evaluation of the expected effects of the proposed measures.

Article 7

Parties of the environmental impact assessment process

1. Parties of the environmental impact assessment process are:
 - a) Developers of a proposed project;
 - b) Ministry and its responsible structures;
 - c) Environment and Forest Agency;
 - d) Concerned line ministries;
 - e) Administration of Local Government Units;
 - f) Public.

Article 8

Information held by authorities

1. All the authorities holding relevant information needed for the developer when preparing the Preliminary Environmental Impact Assessment Report and as well the Profound Environmental Assessment Report shall make this information available to the developer, in compliance with the law no 8053 dated 30.06.1999 “The right to access to official documents”, and with the law no xxx dated xx.xx.200x “On Environmental Protection”.

Article 9

Confidential information

1. No information relating to the affairs of any individual or business shall be made available to the public if it falls under the definition of the article 18 paragraph 1 of the law 9901 dated 14.04.2008 “On commercial companies”.

2. Where information is provided for the purposes of this Law, the person providing that information may request to the Ministry to have that information or part of it excluded from the information that is made available to the public on the grounds that it is commercially or industrially confidential as regards himself or another person.
3. The request submitted to the Ministry by the person for the purposes defined in the paragraphs 1 and 2 of this article, shall contain the technical arguments, and references to the respective legal base, the law no 9901 dated 14.04.2008 “On commercial companies”, the law no 8517 dated 22.7.1999 “On data protection”, the law no 9380 dated 28.4.2005 “On Copyright and other related rights” and the law no 9947 dated 7.7.2008 “On industrial property”.
4. The Ministry notifies the person in a written form, if the requested information or any part of it, is commercially or industrially confidential within 10 days of receipt of the request.

CHAPTER 2

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES

SECTION 1

PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Article 10

Object of the Preliminary EIA Report

1. The objective of the preliminary EIA procedures is to determine whether a particular project referred to in Article 11 will require a Profound Environmental Impact Assessment Report.
2. The Minister shall establish guidelines on the implementation of this Article.

Article 11

Projects subject to Preliminary EIA Report

1. A preliminary Environmental Impact Assessment Report is required for:
 - a. Projects listed in Annex II;
 - b. Any change or extension of a project listed in Annex I or Annex II already authorized, executed or in the process of being executed, which may have significant negative effects on the environment, and where that change or extension is not listed in Annex I;
 - c. Projects listed in Annex I which are undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years;
 - d. Any project, whether listed in Annex I or II or not, which is not directly connected with or necessary to the management of a Special Protected Areas, but which is likely to have significant effects on that site either on its own or in combination with other plans or projects. In such a case the Preliminary Environmental Impact Assessment Report shall additionally assess the implications of that project on that site taking account of the conservation objectives of that site.

Article 12

Procedures of Preliminary EIA Report

1. Without prejudice to the requirements of this Law, a developer may request a preliminary opinion from the Environment and Forest Agency whether a proposed project falls within the scope of this Article.
2. The developer submits to the Environment and Forest Agency the Preliminary Environmental Impact Assessment Report together with a copy of the application for Development Consent.
3. The Preliminary Environmental Impact Assessment Report should be submitted in 15 Copies.

4. When submitting the above mentioned document, the developer shall pay the respective fee, as indicated in the Article 44 of this law.

Article 13

The content of Preliminary EIA Report

1. The Preliminary Environmental Impact Assessment Report shall contain the name of the Developer, the address, juridical status of the developer and the proposed project, as well enough information in order to make possible for Environment and Forest Agency to take the necessary preliminary opinion under Article 16 and for the Ministry to take the necessary decision under Article 17.

Article 14

Tasks of Environment and Forest Agency

1. The Environment and Forest Agency within 10 days from the submission of the Preliminary EIA Report and the application for Development Consent realize the first assessment of all the documents received from the developer.
2. When the Environment and Forest Agency appreciates that all the documents submitted are in fully accordance with the law and the respective fee has been paid, continues the scrutinizing process in order to takes the relevant preliminary opinion on whether the Profound Environmental Impact Assessment Report is needed or not.
3. If within 10 days of the date in paragraph 2 the Environment and Forest Agency dispose that the Preliminary Environmental Impact Assessment Report submitted by the developer is not adequate for the Agency to make a preliminary opinion, it sends a notification letter for the Developer asking for further information and giving justification for this request.

4. The developer shall provide the further information required by the Environment and Forest Agency within 15 days from the day of notification or such longer time period as agreed in a written form with the Environment and Forest Agency.
5. If the developer does not provide the further information within the above-mentioned deadline, Environment and Forest Agency shall consider the Preliminary Environmental Impact Assessment Report as withdrawn and shall notify the developer in a written form for this decision.

Article 15

Opinion of other institutions on Preliminary EIA Report

1. Within 5 days of the date in article 12.2 the Environment and Forest Agency shall send copies of the Preliminary Environmental Impact Assessment Report to the, Local Government Units, Offices of Urban and Tourism Development, River Basins Management Authority and as well to other institutions whose environment-related sphere of responsibility is affected for comments and suggestions.
2. If further information is provided to Environment and Forest Agency by the Developer, in accordance with article 14.4, it shall be transmitted immediately to the above-mentioned institutions.
3. The comments and/or suggestions made by the institutions listed in the paragraph 1 of this article shall be submitted to Environment and Forest Agency within 25 days from the date referred to in paragraph 1.
4. If those institutions did not provide Environment and Forest Agency with their comments and/or suggestions within the time period referred to in paragraph 3, it is assumed that they have not comments.

Article 16

Environment and Forest Agency 's Preliminary Opinion

1. The Environment and Forest Agency shall make a preliminary opinion on whether a Profound EIA Report is needed or not for that project within 60 days from the date referred to in the article 14.2 based on:
 - (a) The Preliminary Environmental Impact Assessment Report;
 - (b) The relevant criteria set out in Annex III; and
 - (c) The comments and/or suggestions received from the institutions referred to in Article 15.

Article 17
Decision of the Ministry on the Preliminary EIA Report

1. The Environment and Forest Agency after preparing the preliminary opinion sends it immediately to the Ministry, and as well to the institutions referred to in Article 15, accompanied with its respective arguments and, with all the relevant documentations.
2. The Ministry shall make a decision whether a Profound EIA Report is required or not. In making its decision it shall take into account:
 - (a) The Preliminary Environmental Impact Assessment Report;
 - (b) The relevant criteria set out in Annex III;
 - (c) The preliminary opinion of the Environment and Forest Agency; and
 - (d) the comments and/or suggestions received from the institutions referred to in Article 15
3. If the Ministry rejects the preliminary opinion made by the Environment and Forest Agency, it shall give the reasons for its rejection
4. The Ministry shall take the decision referred to in paragraph 2 within 10 days from the submission of the preliminary opinion by the Environment and Forest Agency and immediately notify the developer in writing on the decision taken, and on any reasons for its decision
5. The Ministry shall immediately notify the Environment and Forest Agency and the institutions referred to in Article 15 in writing on the decision taken and on any reason for its decision

6. The Ministry shall record and make available to the public all the decisions taken on the necessity or not of a Profound Environmental Impact Assessment Report, including the preliminary opinion of the Environment and Forest Agency, and any reason for any decision.

SECTION 2

PROFOUND ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Article 18

Object of the Profound EIA Report

1. The profound EIA report provides in an appropriate manner, an identification, description and assessment of all the direct and indirect impact on the environment of the proposed public or private project.
2. The Minister shall adopt guidelines on determining the content of Profound EIA Reports, and on the assessment of Profound EIA Reports, including direct and indirect impacts on the environment.

Article 19

Projects requiring a Profound Environmental Impact Assessment Report

1. A Profound Environmental Impact Assessment Report is required for:
 - a. Projects listed in Annex I;
 - b. Projects where the decision of the Ministry under Article 17 is that such a Report is required.

Article 20

Preliminary opinion on the content and details of the Profound EIA report

1. A developer may request a preliminary opinion from the Ministry on the content and the details of the Profound Environmental Impact Assessment Report.

2. Where a developer makes a request under paragraph 1 of this article, the Ministry shall consult the Environment and Forest Agency and the Local Government Units, Offices of Urban and Tourism Development, River Basins Management Authority and as well to other institutions whose environment-related sphere of responsibility is affected on the details needed for the developer to include in the Profound EIA Report, and will give its opinion to the developer within 2 weeks from the day of the request, or such longer period as may be agreed among them.
3. The fact that the Ministry has given the developer an opinion under paragraph 3 shall not prevent the Ministry from requiring the developer to supply further information in accordance with Articles 22.4 or 25.

Article 21

The content of the Profound EIA Report

1. The Profound EIA Report shall contain, at a minimum, at least the following information:
 - (a) Name of the developer, juridical status of the developer and the proposed project, its address, the name of the expert who prepared the Profound EIA Report, location of the project,
 - (b) A description of the project with details of the site, design and size of the project and the land required,
 - (c) a description of the measures which will be taken to avoid, reduce or, as far as possible, remedy any significant adverse environmental impacts of the project,
 - (d) the data required to identify and assess the main effects which the project is likely to have on the environment,
 - (e) an outline of the main alternatives studied by the developer, and an indication of the main reasons for the choice, taking into account the environmental effects,
 - (f) If relevant, the substitute measures in the case of priority encroachments on nature and landscape for which no compensation is possible,
 - (g) A non-technical summary of the information provided in the Report.

2. The Profound EIA Report shall also include the information specified in Annex IV:
 - a. In so far as the information is relevant to the specific characteristics of the project and of the environmental features likely to be affected; and
 - b. In so far as it is, in the opinion of the Ministry, reasonable for the developer to provide this information having regard to, in particular, the current knowledge and methods of assessment.

3. The Profound EIA Report shall identify, describe and assess, as relevant and in accordance with this Law, the direct and indirect effects of the proposed project on:
 - a. Human beings;
 - b. Flora and fauna;
 - c. Soil, water, air, climate and the landscape;
 - d. Material assets and the cultural heritage;
 - e. The interactions between the factors referred to (a) to (d).

Article 22

Submission of the Profound EIA Report

1. The developer submits to the Ministry the Profound EIA Report as provided in the Article 21, together with a copy of the application for Development Consent, in 15 Copies. The developer also submits an electronic copy of the Profound EIA Report and an electronic copy of the non-technical summary of the information provided in the Report.
2. When submitting the Profound EIA Report, the developer shall pay the respective fee, as indicated in the Article 44 of this law.
3. The Ministry within 10 days from the submission of the Profound EIA Report realize the first assessment of all the documents received from the developer.
4. If within the date in paragraph 3 the Ministry dispose that the Profound Environmental Impact Assessment Report submitted by the developer is not in compliance with the requirement of this law, it sends a notification letter for the

- Developer asking for further documentations and giving justification for this request.
5. The developer shall provide the further documentation required by the Ministry within 15 days from the day of notification or such longer time period as agreed in a written form with the Ministry.
 6. If the developer does not provide the further information within the above-mentioned deadline, the Ministry shall consider the Profound Environmental Impact Assessment Report as withdrawn and shall notify the developer in a written form for this decision.

Article 23

Opinion of other institutions on Profound EIA Report

1. When the Ministry appreciate that all the documents submitted are in fully accordance with the law and the respective fee has been paid, continues the scrutinizing process in order to takes the relevant opinion on the Profound Environmental Impact Assessment Report.
2. The Ministry shall send within 5 working days a copy of the Profound EIA Report to the, Environment and Forest Agency, the Local Government Units, Offices of Urban and Tourism Development of Urban and Tourism Development, rivers basins management authorities and as well to other institutions whose environment-related sphere of responsibility is affected for comments and suggestions.
3. The comments and/or suggestions made by the institutions as provided in paragraph 2 shall be submitted to the Ministry within 30 days from the date referred to in paragraph 2.
4. If the above-mentioned institutions did not provide the Ministry with their comments and/or suggestions within the time period specified in paragraph 3, it is assumed that they have not comments/suggestions.

Article 24

Verification of the information by the Regional Environmental Agency

1. The relevant Regional Environmental Agency, when charged by Environment and Forest Agency shall verify in place the accuracy of the information provided in the Profound EIA Report and shall inform the Ministry.
2. When Environment and Forest Agency informs the Ministry that the information provided in the Profound EIA Report is not accurate then the Ministry shall reject that Profound EIA Report and so inform the Developer.

Article 25

Additional information

1. Where, in the opinion of the Ministry, it requires further information for it to make its opinion under Article 29, it shall, within 30 days from the date of receipt of the Profound EIA Report from the developer, request such further information.
2. The request for further information shall be in writing to the developer and shall give reasons for the request.
3. The developer shall, within 25 days or such longer period as may be agreed between the Ministry and the developer from receiving the letter of request, provide all the required information to the Ministry.
4. Upon receipt of such further information, the Ministry shall immediately send it to the institutions mentioned in the article 23. 2.
5. If the developer does not provide the further information within the above-mentioned deadline, the Ministry shall consider the Profound Environmental Impact Assessment Report as withdrawn and shall notify the developer in a written form for this decision.
6. Subject to the provisions of Article 9 on confidentiality, the Ministry shall place the electronic copy of the Profound EIA Report, the Non-Technical Summary of

this report and the additional information provided by the developer on its website.

CHAPTER 3

PUBLIC INFORMATION AND CONSULTATION

Section 1

PUBLIC INFORMATION AND CONSULTATION

Article 26

Public information

1. Within five days of submitting the Profound EIA Report to the Ministry, the developer shall also publish a notice in at least one newspaper in the area of the proposed project and in one national newspaper. The notice shall be published in at least two consecutive issues of the newspapers.
2. The Notice referred to in paragraph 1 shall include the following:
 - (a) the developer's name and address
 - (b) the address and location of the proposed activity
 - (c) that a Profound EIA Report in relation to the proposed project has been submitted to the Ministry
 - (d) that a copy of the Profound EIA Report, related plans and any other information submitted with it may be inspected by members of the public during office hours
 - (e) that an electronic copy of the Profound EIA report, and the copy of the non-technical summary of the information provided in the Report, may be consulted in the Ministry's website
 - (f) the location at which such documents may be inspected
 - (g) the latest date on which such documents will be available for such inspection; such date shall not be less than 14 days later than the date on which the Notice is published

- (h) that copies of the EIA Report are available at a reasonable fee, and the level of such fee
- (i) that any person who wishes to comment on the proposed project or on the Profound EIA Report may do so in writing to the Ministry, and the address of the person at the Ministry to which such comments should be made
- (j) the deadline by which any such comments must be received by the Ministry; such deadline shall not be less than one month after the date referred to in point (g) above.

Article 27

Publication of notices

1. The developer shall attach notices to the land to which the Profound EIA Report relates. Such notices shall contain the information specified in Article 26.2.
2. The notices referred to in paragraph 1 shall be left in position for the whole period of the consultation process, and in any event for not less than seven consecutive days.
3. The notices referred to in paragraph 1 shall be firmly attached or affixed to some object on the land and shall be of such a size, location and display so as to be easily readable to passers-by without them going onto the land.
4. The developer shall send to the Ministry:
 - a. Copies of any notices in the newspapers referred to the Article 26.
 - b. A letter confirming that he has complied with the provisions of paragraphs 1-3 above
5. The Ministry shall place the information referred to in paragraph 4 on its web site.

Article 28

Public hearings

1. Where, in the opinion of the Ministry, the project is of such a nature as to require a public hearing, the Ministry shall inform the developer and the Local Government Unit of this fact.
2. The public may comment on the Profound EIA Report and express their views on the impacts of the proposed project at the public hearing.
3. The public hearing referred to in paragraph 1 shall be held in a suitable location as near as reasonably practicable to the location of the proposed project and in any event in the municipality in which the project is proposed to be located.
4. Where the proposed project may affect more than one municipality, the Ministry may require that additional public hearings be held in such other municipalities as it may specify to the developer.
5. Where the proposed project is of national importance, the Ministry may additionally require that a public hearing be held in Tirana or other suitable location, and shall so specify to the developer.
6. The developer shall arrange the suitable location, day and time for the public hearing or hearings and so inform the Local Government Unit, Ministry, and other relevant institutions related with the scope of the project.
7. The developer shall inform the public of the day, time and location of the public hearing or hearings by:
 - a. publishing a notice in at least one newspaper in the area of the proposed activity, and one in a national newspaper. The notice shall be published in at least two consecutive issues of the newspapers
 - b. affixing notices to the land to which the Profound EIA Report relates.
8. The Notice referred to in paragraph 7(a) shall include the following:
 - (a) the developer's name and address
 - (b) the address and location of the proposed project
 - (c) that a Profound EIA Report in relation to the proposed project has been submitted to the Ministry
 - (d) that an electronic copy of the Profound EIA report, and the copy of the non-technical summary of the information provided in the Report, may be consulted in the Ministry's website

- (e) that a copy of the Profound EIA Report, related plans and any other information submitted with it may be inspected by members of the public during office hours
 - (f) the location at which such documents may be inspected
 - (g) the date, time and location of the public hearing
 - (h) that members of the public may make their comments known at the public hearing.
9. The date of the public hearing shall be held not less than 15 days after the date of the notice in the newspapers.
 10. The representative of the Local Government Unit shall chair the public hearing and regulate its proceedings.
 11. The representative of Local Government Unit shall give an opportunity to any person who wishes to express any opinion on the proposed project to so express those views.
 12. The representative of Local Government Unit in the public hearing process shall make a record of all opinions that are given at the public hearing and shall forward such record to the Ministry, to the Environment and Forest Agency.
 13. Any developer who fails to hold a public hearing or hearings in accordance with this Article within 3 months of the date that he is notified by the Ministry that such a public hearing or hearings must be held, will be deemed to have withdrawn his application.
 14. The Ministry will not make an Opinion on the Profound EIA Report until the public hearing has been held in fully compliance with the procedures described in the above-mentioned articles and with other by-laws pursuant to this law, and without receiving the full report from the Local Government Unit.

SECTION 2

OPINION BY THE MINISTRY

Article 29

Opinion of the Minister on the Profound EIA Report

1. The Minister shall make an Opinion on the proposed project, taking into consideration the Profound EIA Report and the structure, scope, scale, size, capacity and location of the planned project and the direct and indirect impacts of that proposed project.
2. In making its opinion, the Minister shall take into account all the comments and suggestions by:
 - (a) The institutions referred to in article 23.2
 - (b) The Public and
 - (c) Comments of the Public hearings comments, as relevant
 - (d) As relevant, any comments received from another State under Article 34.
3. The opinion of the Minister shall be available to the public.

Article 30

The content of the Opinion

1. Subject to paragraph 5, the Minister shall make an opinion within 5 months from the date of the submission of the Profound EIA Report, or within 3 months after the public hearing process if one is held, which will either:
 - a. Approves from environmental point of view with non objection the project for further implementation;
 - b. Approves the further implementation of the project with some conditions to be accomplished by the developer; or
 - c. Rejects the further implementation of the project.
2. Where the Minister rejects the further implementation of the project, he shall give the reasons of this rejection in the Opinion.
3. The Opinion shall contain:

- a. The content of the Opinion and any proposed conditions attached;
 - b. A statement that the Ministry examined the concerns and opinions expressed by the public and the relevant institutions in making its Opinion and that those concerns and opinions were taken into account;
 - c. A statement containing information about the public consultation process that was conducted;
 - d. The main reasons and considerations on which the Opinion was based; and
 - e. A description, where necessary, of the main measures that must be taken to avoid, reduce and, if possible, to offset the major adverse effects.
3. The Ministry shall immediately inform the developer in writing of the Opinion and at the same time send copies to the authorities listed in Article 23.2 and to the relevant Planning Authority.
 4. The Opinion will be recorded and published immediately.
 5. Where the Profound EIA Report and any further information submitted under Article 25 is not sufficient for the Minister to make an Opinion under paragraph 1, the Minister shall reject the Profound EIA Report. The Ministry shall immediately inform the developer in writing of the rejection of the Profound EIA Report and at the time send copies to the authorities listed in Article 23.2 and to the relevant Planning Authority. The rejection of the Profound EIA Report will be recorded and published immediately.

SECTION 3

Decision of the Planning Authority

Article 31

Decision of the Planning Authority

1. The Planning Authority shall give due regard to the Opinion when considering whether to give planning permission or not, or impose conditions on any Development Consent.
2. Where this Law applies to a proposed project, no decision on an application for development consent for that project shall be considered by the Planning Authority unless and until the procedures foreseen by this Law have been completed, that is to say:
 - a. Where a Preliminary EIA Report was required;
 - i. The decision of the Minister that a profound EIA report is not required; or
 - ii. Where the decision of the Minister was that a Profound EIA Report was required, the Opinion of the Minister on the proposed project; or
 - b. Where a profound EIA Report was required, the Opinion of the Minister on the proposed project.
3. Where the Minister rejected a Profound EIA Report under Article 30.5 for a proposed project, the Planning Authority shall reject that application for development consent for that proposed project.
4. Any application for development consent that is not in accordance with paragraph 2 shall be deemed to be an invalid application, and any purported development consent granted in such a case shall be an invalid consent.
5. Where a development consent ceases to be valid pursuant to Article 75 of the Law “On Territorial Planning”, any decision or opinion made under this Law shall also cease to be valid as from that date.

Article 32
Special Protected Areas

1. The provisions of this article shall additionally apply where the proposed activity is not directly connected with or necessary for the management of a special protected area, but which is likely to have a significant effect on that special area of conservation, either individually or in combination with other realised or proposed activities or plans or projects.
2. Where the Ministry has issued an Opinion for a proposed activity referred to in paragraph 1 stating that the proposed activity, either on its own or in combination with other realized or proposed activities or plans or projects, may adversely affect the integrity of that special area of conservation, the Planning Authority shall not grant Development Consent unless:
 - (a) there are no alternative solutions; and
 - (b) the proposed activity must be carried out for imperative reasons of over-riding public interest, including those of a social or economic nature; and
 - (c) all compensatory measures shall be taken to ensure that the overall coherence of Natura 2000 is protected.
3. Where the special protected area hosts a priority natural habitat type and/or a priority species, the only imperative reasons of over-riding public interest that may be taken into consideration pursuant to paragraph 2(b) are those relating to human health or public safety or to beneficial consequences of primary importance for the environment.

CHAPTER 4

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT

Article 33

Transboundary effects on Albania

1. Where the Ministry receives information or an EIA Report from another State for a proposed project that is likely to have significant effects on the environment in

Albania, it shall immediately enter into discussions with that State on procedures and timetable for comments on the proposed project.

2. If not already received from the other State, the Ministry shall request:
 - a. A description of the project together with any available information on its possible transboundary effects;
 - b. Information on the nature of the decision that may be taken by that other State.
3. Based on the information received under paragraphs 1 and 2, the Ministry in close collaboration with the respective institutions as referred in the article 23.2 of this law, shall make a decision whether it wishes to participate in the environmental impact assessment process for that project and shall so notify that other State.
4. Where the Ministry has decided that it wishes to participate in the environmental impact assessment process, it shall request from that other State information equivalent to the information referred to in Article 21 of this law..
5. Where the Ministry receives the information referred to in paragraph 4 it shall immediately send copies to the institutions listed in Article 23.2.
6. The provisions of the Chapter 3 Section 1 of this law shall apply; however for the purposes of this article for ‘developer’ read ‘ministry’.
7. The Ministry shall send to that other State
 - a. Any comments or opinions it may have on the proposed project;
 - b. any comments received from the institutions referred to in paragraph 3; and
 - c. any comments received from the public pursuant to paragraph 6.
8. The Ministry shall use its best endeavours to enter into consultations with that other State regarding, in particular,
 - a. the potential transboundary effects of the proposed project,
 - b. the measures envisaged to reduce or eliminate such effects, and
 - c. Agreement on a reasonable timetable for the duration of the consultation period.

Article 34

Transboundary impacts on another State

1. Where, in the opinion of the Ministry, a proposed project may have significant effects on the environment of another State, or where the Ministry receives a request from another State, the Ministry, shall send to that other State:
 - a. A description of the proposed project, together with any available information on its possible transboundary impact;
 - b. Information on the types of decisions that may be made by the Ministry.
2. The information referred to in paragraph 1 shall be sent as soon as possible and, in any event, no later than the date referred to in article 26.2 of this law.
3. The Ministry shall give that other State a reasonable time in which to decide whether it wishes to participate in the environmental impact assessment process.
4. Where another State has indicated to the Ministry that it wishes to participate in the environmental impact assessment process, the Ministry, subject to the provisions of Article 9 on confidentiality, shall send to that other State a copy of the Profound EIA Report.
5. Before making its Opinion under Article 29 of this law, the Ministry shall take into account any comments received from that other State.
6. The Ministry shall use its best endeavours to enter into consultations with that other State regarding, in particular,
 - a. the potential transboundary effects of the proposed project, and
 - b. the measures envisaged to reduce or eliminate such effects.
 - c. Agreement on a reasonable timetable for the duration of the consultation period.
7. The Ministry shall send to that other State a copy of any Opinion under Article 30 of this law.

CHAPTER 5

CHANGE OF ACTIVITY OWNER

Article 35

Change of Activity Owner

1. In case of change of the developer for any reason, the new developer is deemed to have assumed the undertakings and obligations of the former developer, without the need for any other procedure.
2. Where there is a change of developer before the EIA and/or the Preliminary EIA procedures as the case may be have not been completed, the old developer and the new developer shall jointly inform the relevant Environment and Forest Agency and the Ministry in writing of the change of ownership and provide relevant details of the new developer.

CHAPTER 6

Experts for EIA

Article 36

Certificate of Qualification on preparation of the EIA

1. The entities/and or individuals (experts) that will be entitled to prepare Profound EIA report and Preliminary EIA Report on behalf of the developer are obliged to obtain a certificate of qualification from the Ministry.
2. Only Profound EIA Report and Preliminary EIA Report which has been signed by a certified expert shall be accepted as such a report. However, such signature shall not remove any responsibility or liability of the developer as regards that report.
3. The rules and procedures for the selection and their responsibility when drafting the report, and for the equipment with the certificate of qualification will be arranged under Decision of Council of Ministers pursuant to this law.

CHAPTER 7

APPEALS

Article 37

**Appeal by the developer against the Decision of the Ministry on the Preliminary
EIA Report**

1. The developer may appeal the decision taken by the Ministry as referred to the article 17.4 of this law by lodging an administrative complaint based on the article 137 of the Procedural Administrative Code, within 30 days of the publication of that decision.
2. The developer may appeal to the Court the decision of the Ministry referred in the paragraph a, when provided by the article 137 of the Procedural Administrative Code.

Article 38

**Appeal by the developer against the Opinion of the Minister on the Profound EIA
Report**

1. The developer may appeal the opinion issued by the minister as referred in the article 29 of this law, by lodging an administrative complaint based on the article 137 of the Procedural Administrative Code, within 30 days of the publication of that opinion.
2. The developer may appeal to the Court the opinion of the minister as referred in the paragraph a, when provided by the article 137 of the Procedural Administrative Code.

Article 39

**Appeal by the public concerned against the Decision of the Ministry on the
Preliminary EIA Report**

1. Any member of the public concerned may appeal the decision taken by the Ministry as referred to the article 17.4 of this law by lodging an administrative complaint based on the article 137 of the Procedural Administrative Code, within 30 days of the publication of that decision.
2. The member of the public concerned may appeal to the Court the decision of the Ministry referred in the paragraph a, when provided by the article 137 of the Procedural Administrative Code.

Article 40

Appeal by the public concerned against the Opinion of the Minister on the Profound EIA Report

1. Any member of the public concerned may appeal the opinion issued by the minister as referred in the article 29 of this law, by lodging an administrative complaint based on the article 137 of the Procedural Administrative Code, within 30 days of the publication of that opinion.
2. The member of the public concerned may appeal to the Court the opinion of the minister as referred in the paragraph a, when provided by the article 137 of the Procedural Administrative Code.

Article 41

Appeal by the person for the confidentiality

1. The developer may appeal the decision issued by the minister as referred in the article 9 of this law, by lodging an administrative complaint based on the article 137 of the Procedural Administrative Code, within 30 days of the publication of that opinion.
2. The developer may appeal to the Court the opinion of the minister as referred in the paragraph a, when provided by the article 137 of the Procedural Administrative Code.

Article 42

Appeal by member of concerned public on other rights derived from this law

1. The members of the public concerned have the right to make an administrative appeal, when they appreciate that other rights deriving from this law have been violated. By the end of the administrative appeal, they might appeal into the court.

CHAPTER 8 SANCTIONS

Article 43

1. Where a developer provides false or misleading information under this Law, the provisions of the section VIII of the Penal Code will be applicable.
2. Where a developer starts construction without the completion of the environmental assessment process and such act constitutes a penal contravention, the provisions of the section IV of the Penal Code will be applicable. In such a case the court may also order that any construction be demolished and the land remediated.
3. Where a developer starts construction without the completion of the environmental assessment process and such act constitutes an administrative contravention, the article 82 paragraph 7 and 8 provisions of the law no 10119 dated 23.04.2009 "On territorial Planning" and of the law 9780 dated 16.7.2007 "On the construction inspection will be applicable
4. In cases referred in the paragraph 3 of this article, the Planning Authority, as provided in the article 83 paragraphs 8 of the law no 10119 dated 23.04.2009 "On territorial Planning" may among others order that any construction be demolished and the land remediated.
5. Where any person falsely or misleadingly represents that he has an EIA certificate of qualification, the provisions of the section VIII of the Penal Code will be applicable.

CHAPTER 9 Final Provisions

Article 44

Fees

1. The appropriate fee shall be payable upon submission of a Preliminary EIA Report or upon submission of a Profound EIA Report as the case may be.
2. The levels of fees shall be established by a Regulation of the Minister.

Article 45

Regional Environmental Agencies

1. The Environment and Forest Agency, when deems as necessary delegates to the Regional Environmental Agencies in fully compliance with the respective legal basis, the right to exercise the tasks deriving from this law.

Article 46

Reporting on the implementation of this Law

1. The Ministry shall publish reports on the implementation of this law every year.
2. The Environment and Forestry Agency, the Planning Authority and all other relevant authorities and institutions shall provide such relevant information to the Ministry to enable the Ministry to prepare such reports.
3. The Minister shall endorse a format to be used for such reports.
4. The Ministry shall submit such reports to the European Commission.
5. The provisions of paragraph 4 shall come into effect upon the accession of the Republic of Albania to the European Union.

Article 47

Necessary secondary legislation

1. The Council of Ministers, upon proposal of the Minister, is charged with the issuing of other secondary legislation (bylaws) pursuant to the article 36.3 of this law.
2. The Minister is charged for the issuing of the secondary legislation pursuant to the articles 4.2, 10, 18.2, 44.2 and 46.3 of this law.

Article 48

Implementation

1. The Ministry is in charge for the implementation of this law.

Article 49

Continuing effect of certain bylaws

1. The Decision of the Council of Ministers No 1124 dated 30.07.2008 “On the Certification of the Experts of Environmental Impact Assessment and Environment Auditing”, adopted under Article 31 of Law No 8934, shall continue to have effect as though made under Article 36.3 of this Law.

Article 50

Repeals

1. Subject to the provisions of paragraph 3, The Law no 8990 dated 23.01.2003 “On the environmental assessment” is repealed from the date of entry into force of this Law.
2. Subject to the provisions of paragraph 3, The law No 9700 dated 26.03.2007 “On Environmental Protection from Transboundary Impacts” is repealed from the date of entry into force of this law.
3. Proposed projects for which a Preliminary EIA Report or a Profound EIA Report as the case may be, was submitted before the date of entry into force of this Law shall be assessed in accordance with Law No 8990 and as necessary in accordance with Law No 9700.
4. Articles 26 to 33 and Article 35 of the Law No 8934 dated 5.09.2002 “On Environmental Protection” are repealed from the date of entry into force of this law in so far as they relate to Environmental Impact Assessment.

Article 51

Entry into force

1. The law will enter into force within 15 days after its publication in the Official Journal.

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. (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more, and
(b) 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.

3. (a) Installations for the reprocessing of irradiated nuclear fuel.
(b) Installations designed:
 - for the production or enrichment of nuclear fuel,
 - for the processing of irradiated nuclear fuel or high-level radioactive waste,
 - for the final disposal of irradiated nuclear fuel,
 - solely for the final disposal of radioactive waste,
 - 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.

4. (a) Integrated works for the initial smelting of cast-iron and steel;
(b) 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:

- (i) for the production of basic organic chemicals;
- (ii) for the production of basic inorganic chemicals;
- (iii) for the production of phosphorous-,nitrogen-or potassium-based fertilizers (simple or compound fertilizers);
- (iv) for the production of basic plant health products and of biocides;
- (v) for the production of basic pharmaceutical products using a chemical or biological process;
- (vi) 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.;

(d) 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 No xxx dated xxx, “On 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 No xxx dated xxx, “On 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 150 000 population equivalent as defined in the Law No xxx, dated xxx, “On Water Resources”.
14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500 000 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 cubic metres.

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) 85 000 places for broilers, 60 000 places for hens;

(b) 3 000 places for production pigs (over 30 kg); or

(c) 900 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 200 tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.

20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.

21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 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 megatonnes or more.

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;
- (d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;
- (e) Intensive livestock installations (projects not included in Annex I);
- (f) Intensive fish farming;
- (g) Reclamation of land from the sea.

2. Extractive industry

- (a) Quarries, open-cast mining and peat extraction (projects not included in Annex I);
- (b) Underground mining;
- (c) Extraction of minerals by marine or fluvial dredging;
- (d) Deep drillings, in particular:
 - geothermal drilling,
 - drilling for the storage of nuclear waste material,
 - drilling for water supplies,with the exception of drillings for investigating the stability of the soil;
- (e) 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;
- (d) Underground storage of combustible gases;
- (e) Surface storage of fossil fuels;
- (f) Industrial briquetting of coal and lignite;
- (g) Installations for the processing and storage of radioactive waste (unless included in Annex I);
- (h) Installations for hydroelectric energy production;
- (i) Installations for the harnessing of wind power for energy production (wind farms);
- (j) 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) smitheries with hammers;
 - (iii) application of protective fused metal coats;
- (c) Ferrous metal foundries;
- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;
- (f) Manufacture and assembly of motor vehicles and manufacture of motor vehicle engines;
- (g) Shipyards;
- (h) Installations for the construction and repair of aircraft;
- (i) Manufacture of railway equipment;
- (j) Swaging by explosives;

(k) 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);

(d) Installations for the manufacture of glass including glass fibre;

(e) Installations for smelting mineral substances including the production of mineral fibres;

(f) 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;

(d) Brewing and malting;

(e) Confectionery and syrup manufacture;

(f) Installations for the slaughter of animals;

(g) Industrial starch manufacturing installations;

(h) Fish-meal and fish-oil factories;

(i) 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;
- (d) 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);
- (d) Construction of airfields (projects not included in Annex I);
- (e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);
- (f) Inland-waterway construction not included in Annex I, canalization and flood-relief works;
- (g) Dams and other installations designed to hold water or store it on a long term basis (projects not included in Annex I);
- (h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
- (i) 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);
- (j) Installations of long-distance aqueducts;
- (k) 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;

(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;

(m) 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);

(d) Sludge-deposition sites;

(e) Storage of scrap iron, including scrap vehicles;

(f) Test benches for engines, turbines or reactors;

(g) Installations for the manufacture of artificial mineral fibres;

(h) Installations for the recovery or destruction of explosive substances;

(i) 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;

(d) Permanent camp sites and caravan sites;

(e) Theme parks.

ANNEX III

SELECTION CRITERIA WHEN CONSIDERING WHETHER A PROFOUND EIA REPORT IS REQUIRED

1. Characteristics of projects

The characteristics of projects must be considered having regard, in particular, to:

- the size of the project,
- the cumulation with other projects,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard in particular to substances or technologies used.

2. Location of projects

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

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:

- (a) wetlands;
- (b) coastal zones;
- (c) mountain and forest areas;
- (d) nature reserves and parks;
- (e) special protected areas;
- (f) areas in which the environmental quality standards set out in other legislation have already been exceeded;
- (g) densely populated areas;
- (h) landscapes of historical, cultural or archaeological significance.

3. Characteristics of the potential impact

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

- the extent of the impact (geographical area and size of the affected population),
- the trans-frontier nature of the impact,
- the magnitude and complexity of the impact,
- the probability of the impact,
- the duration, frequency and reversibility of the impact.

ANNEX IV

INFORMATION TO BE INCLUDED IN THE PROFOUND EIA REPORT

1. Description of the project, including in particular:

—a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases,

—a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used,

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

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

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

4. A description of the likely significant effects of the proposed project on the environment resulting from:

—the existence of the project,

—the use of natural resources,

—the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the developer of the forecasting methods used to assess the effects on the environment. The description of the likely significant effects of the proposed project should cover the direct effects and any indirect, secondary, cumulative, short,

medium and long-term, permanent and temporary, positive and negative effects of the project.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

6. A non-technical summary of the information provided under the above headings.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.