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AMERICAN UNIVERSITY IN KOSOVO
ROCHESTER INSTITUTE OF TECHNOLOGY

Screening Procedures in Strategic Environmental Assessment in Kosovo

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Presentation overview



- What is SEA?
- SEA in Kosovo
- Screening stage
- Screening provisions in the Kosovo Law on SEA
- Guideline - Administration of Screening
- Recommendations

What is SEA?



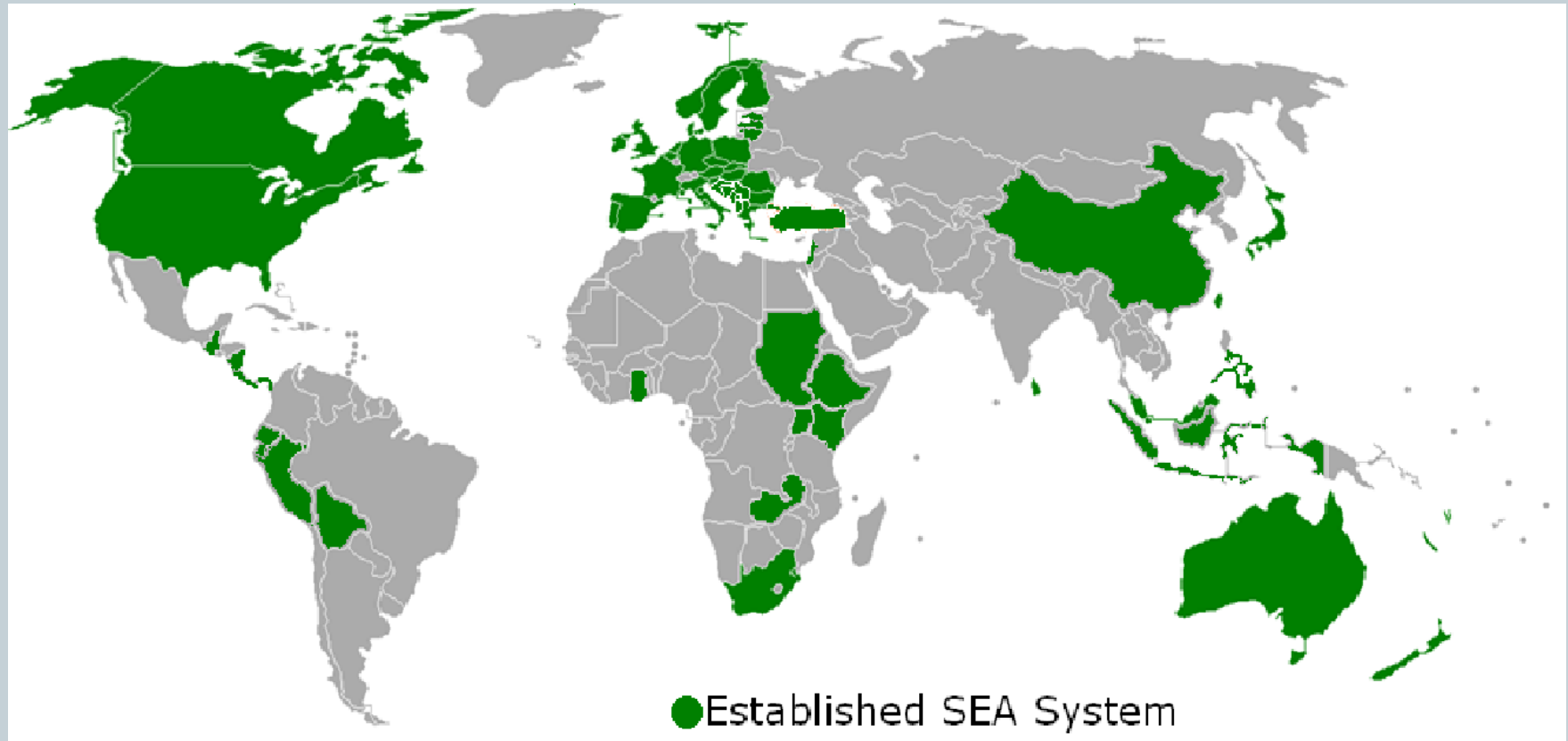
- *“ a systematic process for evaluating the environmental consequences of proposed **policy, plan or programme** initiatives in order to ensure they are fully included and appropriately addressed at the earliest appropriate stage of the decision making on par with economic and social consideration.”*

(Sadler and Verheem, 1996)

SEA versus EIA

	SEA	EIA
Assessment	Plans and Programmes	Projects
Scale	Macro	Micro
Scope	Larger range of activities on a wider area	Smaller range of activities on a local scale
Baseline	Less details / qualitative	More details / quantitative
Alternatives and cumulative effects	Greater emphasis / integrate	Less emphasis / specific
Consultation	Larger range of individuals	Smaller range of individuals

SEA around the World



- USA (1969) • WestAustralia (1986) • Netherland (1987) • Canada (1990) • New Zenland (1991) • Grait Britan (1991) • Chzech Republik (1992) • Hongkong (1992)• Danmark (1993)• Slovakia (1994) • Finnland (1994, 1999) • Norway (1995)• Australia (1999) • Poland(2000)
- Estland (2000) • EU(2001)• World Bank (2004) • Costa Rica (2004) • Peru (2005)
- Macedonia (2005) • Guatemala (2007) • Kosovo(2009)

Application of SEA in EU

AT	200 SEAs	LT	25
BG	109 (10 mandatory, 99by screening)	LU	3
CY	4	LV	88 town and city planning, agriculture, fishery
CZ	12	MT	1 operational programs
EE	165 (16 governmental level)	NL	64 spatial planning
ES	10	PL	23 – operational programs, transport sector
FI	1500 for local urban plans, and 10 other plans	PT	2
FR	40 local urban plans , and 40 other plans	SL	98 government level and 240 local level for operational programs, forest sector spatial and local urban plans
GR	21	SK	19 government level – operational programs, energy sector
HU	No statistics	SV	220 for development plans
IRL	No statistics	RO	77 town and city planning, local urban plans
IT	No statistics	UK	No statistics

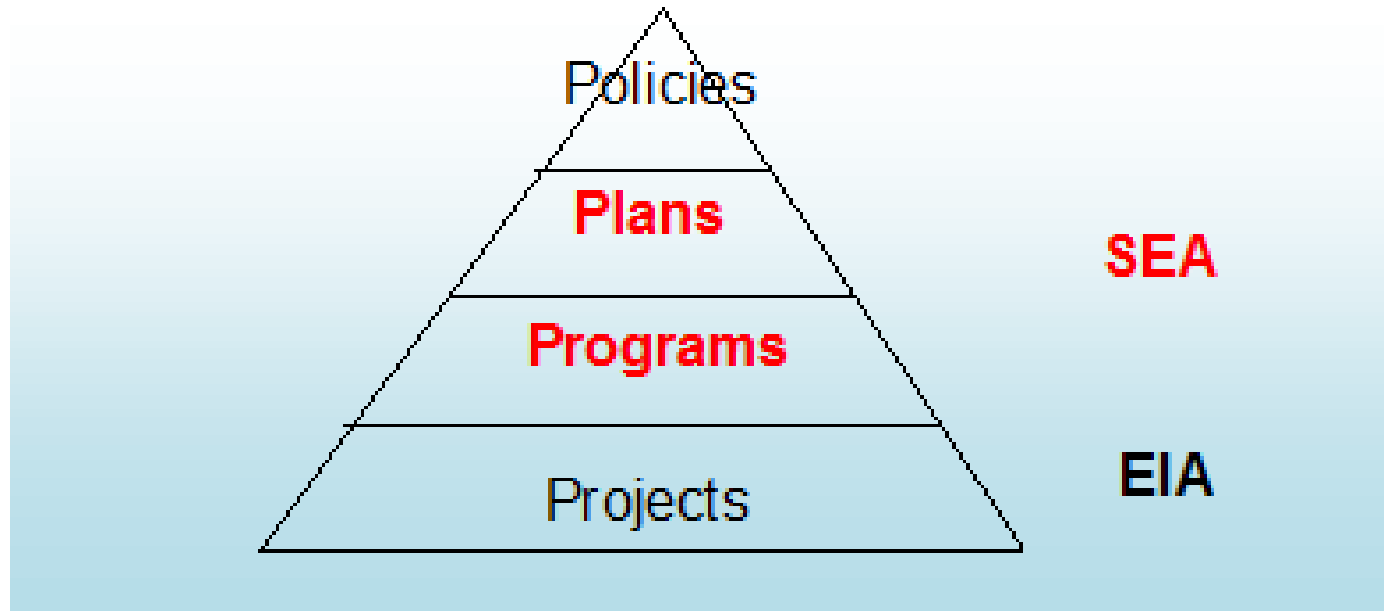
Number of SEAs undertaken in 2006/2007 in the member states for specific sectors

SEA in Kosovo

- The EC Directive 2001/42/EC on SEA is **fully** transposed into the Kosovo's legislation by the Law Nr.03/L-230 on Strategic Environmental Assessment, November 2010.
- The purpose of the Law is to ensure that environmental consequences of certain plans and programs are identified and assessed during their preparation and **before their adoption.**
- www.ks-gov.net/mesp

Plans and Programs

Only plans and programs are subject to the SEA Directive, so do the Kosovo Law on SEA.



Environmental considerations into the decision-making hierarchy

Institutional setting

Central SEA authority

The MESP is responsible for implementation and performance of the SEA system.

The responsible authority proposing the PPs is responsible for carrying out the bulk of the SEA (relying either on its in-house expertise and technical teams or on outsourced consultants); while MESP is responsible for reviewing the quality of the assessment.

Institutional setting (Cont'd)

(De)centralization of SEA mandates

Institutions preparing SEAs are both Ministries at national level as well as self-governance units at local level. However, responsibility for approval of the screening decision, and review of the SEA report, lies at the central level in all cases.

Initiator of the SEA

The administrative body preparing the planning document is responsible for preparing the SEA report (the “responsible authority”).

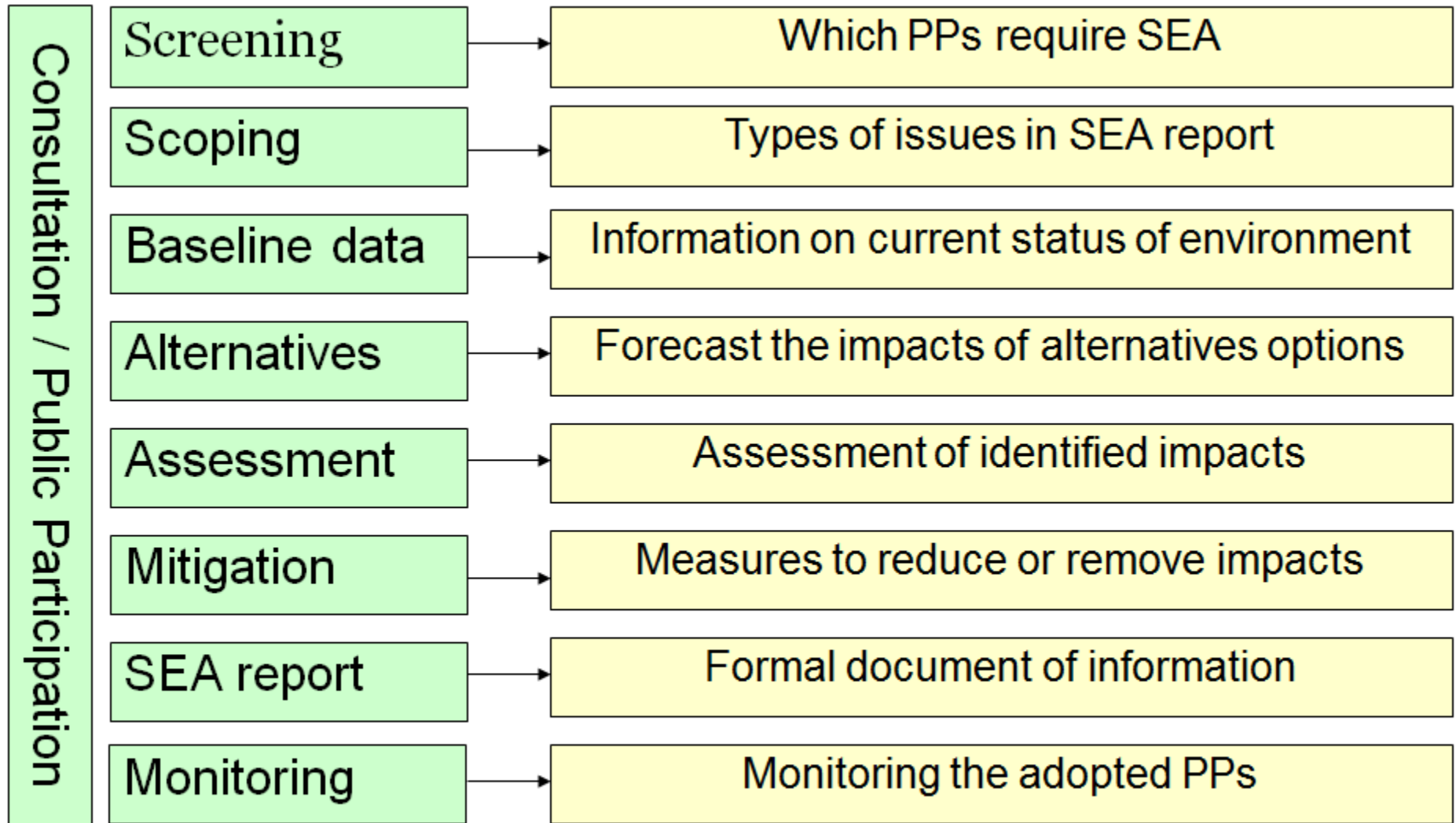
Kosovo SEA practice

SEA review - MESP evaluate the quality of the SEA report. No review criteria have been developed for the review, in practice it checks if the SEA contains the elements required, and if comments from the consultation bodies and the public been incorporated.

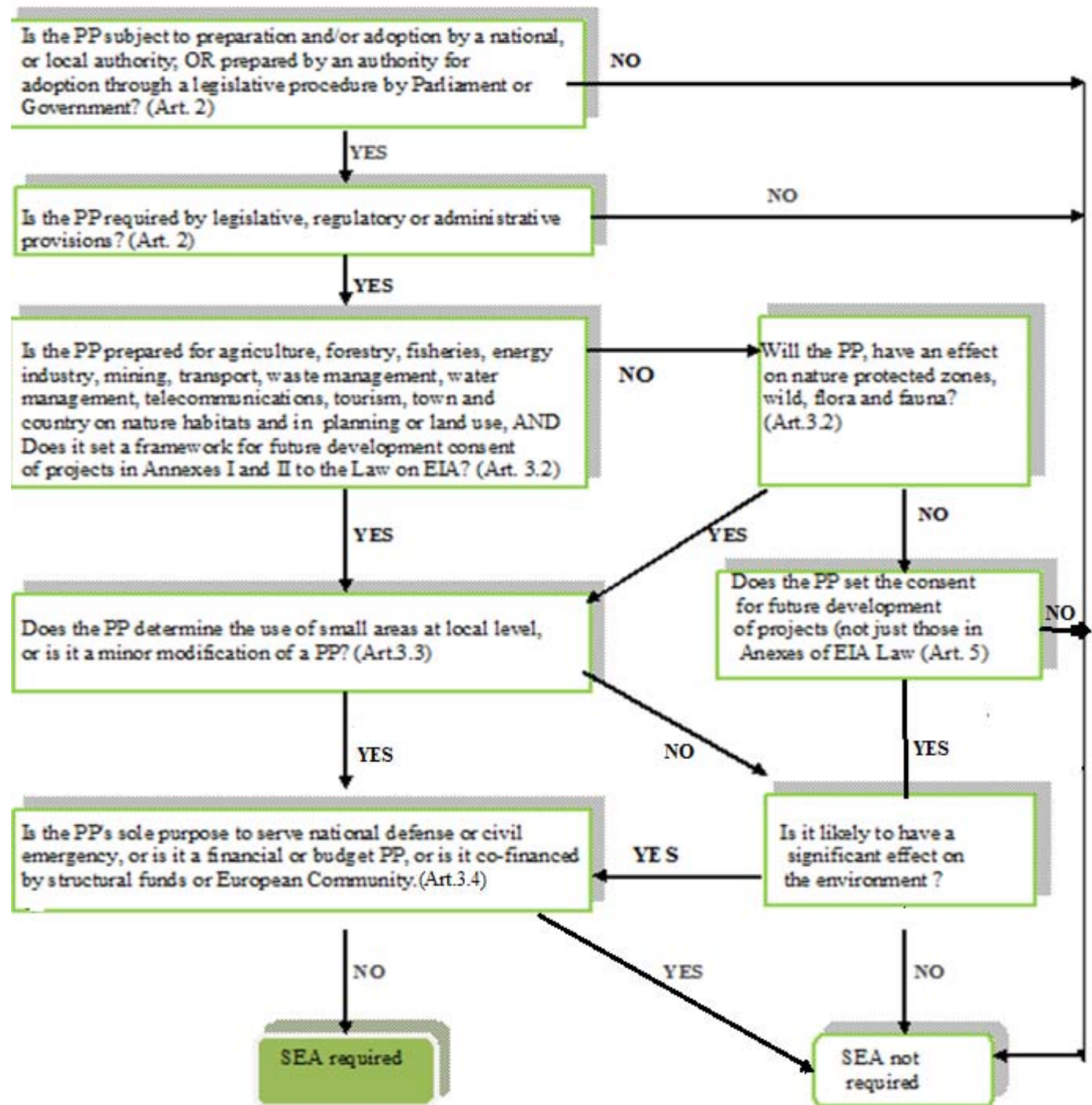
Timeline review - All those who can comment, have to provide their submissions within 30 days of publication of the SEA report.

Annual no. of SEAs - At present there is no accurate number of SEA undertaken annually. At national level an SEAs have been done for new energy capacities Kosova C, national road Route 7. Two pilot SEAs have been initiated for local level planning for MDP of Junik and MDP of Hani i Elezit.

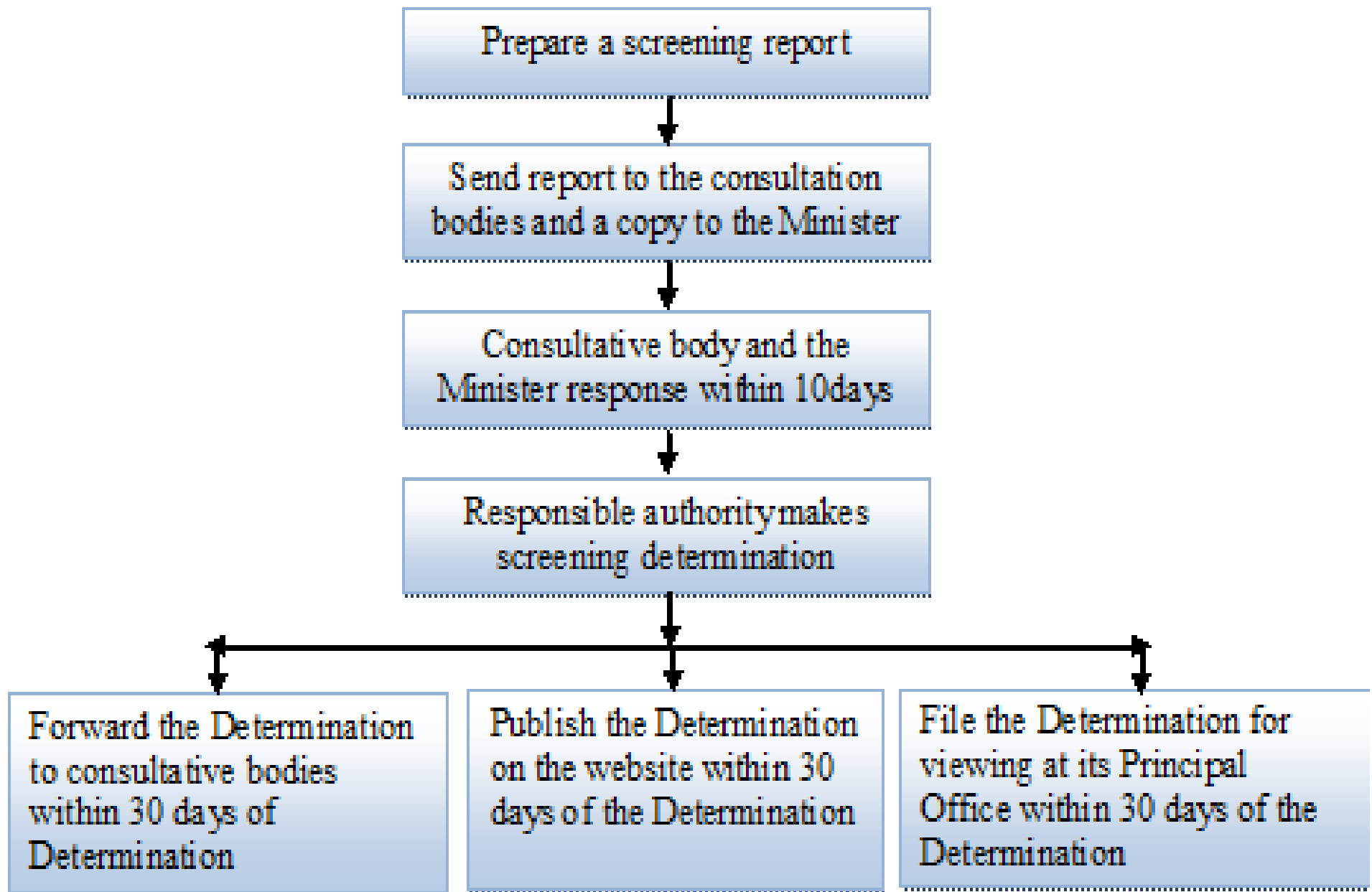
SEA process- Screening stage



Screening provisions in Kosovo Law on SEA



The Administration of the Screening Process



Screening Determination

MUNICIPALITY OF HANI I ELEZIT
[Named plan, programme or modification alteration]

The Law on Strategic Environmental Assessment (Kosovo)
Determination of need for SEA under Article 5

Article 5 of the Law on Strategic Environmental Assessment 2010, requires the responsible authority to determine in a case-by-case examination, in accordance with the criteria in Annex I, if a plan/program is likely to have significant environmental effects.

Municipality of Hani i Elezit has determined, in consultation with the Ministry of Environment and Spatial Planning/Kosovo Environment Protection Agency, that the [plan, programme or modification] is likely to have significant effects and that a strategic environmental assessment is required.


An strategic environmental report will be prepared alongside the [plan, programme or modification]. The environmental report will identify, describe and evaluate the likely significant effect on the environment of the implementing the [plan, programme or modification] and its reasonable alternatives as by the Law on Strategic Environmental Assessment (Kosovo)

Signed.....

dd/mm/yyyy

SERVICE TITLE

Case-Study: Plan for new energy capacities Kosova C, was evaluated: to what extent have the good practice principles of SEA been applied?



- In 2008 the Kosovo government 'launched' the program to increase the energy capacities. (Thermal power stations using high-sulphur coal are clustered in a city, contributing to air pollution).
- The SEA procedure was based on World Bank Directive!
- Proponent submitted an SEA, chose the site of the coal to be extracted, and the type of technology.
- Cumulative effects were assessed.
- All stakeholders were involved. There were arguments that water resources are considered insufficient. The new capacities proposed, exits the need for energy supply for the country.
- The SEA approval is still pending.

Common problems within the SEA application



- The lack of good data;
- Undertaking the assessment late in the PP preparation;
- Some authorities will not accept that they have to do SEA;
- Environmental reports often can be too long, confusingly structured, badly written;
- Experience of the countries which are applying SEA tells that coverage of "reasonable alternatives", mitigation, and monitoring is sometimes poor.

The risk for getting SEA wrong

A poor assessment could:

- threaten the environment that SEA was designed to protect.
- irreversible damage could occur (threaten the rare species)
- pollution above the critical limits, or
- long term landscape decline.

The cost implications- to be foreseen. This can happen in the case it is needed to reopen the plan and assess it, responding to any legal challenges and ultimately having to correct any adverse environmental damage.

Recommendation

Develop the guidelines



- Create a list of all ungoing and new planed PPs in Kosovo.
- A number of guidelines to be developed for the specific sectors of the SEA process: land use planning, transport and energy initially.

Recommendation

Training and workshops

SEA courses will be needed, possibly specific for different type of audiences:

- Planners,
- engineers,
- consultants,
- environmentalists and
- politicians will all need training on how to carry out effective SEAs.

Recommendation Establish SEA Team



To aid other SEA practitioners within Kosovo, by offering:

- technical advice,
- developing, examining and updating guidelines as necessary,
- identifying data sources,
- encouraging the sharing of best practice and
- placing SEA practitioners in touch with one another.

Recommendation

Awareness raising in SEA

- Enhancing the national professional capacity for SEA.
- Training of the national experts regarding SEA.
- SEA expert network development.
- Developing SEA in academic level.

The establishment and strengthening of environmental assessment system is a long processes.

Next steps

It is recommended that other municipalities follow the approach taken by Hani i Elezit and Junik municipal authorities.

The small, newly created municipalities (Ranilluk, Klllokot and Mamusha) have expressed the interest in cooperating with UN-Habitat in order to assess their MDP in the environmental context and undergo the SEA process.

There is much effort needed to work with bigger municipalities like Prizren or Prishtina and implement the SEA requirements.

Finally...



Environmental impact assessment is considered one of the most successful policy innovations of the 20th Century...

Perhaps Strategic Environmental Assessment will be the most successful policy innovation of the 21st Century...