



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

## **IMPEL REVIEW INITIATIVE (IRI)**

**“A voluntary scheme for reporting and offering advice to  
environmental authorities”**

Report on the IRI that took place in Prishtina from 03 to 06 November 2015  
at the Ministry of Environmental Protection and Spatial Planning of Kosovo

<b>Title report:</b> IRI Kosovo	<b>Number report:</b> 2015/22
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<p><b>Executive summary:</b></p> <p>The IRI took place from 3 to 6 November 2015 in Pristina. Besides the interviews that were held at the Ministry of Environment and Spatial Planning (MESP) also a site visit to a cement production facility was undertaken during the IRI.</p> <p>MESP is a young organisation and the IRI team was impressed with what already has been achieved. The fact that the ministry already volunteered for an IRI as one of the first non-EU country showed the team that the organisation is very ambitious and willing to improve. Much of the policy and legislative process is well organised and most environmental issues are covered by law in line with EU standard. The Ministry is aware that it's now time to put extra effort in the implementation of these legislations.</p> <p>The scope of the IRI was limited to permitting and inspections for Industrial installations. The ministry was very open in sharing the daily practice, the concerns and challenges with the review team. The review team was able to identify a number of opportunities that could be implemented by the ministry and could give an answer to these concerns and challenges.</p> <p>The most important opportunities of development are: to introduce a system of General Binding Rules to reduce the administrative burden in permitting. To further intensify the cooperation between permitting and inspection. To cooperate with Industry and trade bodies to reach the environmental goals of Kosovo. To development of a communication strategy aimed at local level. To enlarge the capacity of the inspectorate with administrative staff of the ministry. Setup an information or knowledge centre.</p>	
<p><b>Disclaimer:</b></p> <p>This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.</p>	

### **Introduction to IMPEL**

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation. Information on the IMPEL Network is also available through its website at [www.impel.eu](http://www.impel.eu).

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# 1. Introduction

## 1.1. *The IRI Scheme*

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:

“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”

## 1.2. *Purpose of the IRI*

The aims of the IRI are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries for the purpose of benchmarking and continuous improvement of their organisation;
- Encourage capacity building in environmental authorities in IMPEL member countries;
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems;
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across IMPEL member countries (“the level playing field”).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and review team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL member countries.

## 1.3. *Scope of the IRI in Kosovo*

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The IMPEL “Doing the Right Things” Guidance Book for planning of environmental inspections has been used to help structure the questionnaire and the review. The Guidance Book was developed to support Inspectorates in implementing the RMCEI and describes the different steps of the Environmental Inspection Cycle pursuant to the RMCEI.

The scope of the IRI in Kosovo is focussed on the permitting work of the ministry and the inspection work of the Environmental Inspectorate. The review will cover a range of directives including the IED and where relevant any other industrial processes that fall under the RMCEI.

## 1.4. *Structure*

A pre-review meeting was held in Pristina on 22<sup>nd</sup> of July in which details for the Review were discussed. The meeting comprised the team leader, rapporteur and the hosts.

The review itself took place at the office of the Inspectorate in Pristina from the 03-06 November 2015. The findings were presented to the Minister, deputy Minister, the General Director of the department of Environmental Protection and the Inspector General of the Inspectorate. The Review was structured according to the revised IRI questionnaire developed by the IRI review project during 2009. The IRI Review team consisted of 5 different IMPEL member countries.

Table 1: Kosovo IRI Review Team

<b>Name</b>	<b>Role</b>	<b>Organisation</b>	<b>Country</b>
Tony Liebrechts	Team Leader	Ministry of Infrastructure and the Environment / Inspectorate	Netherlands
Rob Kramers	Rapporteur	Ministry of Infrastructure and the Environment / Rijkswaterstaat	Netherlands
Anna Gustafsson	Team member	Environmental Supervision Unit at the Environmental and Public Health office, Linköping Municipality	Sweden
Eleanor Swan	Team member	Scottish Environment Agency	UK- Scotland
Judita Adamova	Team member	Czech Environmental Inspectorate	Czech Republic
Birna Guttormsdottir	Team member	Environmental Agency	Iceland
David Hudson	Team member	Environment Agency	UK- England

## 2. Part A – Defining the regulatory framework of environmental protection in the IMPEL member country.

In part A the organisation of the authority, the relevant legislation it complies with and relationships with the public, operators, government and other countries were reviewed. The review team gained understanding about the position, structure and the powers of the authority, who takes the decisions within the authority and how and by whom these decisions are prepared and executed.

### 2.1. Organisation



The Republic of Kosovo is a State in the centre of Balkan Peninsula and lies between the parallel 42° and 44° of northern hemisphere and between meridians 20° and 22°. Kosovo bounds with Serbia in north and east (351,6 KM), with Monte Negro in North West (78,6 KM), with Albania in west (111,8 KM) with Macedonia in south (158,7 KM), total length of border line is 700,7 KM.

Kosovo has a total surface about 10.908 km<sup>2</sup> and population of 1,9 million inhabitants and the average population density 190 (170) per km<sup>2</sup>. The capital city is Pristina. Republic of Kosovo is an Independent, sovereign and democratic state belonging to its citizens. The state of Kosovo is recognized by 111 states and is a member of the World Bank and IMF.

President is the head of state and represents the unity of the people of the Republic of Kosovo. The President of the Republic of Kosovo represents the Republic of Kosovo, internally and externally; guarantees the constitutional functioning of the institutions set forth by Constitution. The President of the Republic of Kosovo shall be elected by a two thirds (2/3) majority of all deputies of the Kosovo Assembly. The President's term of office is five (5) years and may be re-elected only one.

National level Kosovo is Parliamentary Republic. The Assembly is the legislative institution of the Republic of Kosovo directly elected by the people. The Assembly has one hundred twenty (120) deputies elected by secret ballot on the basis of open lists. The seats in the Assembly are distributed amongst all parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly.

Local level Government Institutions are guaranteed by constitution and regulated by law. Local self-government is exercised by representative bodies elected through general, equal, free, direct, and secret ballot elections. The Republic of Kosovo observes and implements the European Charter on Local Self Government to the same extent as that required of a signatory state. Local self-government is based upon the principles of good governance, transparency, efficiency and effectiveness in providing public services having due regard for the specific needs and interests of the Communities not in the majority and their members. The basic unit of local government in the Republic of Kosovo is the municipality (Kosovo has 38 Municipalities).

The Assembly of Kosovo ratified the "Stabilisation and Association Agreement" with the European Union in November 2015.

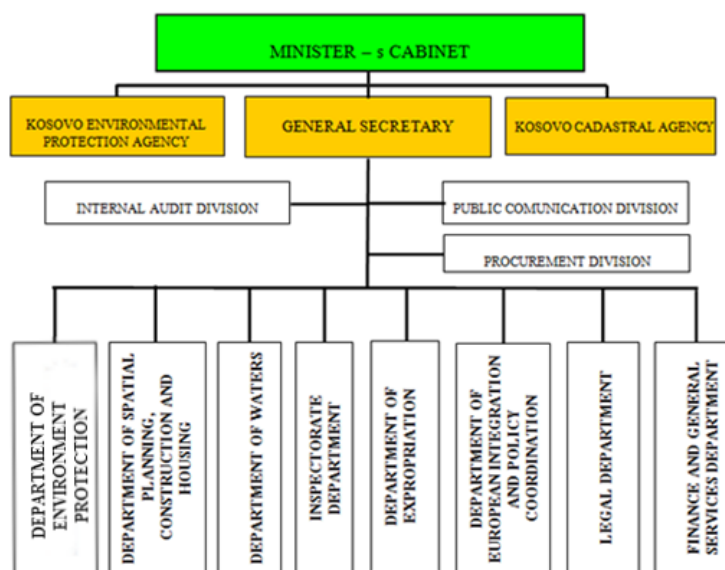
## 2.2. Legal and Institutional Framework

The Government of Kosovo exercises executive power in accordance with the constitution and the law. It proposes draft laws and amendments to existing laws and Acts, and may give its opinion on draft laws that are proposed by other bodies.

Local Government- the municipalities adopt Local Environmental Action Plans (LEAPs) and programmes for environmental protection in line with the Kosovo Environmental Strategy (KES) and National Environmental Action Plan (NEAP) and according to their own specific interests. In designing LEAPs and programmes, the public, NGOs, professional organizations and business community are actively encouraged to participate. There are big difference between the level of pollution and environmental challenges in different regions so each municipality has its own LEAP suited to their situation. During the preparation of LEAP the ministry is involved in the process (part of working groups). LEAP-s are sent to MESP for their opinion. The ministry prefers not to enforce its opinion on the LEAPs and in most cases the municipalities do follow the comments of the ministry. The municipalities report to the ministry about the implementation of these plans and programmes. To reduce the negative impacts upon the environment, and in some cases to reduce costs, two or more municipalities can jointly develop and adopt their plans and programmes.

If there is a conflict between central and local level, it will be taken to the political level. The minister will then make the final decision.

## 2.3. The Ministry of Environment and Spatial Planning (MESP)



The main duties and responsibilities of MESP are:

- To draft and monitor the implementation of legislation, policies and programmes identifying and reducing environmental pollution;
- To coordinate activities in the sector of environment protection to promote a coherent development of policies for the environment;
- To set norms and standards and issue guidelines for the environmental protection sector, while respecting important international standards;
- To oversee the implementation of these standards, including inspection and other services as needed;
- To manage the use and development of infrastructure related to environmental protection within the scope of its responsibilities;
- To promote participation of the community in initiatives and development of activities, related to environmental protection;



- To develop policies, implement laws and supervise environmental protection activities, covering water resources, air, soil and biodiversity;
- To participate in developing and implementing public information campaigns and other promotional projects to raise public awareness and increase compliance with standards of environmental protection;
- To supervise and assess the state of environment, particularly the impact of industrial activity, public services and economic activity, since these are related to environmental protection;
- To develop policies for managing water resources and supervise their implementation;
- To support the development, implementation and transfer of clean technologies;
- In cooperation with other relevant ministries to identify areas that should be protected and develop policies and implement measures for their conservation and management;
- To ensure the incorporation of a state wide spatial plan in the government policy and programmes and oversee its implementation by relevant authorities;
- To administer and maintain the cadastral system and standards etc.

The MESP has in total 294 employees and is funded by State budget.

Kosovo Environmental Protection Agency (KEPA) is a government institution that engages, through integrated environmental monitoring, efficient system of environmental information and continuous reporting on the environmental situation, to maintain quality of air, water, soil and biodiversity, promote use of renewable energy sources and sustainable use of natural resources in order to ensure a healthy environment for generations present and future in harmony with the progress of economic and social developments.

KEPA is responsible for environment and nature monitoring, establishment and management of databases and environmental information systems. KEPA also has a the duty to give professional opinions on the procedure for approval of management plans of nature protected areas; proposes technical solutions to prevent and reduce environment and nature pollution; develops plans and programs in the field of environmental protection; follows the implementation of the environmental action plan; gives professional opinion on urban and spatial plans, prepares reports for the state of the environment; provides scientific and other support for protection of environment, nature, and biological diversity; develops programs and educational materials to raise public awareness for environment.

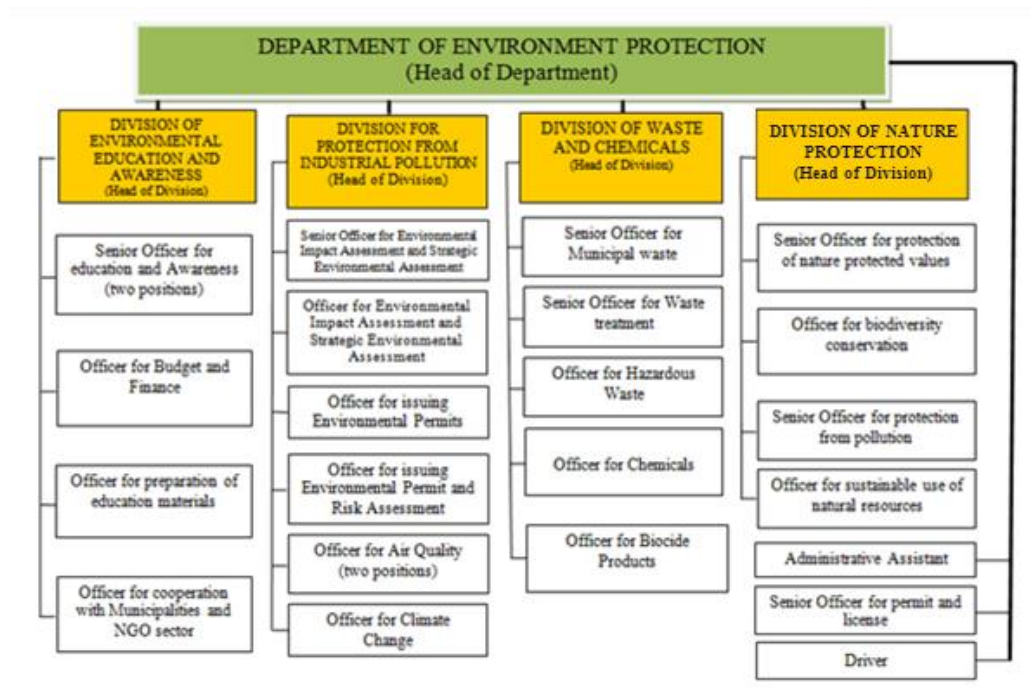
#### **2.4. Department of Environmental Protection (DEP)**

DEP is one of main departments within MESP created to perform duties and responsibilities.

Its structure consists of 4 (four) divisions:

- Division of Education and Awareness,
- Division for Protection from Industrial Pollution,
- Division of Waste & Chemicals and
- Division of Nature Protection.

DEP has in total 29 employees.



DEP proposes, develops and ensures the implementation of legislation and policy documents in the field of environment.

The main duties and responsibilities of DEP are:

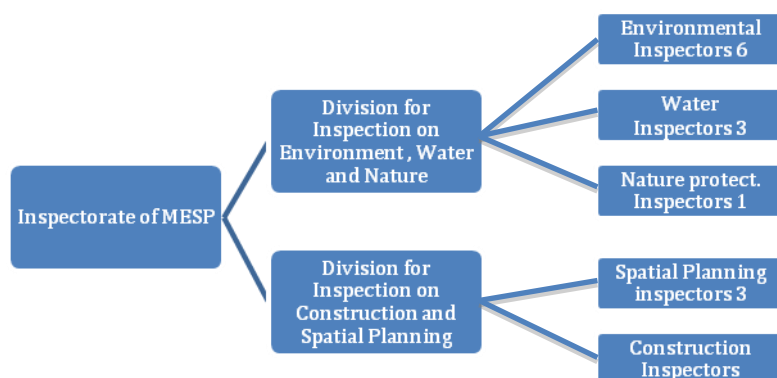
- Designs and implements policies and programs related to environmental protection;
- Prepare strategic documents, national planning and policy for environmental protection;
- Coordinate activities in the field of environmental protection in order to promote environmentally sustainable development;
- Identifies and takes steps to avoid problems associated with, " hot spots", such as rehabilitation, monitoring and maintaining their control;
- Draft laws, bylaws and other documents on environmental protection and implements procedures for their approval;
- Undertake measures and creates the conditions necessary to enable the implementation of laws, environmental laws and requirements of other documents dealing with environmental protection;
- Establish the proposed plan and budget need for the department of Environmental Protection, investment plans and special funds for environmental protection;
- Prepare documentation for membership of international organizations and integration into the EU and other institutions with an interest in environmental protection (conventions, protocols and agreements for participation and membership in the UN, EU etc.);
- Participate in national and international activities that address environmental protection issues; proposes and organizes seminars, conferences, meetings and other activities of this nature, with local and foreign institutions;
- Develop legal procedures for reviewing, evaluating documentation relating to permits, licenses, notifications and are administered by the ministry;
- Prepare draft decisions and draft environmental permits;
- Collaborates and coordinates with other departments and cooperates MESP as for common issues associated within the ministry;
- Promote the development and implementation of clean technologies and clean products.

## 2.5. Inspectorate Department (ID)

ID is one of departments within MESP created to perform inspective duties and responsibilities. Head of the Inspectorate is the Chief Inspector.

Its structure consists of 2 (two) divisions:

- Division for Environment, Water and Nature Inspection;
- Division for Spatial Planning, Construction and Housing Inspection.



The division of the Inspectorate consists of the following units:

- 1.1. Inspectorate of environmental protection (6 inspectors);
- 1.2. Inspectorate of nature protection (1 inspector);
- 1.3. Water inspectorate (3 inspectors);
- 1.4. Inspectorate of spatial and urban Planning (3 inspectors);
- 1.5. Inspectorate of construction (same inspectors as at 1.4).

Inspectorate for Environment Protection performs its duties and responsibilities in protecting the environment, by harmonizing its activity with the Recommendations of the European Parliament and the Council on "Minimum Criteria for Environmental Inspections in Member States" (RMCEI 2001/331/EC). Inspectorate of MESP performs activities based on Working Plan which is broken down based on sectors for each inspector. Besides granting planning permits, the Inspectorate performs inspections based on complaints. Complaints from public have a high priority. However, this takes a lot of time, effort and capacity from central inspectors. In most cases it is the duty of the municipality to perform this function.

As part of the MESP there is good cooperation and a close relation between policy makers and the inspectorate. The Inspectorate is part of working groups of the policy departments. There is also a direct line to the minister if necessary.

## 2.6. Local level, the Municipalities (38)

For exercising supervision and control duties, municipal inspectorates are organized within the municipal departments in respective fields:

- Municipal Inspectorate of Environmental Protection, and;
- Municipal Inspectorate of construction.

Determining the number of inspectors for monitoring in a local area is the responsibility of local government. Inspection units of local government conduct the monitoring in their areas and report to the Inspectorate of the Ministry annually. In special cases, and based on the Inspectorate requirements of the Ministry, local governments are obliged to report on specific matters.

Kosovan law gives authority to the ministry to give local inspectorates direct instructions for inspection. This could, however, cause friction with those municipalities.

### **2.7. Networking and collaboration**

Networking is seen as very important in Kosovo. It shows that Kosovo is very willing to seek best practice and co-operate with other countries when it comes to environmental challenges. The Inspectorate of MESP takes part in the following regional and European organizations:

- ECRAN - Environment and Climate Regional Accession Network;
- THEMIS - Regional Network within the REC (mostly Nature protection);
- IMPEL - The EU network for the Implementation and Enforcement of Environmental Law
- EUROPOL- EnviCrimeNet;
- INTERPOL.

### **2.8. Legislation**

All legislation is developed by the ministry. The challenge is the implementation of the legislation. The legislation that is now in place is listed in annexe 2

In the Law on Environmental Protection, No. 03/L-025 the following has been mentioned on Inspection supervision:

- Inspection supervision on implementing of this law and other acts issued from this law, conditions and methods of activities of supervised entities and environmental protection measures designated by this law shall be made by environmental protection inspectorate;
- Inspection supervision for Municipality Environmental Licence shall be made by a municipality environmental inspector;
- The ministry, by way of specific authorisation may authorise a municipality inspector to fulfil other duties;
- Inspection activities may also be executed by other officers for environmental protection authorized by Ministry, respectively the municipality.

#### The legal framework for controlling air pollution from industries

Plants whose activities may cause emissions that pollute the air, water and land, are obliged to obtain integrated environmental permits, under the law on Integrated Prevention Pollution and Control. Similarly they are required to be re-permitted after modification or reconstruction. Besides the IPPC, the law on air protection covers part of legislative framework for controlling pollution from all sources of air pollution.

Integrated conditions are defined, in order to better protect the environment, prevent and eliminate as much pollution as possible, mainly from its source and to ensure the management of natural resources, pollution control and creating a stable equilibrium between human activity and socio-economic development on the one hand, and natural goods and regenerative capacity of nature on the other.

Plants where integrated conditions are required under an integrated environmental permit, are set down in the Law on Integrated Prevention Pollution and Control. No. 03/L- 043, adopted in 26.03.2009 and other legislation from this it.

There are approximately 30 installations in Kosovo that will be subject to IPPC.

#### Seveso II Directive

From the legislation point of view, MESP has adopted the following sub legal acts:

- Administrative Instruction No.10/2011 for Preventing Quantity Accidents Involving Hazardous Substances;
- Administrative Instruction on the Methodology of Risk assessment from Chemicals Accidents and Measures for Consequence Elimination;

- Administrative Instruction on Register for the Plants on which is Verified Presence of Hazardous Substances.

There is some overlap and gaps between the laws, specifically in the area of nature protection. A new law on forestry is proposed that will incorporate amendments to resolve these regulatory conflicts.

### **2.9. Environmental Strategy**

The long-term Kosovo Environmental Strategy 2013-2022 objectives are:

- Gradual reduction in pollution, including environmental degradation and damage, and minimising or prohibiting those economic activities that are dangerous for human health and the environment;
- Protection of bio-diversity and actions to preserve the general ecological balance within Kosovo;
- Rational and sustainable use of natural resources including agricultural land;
- Protection of valuable natural landscapes, such as national parks and monuments.

The Republic of Kosovo as a basis for economic development has significant mineral resources, which represent important potential of development of society. However, mining, quarrying and the separation and processing of these resources contribute to significant environmental pollution.

In order that this pollution be controlled and managed with as low as possible impact on the environment, the operators need to obtain the necessary permits and satisfy their legal obligations. Major environmental problems arising from industry are: pollution of water, air and soil, the problem of industrial and urban waste as well as hazardous waste. The level of emissions of many pollutants in the atmosphere exceeds the accepted international standards, especially around Pristina and Mitrovica. Sources of air pollution are not only from power plants and mining but also from heating and other industries such as food, chemicals, and metal processing.

Environmental priorities for Kosovo are:

- Water (waste water treatment);
- Air (2 power plants in production, renovation is be needed);
- Nature protection (Natura 2000 etc).

The implementation in the field of air quality is well on the way. Japan is assisting MESP in the ambient air monitoring (Kosovo Hydro-meteorological Institute involved here). We now have equipment in place to monitor the air quality in Kosovo; currently there are 12 air quality monitoring stations and 1 mobile monitoring station. The cities that have a problem in air quality are now identified. Now we need to take action to solve this problem.

### **2.10. External interaction**

The ministry states that all relevant legislation is in line with spirit of the Aarhus Convention.

Aarhus promotes the rights of the public concerning:

- to be informed (access to information);
- to be a party in decision making (participation in decision making) and;
- to send in cases to the public prosecutor (access to justice in environmental matters).

The permits that have been issued are available on the website of the ministry.

MESP also has some responsibilities in education. They have a unit that prepares lectures, brochures and books, and contributes to the celebration of environmental days.

The cooperation with other ministries (like MAFRD, MED, MIA, MTI) and the Government is very well organized. We also have a Memorandum of Cooperation with neighboring countries.

The Ministry organises a meeting with the authorities who have expressed interest in participating in the decision on the permit. At this meeting, the participants agree a timeline for the decision on the application, and the division of responsibilities for the preparation of the permit. Within fourteen days of the receipt of the application for a permit, the Ministry shall advertise the application for a permit in one or more national newspapers in the official language, and in particular inform the public concerned through other appropriate forms of communication.

The IEP receives concerns or complaints from legal groups and the public. According to the rules of administrative procedure IEP has developed procedures for verification of the concern or complaint. The subject, person or legal entity that has submitted the concern or complaint is informed about the procedures of IEP.

When the Ministry becomes aware that the operation of an installation in Kosovo is likely to have negative effects on human health and environment of another state, the Ministry forwards to the appropriate authority of other state:

- a copy of the application for a permit;
- summaries of the comments received and a summary of the environmental impact assessment;
- an invitation to comment on the application and to propose conditions for inclusion in the permit;
- a copy of the draft decision on the application and the draft permit, with an invitation to comment;
- other relevant information requested by the government of the other state;
- a copy of the final permit;
- The information provided to the other state is sent in a timely manner after the application is received, or in response to a request from the other state;
- The information provided shall be the basis for any consultations in the framework of any bilateral relations between Kosovo and the other state on a reciprocal and equivalent basis;
- Where an application has been sent to a state the Ministry shall inform the applicant within five (5) days.

## 3. Part B– Permitting activities

In part B the permitting activities of the environmental authority was reviewed. The review team gained an understanding of how the authority operates in terms of organization, permit procedures, permit types and permit conditions.

### 3.1. Organisation / Institutional structure

Based on the Law on Environmental protection, EIA and IPPC, the Department of Protection from Industrial Pollution (DPIP) is responsible for issuing Environmental Consents, Environmental Permits and IPPC Permit.

Criteria for granting permits are:

- Protection of public health and safety;
- Security and maintenance of installations and facilities
- Environmental Protection;
- Land use;
- Energy efficiency;
- The nature of the primary sources-*Fulfilment of EU standards.*

### 3.2. Permit Procedure in short

The permit procedure in short is:

1. Initiative for an activity starts with the operator;
2. The operator goes to the municipality to explain project;
3. The operator will receive the appropriate documentation to make an application;
4. Based on the type of activity (if it is mentioned in annex I or II) or on the capacity of the project the municipality determines if the ministry or the municipality is the competent authority;
5. In cases where the ministry is the competent authority the operator will prepare an EIA. This has to be done by a person/consultants that are authorised by MESP. The list with authorized persons is on the MESP website. Clear procedures and instruction are in place to avoid salami slicing (cut the installation or activity in smaller pieces to avoid an IEA). There is also a commission which estimates and asses circumstances and capacities and notifies Inspectorate in case of any infringement;
6. In cases where the municipality is the competent authority the operator has to submit an application for an environmental permit to them;
7. In case of an EIA (where the ministry is competent authority), MESP will issue an environmental consent when the EIA is complete. The consent will contain some conditions;
8. The operator has to apply for a construction permit;
9. Within 6 months after the environmental consent was issued the ministry may issue an IPPC permit or environmental permit. During this period the operator must comply with all conditions of the environmental consent. According to legislation in force, the Inspectorate may submit a case to the misdemeanour court if the operator doesn't comply. In the meanwhile the Inspectorate will give a last warning to the operator to comply with requirements. If the operator does not act accordingly, the Inspectorate proceeds further with other measurements or closes activities (based on the risk level of the activity);
10. A permit (fee) is paid for the decision making process but NOT for continuing permit supervision.

The permit procedure should be available on the website of the ministry.

### 3.3. Environmental Consent

The competent authority for applying the EIA procedures is the Ministry. The Ministry shall review the EIA Report in accordance with the following criteria:

- adequacy of project description including alternatives as required;
- adequacy of identification and evaluation of the environmental impacts;

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

For the review of EIA reports on particular projects the Kosovo Environment Protection Agency, will provide all necessary information which is in its possession and which is necessary for that review.

The main conclusions and recommendations, included in the EIA Report and the proposal decision for environmental consent shall be subject to public debate.

### **3.4. IPPC Permit**

The purpose of the IPPC Law is integrated prevention pollution control arising from industrial activities laid down in Annexe 1 of the legislation, in particular by preventing or reducing wastes and emissions to the air, water and land. After receipt of the application for a permit, the Ministry shall immediately inform the applicant in writing of the receipt.

Within fourteen (14) days of receiving the application for a permit the Ministry shall send a copy of the application to the following authorities, which want to participate on decision making for the permit:

- the municipal authority in whose area the installation is located ;
- the Kosovo Environment Protection Agency KEPA;
- the Environmental Accident Prevention Authority;
- any other authorities who are competent for issuing licenses or permits for the Installation.

The Ministry shall organise a (face to face) meeting with these authorities in which the participants shall agree a schedule for the decision on the application, and the division of responsibilities for the preparation of the permit.

The procedure for the preparation of IPPC Permit consists of the following steps:

- Establish a Technical Committee;
- Review the application;
- Inform relevant authorities, organizations and the public;
- Prepare a draft of the permit;
- Cross-border information exchange (if needed);
- Review of the draft permit decision-making;
- Obligations (draft conditions of the operator) of the operator;
- Review of permit conditions;
- Means of information;
- Extension or termination of validity of licence.

#### **Reporting Obligations**

The operator must inform the competent authority within reasonable time limits about:

- Results of continuous measurement;
- Calibration of the monitoring equipment ( at least every year);
- Test results that are carried out for compliance.

There are 32 IPPC installations in Kosovo. 2 installations have an IPPC permit at this moment.

The ministry started the IPPC procedure for the power plants in 2014. The permits have not been issued yet. Regulation of these pollution sources are a priority for the ministry.

### **3.5. Environmental Permit**

Activities for which an Environmental Impact Assessment (Annex I of the legislation) has to be submitted and that need to have an Environmental Consent, and that are not subject to IPPC, need to have an



Environmental Permit issued by MESP. Regulatory supervision for such environmental permits is made by the MESP Inspector. The exact amount of installations that need an environmental permit from the ministry is not known there are believed to be a few hundred such installations.

Activities for which an Environmental Impact Assessment doesn't need to be submitted (Annex II), need to have an Environmental permit issued by the municipality. Regulatory supervision is the responsibility of the municipality. Environmental permits for such sites are written by the municipality environmental inspectors. The number of these lower tier is not known.

### **3.6. Law on Strategic Environmental Assessment**

The competent authority for supervision of the SEA procedures is the Ministry. "We provided a high level of environmental protection, to contribute to the integration of environmental considerations in the preparation and adoption of plans and programs with the aim of promoting sustainable development" The Ministry reviews the SEA report involving all relevant authorities and organizes the public debate before decision making.

#### **Challenges**

The following implementation aspects have been mentioned as challenges by the ministry:

- Improving the state of the environment, related to the quality of life and human health protection;
- The rational and sustainable use of natural resources together with limiting discharges of environmental pollutants, preventing damage, rehabilitating and improving the damaged environment;
- Coordination of policies to meet the needs of environmental protection;
- Public participation in the process;
- Support for the implementation of legislation, strategies and plans of action/ Cost, Quality and Evaluation.

## 4. Part C – Performing inspection tasks (Environmental Inspection Cycle)

In part C the inspection tasks were reviewed. The review team gained an understanding of how the authority operates in terms of: planning of inspection activities (gathering data, setting priorities, defining objectives and strategies and developing an inspection plan), the provisions, instructions, arrangements, procedures and equipment that are in place to enable inspectors to carry out inspection activities, how the inspections are executed and reported and how the authority deals with monitoring of its performance.

### 4.1. *Planning of inspections*

#### Describing the context

In describing the context for planning it is necessary to identify the scope of your organization and to gather information on the environment and the regulated community. Concerning the last, a register of operators and the reports of inspection performed last year are available.

Data gathering however is not supported by an IT system at the ministry and therefore was not easily accessible.

#### Setting priorities

At this moment there is not yet a risk based method in place to set priorities. However in the week of the 9<sup>th</sup> of November 2015 the Inspectorate organized a training on the use of IRAM (Integrated Risk Assessment Method) that will be given by IMPEL. For now priorities are set mainly to the installations and activities that require or already have a permit by the ministry and the following aspects:

- Registry of operators;
  - Reports of inspections performed previous year;
  - Priorities set up by the Ministry;
  - Impact and risks caused by the operators;
- The with highest impact and production capacity are:
- Ferro-nickel production;
  - Cement production;
  - Chemical industry;
  - Production industry.

#### Defining objectives and strategies

Objectives are set on output (number of inspections) and not on outcome (quality of the environment). The Inspectorate works with a strategy in which operators first get a warning before they are fined. However, a written strategy that distinguishes between approaches or interventions based on the behavior of the operator is not yet in place. We believe that a more balanced strategy could be more effective. Communication aspects should also be part of this written strategy.

#### Inspection plan and inspection programme

RMCEI distinguishes between inspection plans and inspection programmes. Inspection plans are strategic documents that should also be publicly available. Inspection programmes are the schemes that tell the inspector when you should inspect, what and how. The Inspectorate has developed the latter: Annual Programmes set up in four yearly quarters (Q1, Q2, Q3, Q4). Further Individual schemes for each inspector have been made. The schemes include the following operators:

- Operators (32) that need an IPPC permit are:
  - Energy production (5),
  - Metallurgic Industry (5)
  - Mineral Industry (12)
  - Chemical Industry (6)
  - Sanitary waste management (4)

- Operators that need an Environmental permit from the ministry
  - Planned operators for inspection on waste management
  - Collecting metal waste
  - Import , export and TFS
  - Collecting and recycling of Waste

The frequency of inspections is largely based on industrial category, but also on risk, geographical location and complaints.

Routine versus non-routine (planned versus non-planned) inspections.

Routine inspections are planned through the Inspectorate inspection programme (or work plan devolved to the individual Inspector. The team plans to undertake about 150 Inspections per year and expects to undertake another 150 unplanned inspections based on experience that about 50% of the workload is planned. However, they have not collected that information until this year, so they will report on this number this year for the first time.

Besides routine or planned inspections, the inspectors will also inspect a company as soon as there is any evidence that they are breaching the conditions in the permit or damaging the environment or if there are any complaints.

Time allocation

In cases where the inspection is complex or if the inspection is far away from Pristine the inspector can make only 1 inspection a day. It also depends on the previous experience with that operator. In other cases it might be max 3 inspections a day. There is no systematic recording of time spent on tasks. There is no support on administrative duties within the inspectorate. There is one person who answers the phone and such.

Complaints

Complaints will be recorded in the office. The head of the inspectorate decides who and how actions will be taken. After site visit the observations will be reported back, also to the person that made the complaint. Complaints are evaluated objectively. During the site visit both the inspectorate and the company made it clear that they do not share information on people making complaints.

There is 1 legal inspector. For more sensitive issues they ask advice to the ministry legal department. Each inspector decides on action to be taken based on their own findings.

#### **4.2. Execution framework**

The Inspectors do not have written procedures to operate to yet. They have developed some in other areas of work but not for inspections. The existing 6 environmental inspectors share together with water protection inspectors and spatial planning inspectors 3 vehicles to use for inspection work. In fact they usually inspect in groups of 2 or more so this may be adequate at existing staff levels but could not accommodate any expansion. Information Technology (IT) is quite basic and they have no laptop computers to allow access to information on site and in the office they have no networking of computers to allow central storage of information.

The inspectors do have a generic set of Personal Protective Equipment (PPE) but it is not comprehensive.

Inspectors must meet specific qualification levels set out in Article 18 of (04/L 175) of the legislation. These are for their role alone and go beyond the general requirement for public servants. The Inspectorate does not have any direct links with Universities or colleges that provide this training. However, they do have development plans which they are developing with partner organisations in ECRAN

A cooperation protocol with national partners is in draft version.

The Inspectorate doesn't own monitoring equipment.

#### **4.3. Execution and reporting**

**Type of inspection** supervision are:

- Routine - Regular supervision and inspection is performed according to a plan for the inspection work. These inspections are usually announced about a day before but the details about a purpose of the inspection are not always given;
- Non-routine - Extraordinary inspections (reactive) are unannounced conducted on the basis of reports from government bodies, natural or legal persons, and in case of suspicion of the inspector;
- A control Inspection is performed after the deadline set by the inspector for specific compliance.

**Inspection process:**

- 1) The usual amount of inspectors during an inspection at a site is 2-3, minimum number is 2;
- 2) During routine inspections a broader part of permission is assessed and involves a longer period of time. The inspection may be carried out by an environmental and a water inspector (or even a nature protection inspector);
- 3) Non-routine inspection is usually focused on particular problems;
- 4) On arrival at the installation the officer will produce a standard Public Service ID card but the government has recommended that Inspectors of all types should identify themselves with documents that outline their powers and duties and the ID is being modified to accommodate this change;
- 5) Later they ask for relevant documents and records which are necessary for conducting the inspection;
- 6) Visit the plant, inspect discharges to water, air, etc;
- 7) In cases there is a permit, the compliance with the conditions set by the permit is assessed;
- 8) In case there is no permit the premises are inspected and it is explained what is believed their legal obligations are based on what was seen;
- 9) The report written after the inspection signed by both parties will be the final end point for the inspections process;
- 10) There are 3 copies of the inspection report (one for the operator and 2 for the Inspectorate);
- 11) The reports are not generally available for the public. The public has the right to ask for the report under normal access to data arrangements for the government;
- 12) The inspector would make a decision whether or not to stop the activity based on:
  - Impact of the activity;
  - Attitude of the operator;
  - When there is a high environmental risk that would usually require the operator to stop until the defect is dealt with.

At that stage a formal notification notice is issued declaring what the permit requirement is to the operator. In case the inspector decides to stop the activity, there is an appeal mechanism for an operator (the operator has 15 days to appeal to the Minister).

Generally, in case of any noncompliance the operator is informed about the necessary steps that he should take (including, for sites without permits, the need to obtain a permit from the correct authority). In this case the operator will be advised to take the required steps in around 30-60 days (a so-called polite warning). Deadlines for these actions are set in the report on inspection. In such case a Control Inspection (point 3. above) would follow.

Should the required steps not be taken by the operator then the Inspector will formally notify them through a written notice of the steps that they must take. The notice will contain another date (this time the given period of time shall be much shorter). In such case a Control Inspection follows. Should the required steps not be taken by the operator then this case is passed to the court to impose a fine.

An important point to note is that many operators do not have the required permit, but they do have environmental consent. This consent contains conditions that they must fulfil to obtain the environmental permit. The inspectorate carried inspections at the installations with environmental consent and gave them a deadline to apply for the environmental permit.

During the period between the consent and the permit the inspectors assess compliance with the environmental consent conditions.

The municipal authorities are informed where they come across an un-permitted activity that should be the regulatory responsibility of the municipal authority.

The Ministry is informed where they come across an un-permitted activity that should be the regulatory responsibility of the national authority.

### **Seveso II Directive**

There are 22 Seveso installations in Kosovo.

They are normally inspected with Kosovo Security Forces and ministry of internal affairs. Inspections are done jointly with all relevant parts of the government. KFOR has, until now, held the lead for such civil emergencies. The inspectorate writes a report on these inspections, but only for its own purposes.

#### **4.4. Performance monitoring**

The Inspectorate gathers information on a weekly, monthly quarterly and annually basis showing performance against the number of inspections they deliver. The reports summering all the important data like number of inspection, number of decisions, cases passed to the court, etc.

Annual reports contain the following information:

- No. of inspection;
- No. of court initiation ;
- No of inspection based on complaints;
- No. of Decisions;
- No. of Orders;
- No. of Recommendation;
- No. of remarks;
- Representing the case on Court;
- No. of cases that have been proceeded by the court;
- No. of cases that have not been proceeded by the court;
- Participation in other activities;
- Participation on trainings;
- Number of the operators that are in procces inspecting and the once have to be inspected;
- Other activities such as joint inspections with other institutions;
- Also on the final report are included all operators that will have prioritis to be capeld on the comming years.

To gauge the level of environmental improvement brought about by the activities of the Inspectorate the Kosovo Hydro-meteorological Institute (part of KEPA) carry out environmental monitoring. This allows the KEPA to issue biannual "State of the Environment" reports. The reports form part of the first step in the planning cycle.

Narrative reports: these are made for specific cases to explain our work. For example the air quality issues related to an installation. They are produced only for some cases and we would normally write them in response to media or public enquiries. Our normal response to a complaint would be quite brief. One example was on the subject of End of Life Vehicles.

Reports that are available to the public includes information as follows:

- Summaries of environmental inspection, including numbers of site visits performed on site;

- Reports on activities which have been conducted based on action Plan and based on legal requirements;
- Summaries of figures and measurements as a result of complains, accidents.

## 5. Part D – Site visit

In part D the relationship between the environmental authority and industry and how this works in practice was reviewed during the site visit. The site visit took place at the Cement production factory Sharrcem on 4<sup>th</sup> of November 2015.

Sharrcem is a large cement factory in south Kosovo, close to the Macedonia border. The factory was founded in 1936 and has today a capacity of 650.000 ton/year.



Sharrcem has been granted the first IPPC permit of MESP in 2014. The following environmental issues are of importance:

- Dust is the major problem caused by the plant. Recent investments improved the situation significantly;
- The company states that they emit only 10% of the ELV's that have been set on EU level. A big problem at moment is still the diffuse emissions.

Some other environmental issues:

- Groundwater management: The company subtracts water from 5 wells. They monitor the quality and quantity on a monthly basis. Groundwater is used for process water, cooling water and other environmental purposes. 175 m<sup>3</sup> /ton production is used. The company doesn't discharge waste water to the river;
- Waste management: much of the waste can be recycled in her production process. Other waste streams (mixed domestic waste) is transported to land-fills and are reported to government;
- Fly ash is used in production. The quality of the cement is no limitation (it only changes the colour

- of the cement) but limitations are for the environment (SO<sub>3</sub> emissions);
- Noise control: study has been made and some investments have been done;
- Waste water: A waste water treatment plant was installed in 2014;
- Energy and fuel use: alternative fuel is burning of domestic waste;
- Continuous emission monitoring system: monthly the data are reported to the ministry. The public can also access the data (main pollutants). Spot measurements are made yearly to calibrate the system.

### **Permitting procedure**

The permitting process was supported by Italy through a twinning project. The company stated that the relationship and communication has been very good during the permitting procedure.

### **The relationship between the environmental authority and the operator**

The Ministry staff seem to have a close working relationship with the operational staff at the cement works. They did make it clear that whilst both parties looked at complaints separately they did not compare records of complaints to assess the overall situation.

### **Understanding of the process used to determine non compliance**

Covered in section on Execution and reporting not discussed during site visit.

### **Frequency of visits of the authority to the site**

There has been a visit to the site in the last month. This was a planned visit between the permit writing and inspection teams. It is clear that the inspectors modify their planned inspections in the light of previous history of non-compliance at the site and any complaints that have been received.

### **Coordination with other relevant authorities in inspection/ permitting tasks**

There are two separate teams in the Ministry, one for permitting the other for inspection. The most recent visit was to share experience between the two teams.

### **Management systems used by the operator**

The operator is ISO14001 certified <http://sharrcem.com/environment/> as well as ISO9001 for product quality and ISO18001 for Occupational Health and Safety.

The ministry does not give any specific credit for such a 3<sup>rd</sup> party accredited environmental management system.

### **Other observations**

The permit includes a condition to evaluation and deal with fugitive dusts. The most significant part of this is the requirement to enclose the clinker store fully. The condition of the site seemed generally good with very active wetting down on the day of our visit.

The permit does allow, in general terms, the use of wastes as fuels (they are already used as raw materials to some extent.) Each waste fuel will require a separate study and will go through a permitting process with consultation before it is approved.

The Managing Director of the company was clearly passionate about his Corporate and Social Responsibilities. He said "It is important to share a feeling of justice with the local community"

Live disclosure via a web portal of the emission data is both brave and good practice.

The extent of the hydrogeological survey required as part of the review of the water consumption showed a positive commitment to the local community in an area where water resources are scarce. Water consumption for this dry process was said to be the best in the group at 150 litres/tonne.



## 6. Summary of findings

In this section the conclusions and opportunities for development are presented. The main part of this section is communicated during the reporting back session on the 6<sup>th</sup> of November 2015 to the deputy minister and the high management of MESP. Previously during the IRI some preliminary findings already has been discussed with the minister. Some additional aspect have been added while finalising the report.



### 6.1. Conclusions

#### General conclusions

- MESP is a young organisation, the IRI team was impressed with what already has been achieved.
- It's very brave of MESP to volunteer for IRI as one of the first non-EU country. It shows MESP is very ambitious and willing to improve.

#### Regulatory Framework

- As far as the IRI team could examine, the policy and legislative process is well organised and we believe that most of the environmental issues are covered by law in line with EU standard.
- The implementation of these legislations is however lacking.

#### Permitting

- The procedure for the IPPC permit and the Environmental permits seems to be adequate but is also time consuming.
- In both permit procedures MESP works with an Environmental Consent as a reaction to the submitted EIA. The concept of Environmental Consent looks interesting but there is a worry that companies that get this Consent will always get their permit although they might not be able to comply (because of the balance between economy and environment). Further, we understood that the number of Environmental consents that have now been issued are between 100 and 200. Concerns are how the permits can all be issued within a minimum time period of 6 months.
- In 2014 the first IPPC permit for a Cement production company was issued with the assistance of an Italian Twinning project. While examining this case the IRI team believed it was an excellent choice and a good learning curve to start with this company.
- There is a good working relationship between the departments responsible for permitting and inspection. This relationship is of importance for the implementation of the IPPC/IED. With respect to this relationship a good start has been made to involve the permitting officer in initial inspections.

## Inspections

- According to the RMCEI an Inspection authority needs to develop an inspection plan and an inspection programme. An Inspection plan is a more strategic document that should be available for public. An Inspection programme is a more executional document that contains a schedule that makes clear which inspector will inspect what, when and how. Only the latter is developed within the Inspectorate.
- In the Inspection programmes for 2015 (or so-called work plans) the Inspectorate has started with identifying and encouraging companies to apply for permits, the IRI team believed this is good start
- The number of inspectors within the Inspectorate is inadequate. There are (only) 6 environmental inspectors, within the ministry, dealing with a high workload.
- The municipalities do not take the inspection actions that they should. As a result the State Inspectorate needs to put extra effort in the regions while the number of staff is already too low.
- The ministry needs to pay extra focus on training. A training programme, based on a training needs assessment, is missing.
- There is a lack of equipment for the inspectors. The following issues are for example missing:
  - A dedicated IT system at the office that support the permitting process and the inspection;
  - Laptops or tablets to be used during the inspections;
  - Adequate vehicles to go on inspections;
  - Monitoring equipment.
- Clear protocols and instructions for developing inspection plans and programmes are missing. Supplementary there is not a risk assessment method in place to prioritise the workload of the Inspectorate.
- Clear strategy and criteria what to do with complaints is missing with the results that all complaints are being chased and uses up to much capacity.

## 6.2. Opportunities for Development

### Regulatory framework

- Some of the legislation that is in place needs to be updated to complement, not oppose and therefore will avoid regulatory conflict.
- Set up a plan for implementation of transposed EU legislation, including support of international networks such as IMPEL, ECRAN etc.

### Permitting

- Consider introducing a system of General Binding Rules (GBR) to regulate medium and small enterprises. GBR are obligations and conditions, within an Act, to which a whole sector of operators have to comply. For this sector tailor made permits and long permit procedures are no longer necessary. It will therefore reduce the administrative burden.
- Improving the environment can only be achieved when governments and industry work together. Therefore make use of Industry and Trade bodies (branches) to reach your goals. Organise meetings with these stakeholders on a regular basis to ensure their cooperation.
- Expand the already good relation between the permitting department and the Inspectorate by:
  - Aligning their environmental goals;
  - Involve the inspector in the permitting procedure by introducing an enforceability check.

### Inspections

- Debate within the government if centralising the environmental inspections is an option. The ministry of Trade and the Sanitarian Inspectorate have centralized their inspection task.
- Develop a communication strategy to:
  - increase the capacity at local level;
  - bring awareness to the public about the role of municipalities and central level, concerning complaints;

- bring awareness to companies about their legislative obligation (to apply for permits etc).
- Start using administrative staff of MESP to enlarge the work force. Use these administrative inspectors to:
  - perform desktop studies;
  - assisting in the preparation and reporting of inspections;
  - let them work on communication towards public and companies;
  - setup a “green line” for complaints – direct public to the responsible authority. Provide training to allow them to categorise all and reply to a proportion of the calls .
  - prioritise complaints
- Setup an information or knowledge Centre within the ministry for:
  - training of central and local staff;
  - assist in policy making;
  - information point for public and companies;
  - coordination between local authorities and partner organisations.
- Prioritise the workload of the inspectors in the future based on a risk assessment approach. This should be introduced after the identification of the companies.
- Set clear inspection targets on (environmental) outcome together with local level based on NEAP and LEAP. Prepare common strategies how to reach these targets.
- Start reporting on (environmental) outcomes would be more valuable than numbers of activities performed
- Develop a clear and firm intervention strategy, formalise and communicate to companies and the public. Part of this intervention strategy can be compliance assistant.
- Generate clear and concise procedures for inspections.
- Develop a good relation between your inspectors and the local inspectors. Local inspectors are often solitaire and need support. Debate if a IT platform could assist you in this.
- Be aware of a too close relationship with operators. It will complicate enforcement actions when permit conditions are breached. Develop an integrity policy to support your staff in this matter.
- Written procedures should be developed to allow the sharing of good practice, standardization of service and training of new staff. These should cover each part of the Environmental Inspection Cycle. They should define the task and give clear guidance on how to deliver the work but should leave space for inspectors to exercise their professional judgement. IMPEL members may have suitable models for this.
- Set up a plan for implementation of the opportunities for development, including support of international networks such as IMPEL, ECRAN, etc. and using good practices which are already available within IMPEL.

## Annex 1: Terms of Reference for IMPEL project

TOR Reference No.:	Author(s):
Version:	Date:
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

### 1. Work type and title: IRI Kosovo - 2015

<b>1.1 Identify which Expert Team this needs to go to for initial consideration</b>	
Industry & Air	<input checked="" type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting – tools and approaches -	<input checked="" type="checkbox"/>
<b>1.2 Type of work you need funding for</b>	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input checked="" type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
<b>1.3 Full name of work (enough to fully describe what the work area is)</b>	
IRI - Department for Environment Protection , Division for Permitting and Inspectorate of MESP	
<b>1.4 Abbreviated name of work or project</b>	
-	

### 2. Outline business case (why this piece of work?)

<b>2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)</b>
Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI)

IED (2010/75/EC)	
<b>2.2 Link to IMPEL MASP priority work areas</b>	
1. Assist members to implement new legislation  2. Build capacity in member organisations through the IMPEL Review Initiative  3. Work on ‘problem areas’ of implementation identified by IMPEL and the European Commission.	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="checkbox"/>
<b>2.3 Why is this work needed? (background, motivations, aims, etc.)</b>	
<p>The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:</p> <p>“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”</p> <p>The potential benefits of the IRI include:</p> <ul style="list-style-type: none"> <li>• providing advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries</li> <li>• encouraging capacity building in environmental authorities in IMPEL member countries</li> <li>• encouraging the exchange of experience and collaboration between these authorities on common issues and problems</li> <li>• spreading good practice leading to improved quality of the work of inspectors and other officials working within environment authorities</li> <li>• environmental authorities and contributing to continuous improvement of quality and consistency of application of</li> <li>• environmental law across the EU (“the level playing-field”).</li> </ul> <p>The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC)</p> <p>Recommendation 2001/331/EC – Scope and definition. Article 4: “In order to promote best practice across the Community, Member States may, in cooperation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings.”</p>	
<b>2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)</b>	
<p>To undertake an IRI of the Department for Environment Protection of Kosovo, Division for Permitting and Inspectorate of MESP</p> <p>The benefits of the project are:</p>	

- Kosovo will benefit from an expert review of its systems and procedures with particular focus on conformity with the RMCEI and the IED Directive.
- the participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures
- other Member States will benefit through the dissemination of the findings of the review through the IMPEL network.

Kosovo will, in particular, benefit from an expert review of the risk based planning of future permitted IED installations taking into account the criteria in the RMCEI and the IMPEL Guidance book on inspection planning “Doing the right things”.

### **2.5 Does this project link to any previous or current IMPEL projects? (state which project’s and how they are related)**

IRI’s of all other MS

Recommendation 2001/331/EC – Scope and definition. Article 4: “In order to promote best practice across the Community, Member States may, in cooperation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings.”

## **3. Structure of the proposed activity**

### **3.1 Describe the activities of the proposal (what are you going to do and how?)**

This particular IRI will include the following aspects:

- give an overview of the main national environmental policies applicable to the authority,
- legal and constitutional setting of the authority,
- structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions,
- procedures for assessment of training needs and provisions for training and maintaining current awareness,
- qualifications, skills and experience of inspection staff,
- overview of the environmental permitting regime.
- workload related to IPPC sites & other industries in terms of permitting and compliance requirements,
- setting the priorities for IPPC and other installations: the evaluation aspects, the risk assessment and classifications of risk,
- procedures, criteria and guidance for the development and revision of inspection plans and inspection schedules,
- procedures for carrying out of routine and non-routine inspections, including follow-up and reporting,
- procedures related to penalties in cases of non-compliance with permits or illegal activities,
- performance monitoring: evaluation of the output and where feasible environmental outcome of inspection activities. The assessment of the quality of inspection performance and for improvement if appropriate,

<ul style="list-style-type: none"> <li>relationships between public environmental authorities in charge of controls and self-check / self-monitoring systems,</li> <li>systems used to collect and store data on the Inspectorate's activities and the use of these data.</li> </ul>
<b>3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)</b>
<p>In addition to the benefits listed in Section 1.6, tangible products will include:</p> <ul style="list-style-type: none"> <li>A written report of the review for Kosovo,</li> <li>Relevant extracts from the review report, as agreed with Kosovo, for dissemination to IMPEL members and the European Commission, Training and Educational material on "lessons learnt" and on examples of good practice for incorporation into training schemes of IMPEL member country inspectorates.</li> </ul>
<b>3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)</b>
<ul style="list-style-type: none"> <li>Preparatory meeting – 3 days in July 2015</li> <li>Project meeting – 4-5 days in Kosovo in October/November 2015</li> </ul>
<b>3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)</b>
<p>-</p>

## 4. Organisation of the work

<b>4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)</b>
<p>Mrs Florije Kqiku  Ministry of Environment and Spatial Planning  Prishtina 10000, Kosovo</p>
<b>4.2 Project team (who will take part: name, organisation and country)</b>
<p>IRI review team – to be decided.  Team leader Tony Liebrechts (NL)  Rapporteurs Rob Kramers (NL) and Nancy Isarin (Impel)  Other team members to be identified later  Ministry of Environment and Spatial Planning of Kosovo  - Department of Environment Protection  Mr. Muhamet Malsiu - Director,  Ms. Nezakete Hakaj, Head of Division for Protection from Industrial Pollution,  Mr. Ismajl Hetemaj, Head of Division of Nature Protection.</p>

Enver Tahiraj, Head of Division for waste and Chemicals

- Inspectorate of MESP  
 Mr. Bedri Halimi, Chief Inspector  
 Ms. Florije Kqiku, Head of Division  
 Mr. Mustaf Hyseni, Head of Division  
 Ms. Safete Kuci, inspector

**4.3 Other IMPEL participants (name, organisation and country)**

**4.4. Other non-IMPEL participants (name, organisation and country)**

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**5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible**

DRAFT!	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	€ 7.590,00			
How much money is to be co-financed				
Total budget	€ 7.590,00			

**6. Detailed event costs of the work for year 1**

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
<b>Event 1</b>	2 x € 360,00 =	2 x € 90,00 x 2	2 x € 25,00 x 3	€ 1.230,00
<i>Preparatory meeting</i>	€ 720,00	= € 360,00	= € 150,00	
<i>August/September 2015</i>				
<i>Pristina</i>				
<i>2</i>				
<i>3 days / 2 nights</i>				
<b>Event 2</b>	8 x € 360,00 =	8 x € 90,00 x 4	8 x € 25,00 x 3	€ 6.360,00
<i>IRI Project</i>	€ 2.880,00	= € 2.880,00	= € 600,00	
<i>Ocotober/November 2015</i>				
<i>Pristina</i>				
<i>8</i>				
<i>5 days / 4 nights</i>				



<b>Total costs for all events</b>	€ 3.600,00	€ 3.240,00	€ 750,00	€ 7.590,00
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## 7. Detailed other costs of the work for year 1

<b>7.1 Are you using a consultant?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>7.2 What are the total costs for the consultant?</b>	
<b>7.3 Who is paying for the consultant?</b>	
<b>7.4. What will the consultant do?</b>	
<b>7.5 Are there any additional costs?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>7.6 What are the additional costs for?</b>	Namely: Meeting room, dinner, travel within Kosovo, etc.
<b>7.7 Who is paying for the additional costs?</b>	Host
<b>7.8. Are you seeking other funding sources?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

## 8. Communication and follow-up (checklist)

What		By when
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<b>8.1 Indicate which communication materials will be developed throughout the project and when</b>  <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR <sup>✓</sup> * Interim report <sup>✓</sup> * Project report <sup>✓</sup> * Progress report(s) <sup>✓</sup> Press releases News items for the website <sup>✓</sup> * News items for the e-newsletter Project abstract <sup>✓</sup> * IMPEL at a Glance <sup>✓</sup> Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	September 2015
<b>8.2 Milestones / Scheduled meetings (for the website diary)</b>	July pre-meeting October/November IRI		
<b>8.3 Images for the IMPEL image bank</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>8.4 Indicate which materials will be translated and into which languages</b>	<ul style="list-style-type: none"> <li>• Final Report in English</li> <li>• Project abstract (website) in English</li> </ul>		
<b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b>			
<b>8.6 Identify which groups/institutions will be targeted and how</b>	Florije?		
<b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b>	-		

<sup>✓</sup>) Templates are available and should be used. \*) Obligatory

## 9. Remarks

*Is there anything else you would like to add to the Terms of Reference that has not been covered above?*

In case of doubts or questions please contact the [IMPEL Secretariat](#).  
 Draft and final versions need to be sent to the [IMPEL Secretariat](#) in word format, not in PDF.  
 Thank you.

## Annex 2: Main legislation that MESP enforces in the Kosovo

- Law on Environmental Protection 03/L-025
- Law on Spatial Planning 2012/04-L-174
- Law on Air Protection from Pollution 03/L-160
- Law on Nature Protection 03/L-233
- Law on Waste 04/L-060
- Law on the Inspectorate of environment, waters, nature, spatial planning and construction 2012/04-L-175
- Law on Environmental Impact Assessment 03/L-214
- Law on Strategic Environmental Assessment 03/L-230
- Law on Integrated Prevention Pollution Control 03/L-043
- Law on Waters 2012/04-L147
- Law on Hydro-Meteorological Activity 02/L-79
- Law on Noise Protection 02/L-102
- Law on Chemicals 02/L-116
- Law on Special Protective Zones 03/L-039
- Law on Biocide Products 03/L-119
- Law on Forest in Kosovo, 2003/3, amended 2004/29, 03/L-153
- Law on Protection from Non-Ionized, Ionized Radiation 03/L-104
- Law on Cadaster 04/L-013
- Law on Construction 2012/04/L-110
- Law on National Park "Bjeshket e Nemuna" 2011/04-L-086
- Law on National Park "Sharri" 2011/04-L-87
- Law for treatment of constructions without permit 2013/04-L-188
- Law on Criminal Procedure Code 2012/04-L-123