South East Europe Sustainable Energy Policy

WWF

EIA/SEA OF HYDROPOWER PROJECTS IN SOUTH EAST EUROPE

Meeting the EU standards

October 2015

Prepared by *Peter J. Nelson*
(Editor)

Planning Green Futures

for

WWF Adria

and

South East Europe Sustainable Energy Policy (SEE SEP)

Based on the Following Country Reports:
Albania – *Alma Bako*
Croatia – *Željka Leljak Gracin*
Bosnia and Herzegovina – *Sanda Midžić Kurtagić* and *Svjetlana Kodžo*
Kosovo – *Alma Bako*
Macedonia – *Aleksandra Bujaroska*
Montenegro – *Sanda Midžić–Kurtagić*
Serbia – *Sreten Đorđević*

Cover Design
Ana Lukenda

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of WWF and SEE Change Net on behalf of the SEE SEP implementing partners and can in no way be taken to reflect the views of the EU.

USE OF ABBREVIATIONS

Throughout this report, reference is made to the single common name of each country without recording the full title. The initials used in the report tables are taken from the internationally accepted 3 letter code.

Initials	Shortened Names	Full names
ALB	Albania	Republic of Albania
HRV	Croatia	Republic of Croatia
BiH	Bosnia and Herzegovina	Bosnia and Herzegovina
XKX[1]	Kosovo	Republic of Kosovo[2]
MKD	Macedonia	Former Yugoslav Republic of Macedonia[3]
MNE	Montenegro	Republic of Montenegro
SRB	Serbia	Republic of Serbia

1 These initials for Kosovo have been approved as a temporary measure by the European Union.

2 This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICI Opinion on the Kosovo Declaration of Independence.

3 The European Union's official title 'FYR Macedonia' continues to be used pending resolution of the dispute between Greece and the Republic of Macedonia over use of the shortened title.

Contents

South East Europe Sustainable Energy Policy Programme

With approximately 25 million potential new EU citizens in South East Europe, who are all energy consumers, energy is perhaps one of the most complex issues which is facing the region. It has inter-related and far reaching impacts on several areas, including society, the economy and the environment, particularly as South East Europe faces the imminent deregulation of the market in 2015 in a less than ideal governance environment.

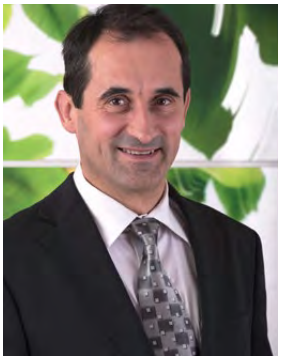
The South East Europe Sustainable Energy Policy (SEE SEP) programme is designed to tackle these challenges. This is a multi-country and multi-year programme which has 17 CSO partners from across the region (Albania, Bosnia and Herzegovina, Croatia, Kosovo*, Macedonia**, Montenegro and Serbia) and the EU, with SEE Change Net as lead partner. It is financially supported by the European Commission.

The contribution of the SEE SEP project will be to empower CSOs and citizens to better influence policy and practice towards a fairer, cleaner and safer energy future in SEE.

South East Europe Sustainable Energy Policy

Supported by

Foreword by Janez Kopač, Director of Energy Community Secretariat



Environmental impact assessments are amongst the most effective tools to ensure that the environmental implications are taken into account before decisions on the development of different projects are made. This is of particular relevance in the energy sector where such decisions may have long-term consequences on the energy mix and consumption as well as the general environmental situation of a region or a country as a whole.

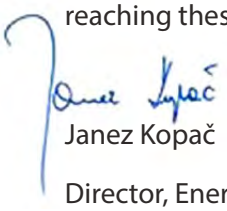
Two fundamental objectives of the Energy Community Treaty are to improve the environmental situation in relation to network energy, including the use of measures related to energy efficiency and to foster the use of renewable energy. The Contracting Parties of the Energy Community Treaty are to implement the energy-related provisions of the Environmental Impact Assessment Directive of the European Union. In the case of hydropower projects, environmental impact assessments are of particular relevance to ensure that their impact on the ecosystem of the rivers concerned are kept at the lowest possible level. It also needs to be underlined that ensuring early and effective opportunities for public participation is one of the key elements of environmental impact assessments and it increases the legitimacy of any given project.

The Energy Community celebrated its 10th anniversary this year, which provides us a good opportunity to remind ourselves that it also has to keep up with the developments of environmental legislation at European level. This objective was also emphasised by the 2014 report of the High Level Reflection Group, whose analysis concluded that the

latest amendments of the Environmental Impact Assessment Directive should be included in the Energy Community's legal framework and also that the Strategic Environmental Assessment Directive shall be incorporated. Such measures can ensure that countries in Southeast Europe gradually come closer to the environmental standards of the EU, delivering major benefits to their citizens.

We also have to remind ourselves that transposition of European legislation is only a first step in a long process in which the adoption of new legislation can be seen as the wedding day while the everyday practice of implementation inevitably comes with the ups and downs of everyday's life. It is vital that we have a firm will and determination to engage in these developments and to keep the positive attitude towards our objectives also during the rainy days.

I am convinced that a better uptake of environmental considerations in energy policy is indispensable and is the only way forward. European legislation strives for this aim and the Energy Community provides the best platform to put these into practice in Southeast European countries since it is an organisation based on the rule of law with its own enforcement mechanism not being dependent only on a good political will. The Energy Community Secretariat will continue its work in this spirit and will count on the support of civil society in reaching these goals.



Janez Kopač

Director, Energy Community Secretariat

Executive summary

This report summarises the findings of seven detailed studies conducted by independent experts in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia into the use of EIA and SEA legislation in the hydropower sector in South East Europe.

The report concludes that the basic legal frameworks in each of the seven countries have been adequately adjusted to take account of relevant EU Directives on EIA, SEA, Biodiversity, Renewable Energy, Water and Climate Change. However primary legislation has not been followed through sufficiently in terms of rules, regulations and guidelines. Even where regulations are in place there is a **widespread lack of application of standard procedures** on the part of most competent authorities. These failings arise partly because of inadequate financial and technical capacity within the Ministries and Agencies but they also reflect **unwillingness by the authorities to engage fully with local communities and NGOs through the prescribed processes of public participation.** The report concludes that this resistance stems from deep-seated traditional practices, political influence, vested commercial interests, and in some cases corruption and illegal activities. **In most countries the most serious failures relate to requirements for public consultation and transparent decision-making.**

In the absence of proper scrutiny of EIAs and SEAs by the regulatory authorities and their expert advisory committees, investors and developers are liable to treat EIAs and SEAs as a regulatory hurdle to be cleared rather than a serious exercise in minimising the adverse

environmental and social effects of major development projects. **The general standard of both EIAs and SEAs is very low.** Consultants often ignore their professional responsibilities and produce poor quality assessments without undertaking essential baseline surveys and analysis. Many EIAs rely on hydrological and ecological data which is 20–30 years out of date and make no reference to land use or climate change. Alternative courses of action and cumulative impacts are rarely addressed properly. Another serious weakness is the failure to take account of the need to maintain environmental flows in rivers to protect biodiversity and other downstream water users. The adverse environmental and social impacts of large hydropower plants (HPPs) are well known, but **the report also highlights the serious consequences arising from the multiplicity of small HPPs now being actively promoted throughout the Balkans** without adequate environmental safeguards in some of the most pristine Natura 2000 areas.

The report concludes that **action is urgently required** at all levels from the European Union, major investment banks, and individual governments down to the level of individual regulators, experts, developers and consultants.

Twenty five recommendations are made including proposals for a regional conference, a regional study on energy and protected areas, and the preparation of EIA/SEA guidelines. There are also detailed recommendations on steps that should be followed by individual governments.

PART ONE – **CONTEXT**

1. Background to the Report

PURPOSE OF THE REPORT

For a number of years the World Wide Fund for Nature (WWF) has had serious concerns about the adverse impacts which poorly designed hydropower schemes can have on the natural environment and quality of river catchments in the Western Balkans, and also the shortcomings in the way in which existing Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes are carried out. In 2014, a decision was taken to commission a series of individual studies in order to establish why performance standards are generally poor and what can be done to achieve higher standards in developing sustainable hydropower energy in the region. The work has been undertaken in cooperation with the South East Europe Sustainable Energy Policy Partnership (SEE SEP) who provided matching funding for completion of the national reports and design of the final product.

Independent experts were commissioned to assess the situation in Croatia, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo, Macedonia and Albania and their findings have been reviewed in this report in order to draw the threads and conclusions together in a concise summary. Every effort has been made in the main body of the report (Chapters 1–7) to present the evidence base and provide an accurate reflection of the individual study findings without making any additional comments except by way of clarification. However, in chapter 8 some additional observations are added, based on the Editor's personal experience and knowledge of the region.

CONDUCT OF THE COUNTRY SURVEYS

Terms of Reference

WWF and the SEE SEP team instructed their consultants to undertake a survey of recent EIAs and SEAs in the hydropower sector with the following objectives:

- **To identify the scientific, technical and procedural/legal quality of a critical mass of EIAs/SEAs carried out in the past five years on hydropower plants in the seven countries against**

relevant national legal framework and EU standards in order to identify major weaknesses in the quality of the assessments;

- **To identify loopholes in existing technical and legal mechanisms for carrying out and approving EIAs/SEAs which lead to the poor quality of the assessments;**
- **To recommend baseline performance criteria for ensuring that future EIA/SEA meet EU quality standards; and**
- **To propose legal procedures that would set up possibilities to repeal the licences of companies that repeatedly produce controversial EIAs**

The Individual Reviewers and Authors of the Country Reports

Six specialists were appointed by WWF and the SEE SEP team to undertake the review, all of whom have worked extensively on EIA and SEA energy studies, and have first-hand knowledge of the legislation and review procedures in the countries in question. The qualifications and credentials of the team are set out in Annex 1 of this Summary Report.

UNDERSTANDING THE EIA/SEA LEGISLATIVE FRAMEWORK IN THE SEVEN COUNTRIES

Croatia is a full member of the European Union while the remaining six countries are actively pursuing membership in the European Union; and this entails adjustment of national laws and regulations to bring them into line with existing European directives on the environment. All of the countries, with the exception of Croatia are also members of the Energy Community Treaty which obliges them to implement certain parts of the environmental acquis.

The two key European directives assessed here are:

- **EIA Directive (Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment)**
- **SEA Directive (Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment)**

However, there are also other EU directives and advice that are particularly relevant where hydropower projects have the potential to affect areas of high ecological, cultural and landscape value, and river basins including:

- **Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and fauna)**

- **Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy)**
- **Renewable Energy Directive (Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC)**
- **Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment (published by the European Commission).**

Under the terms of the Energy Community Treaty there is an obligation in the case of hydropower plant projects to have regard to:

- **EIA Directive (Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment)**
- **Article 4(2) of Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds,**
- **Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC is also obligatory and includes targets for renewables by 2020.**

Countries are progressing at different rates and according to different timescales in terms of these legal adjustments, and the detailed status is set out in each of the Country Reports.

FRAMEWORK FOR PRESENTING THE FINDINGS OF THE EIA/SEA REVIEWS

Each of the Country Reports are divided into sections beginning with an assessment of the quality of EIAs/SEAs and then considering the root causes of weak EIAs/SEAs. Finally a set of recommendations for improving performance is provided.

The same structure is followed in this Summary Report but in order to standardise coverage between countries that have their own legal frameworks and procedures, a number of sub-headings have been introduced as listed below:

- **The Legislative and Regulatory Framework**
- **Screening**
- **Scoping**
- **Assessment processes (Role of Experts)**
- **Baseline Information**
- **Alternatives**

- **Mitigation Measures**
- **Reporting**
- **Review**
- **Consultation**
- **Decision-making**
- **Transboundary issues**

It is important to note that the quality of EIAs and SEAs in any country is strongly influenced by the legal, procedural and decision-making framework under which they are conducted as well as by the competence and experience of the participants (authors, reviewers, and independent experts). Finally there are external factors which can prejudice the outcome of an EIA/SEA including commercial and political pressures that may be brought to bear to achieve a particular outcome. These three characteristics are examined in the Summary Report for each of the countries in turn under the heading of:

- **Review of EIA/SEA Procedures**
- **Review of EIA/SEA Quality**
- **External Influences**

Preparing the Summary report

The seven Country Reports contain 254 pages of closely argued text, much of it relating to national law, and the Reports set out in great detail the authors' analysis of the individual quality and performance of the case study EIAs and SEAs. Inevitably there are many similarities between the accounts and this has presented a challenge in seeking to provide a concise, readable and accurate summary report without endless repetition.

The approach taken has been to extract from each Country Report a summary table of key issues as they were defined under each of the main headings of the individual briefs. The individual summary tables were then combined by systematically working through the contents and listing each new issue in a composite table.

In order to maintain legibility in the resulting composite tables (which are used in this report) specific countries are only cited (with a tick in the appropriate column) where the point at issue has been emphasised in the Country Report.

It is important to recognise that almost all of the issues which are described in this Summary Report apply to a greater or lesser extent in each of the seven countries and the absence of highlighting in the summary tables should not be taken to mean that the topic is not of concern in any particular

country. There is a remarkable similarity between the quality of both EIAs and SEAs throughout the region and an urgent need for all countries to raise their standards of performance.

TERMINOLOGY

A number of terms which are in common usage in hydropower development may not be familiar to all readers and the following definitions are provided to aid comprehension.

HPP: refers to large hydropower plants with a design capacity greater than 10–15 Megawatts (MW).

SHPP: refers to smaller power plants which are generally less than 5–10 MW (or 15 MW in the case of Albania), depending on each country's legislation

Dam: refers in this report to the structure which retains a body of water upstream (in some countries the expression 'dam' includes the impoundment).

Reservoir: means accumulation or impoundment of water for the purposes of power generation.

Environmental Flow: refers the proportion or percentage of the quantity, timing and quality of water discharge which must be maintained (by law or regulation) in an affected river, stream or watercourse at all times of the year in order to protect the ecosystem (aquatic and terrestrial) and other water users. Environmental flow varies from region to region and must be calculated from detailed hydrological records and intensive field surveys.

Competent Authority: refers to the official body, designated in primary or secondary legislation, which has the power and responsibility for managing the environment and reaching decisions on the granting of environmental permissions.

Expert Review Committee: is a committee established under legislation or regulations with responsibility for advising the competent authority on the environmental, social, scientific and technical factors which need to be taken into account in reaching a decision on the quality and acceptability of an EIA or SEA.

Decision-maker: is any individual or institution that has the legal authority to determine whether an application for a construction permit or environmental licence should be granted or refused.

Ministry of Environment (MoE): in most circumstances the Ministry of Environment is the competent authority and decision maker, although the official title of the ministry may include other functions and has often changed over time in each country. Unless otherwise specified, the term 'Ministry of Environment (MoE)' is used as the generic title for all countries.

2. Case Studies

This chapter describes the basic characteristics of the case studies, which were chosen for detailed investigation. The case studies include projects that are at all stages of development from initial feasibility studies through to completed and operational hydropower plants.

Current interest in the development of hydropower plants (HPP) reflects the long history of this industry in the Balkans. Many HPPs were constructed in the former Yugoslavia and its neighbouring countries and interest in resurrecting old schemes for harnessing the remaining potential has re-emerged in recent years. The majority of existing large dams and reservoirs occupy valleys in the lower part of river basins where it was possible to build large accumulations (reservoirs) for water storage at relatively low cost. Due to this historical pattern of development the remaining potential dam sites tend to be located on tributaries in isolated upper parts of river basins; often in areas of very high nature conservation value, of cultural and historic significance or in forest reserves. 16 of the 25 case studies fall into the category of large HPPs.

In the twenty first century, extensive work has been undertaken to identify aquatic and terrestrial habitats throughout the Balkans which warrant preservation under the Natura 2000 network of protected sites, including sections of river canyons and valleys. All forms of development reduce the extent of areas which remain in natural and semi-natural condition and across Europe there is increasing concern to try and protect these resources. It is clear that continuing development of large impoundments on remaining open stretches of wild rivers is causing a proportionately ever-increasing level of environmental damage. Consequently, interest has grown in the concept of building smaller storage dams, or run-of-river hydropower schemes on tributary rivers and streams. This concept has been enthusiastically endorsed by governments committed to expanding their renewable energy sources, while also seeking income generation by granting concessions for private development.

Small run-of-river power stations can be built sustainably providing they are designed to meet the specific flow conditions and environmental character of the catchment in which they are located. However, while one small hydropower station may have limited effects on the environment, the construction of multiple SHPPs can be as damaging as a single large HPP. These and other underlying concerns about the effects of hydropower development are explored through the examination of 25 case studies in this report, of which 9 fall into the category of SHPPs.

ALBANIA

In Albania four schemes were selected for investigation. They do not represent the most typical cases, but those for which required documents were available and/or provided. The first, Lengarica HPP falls within the boundaries of Bredhi i Hotovës National Park, while the second, HPP Zalli Qarrishtës (consisting of six individual power plants) lies within Shebenik-Jabllanicë National Park. The remaining two, HPP Sheje and HPP Zanore were initiated in 2006 before the current legislation on EIA came into force.

Lengarica HPP /Google Image

Lengarica HPP has a capacity of 8.96 MW which places it at the upper end of small run-of-river power plants. It was classified as an Appendix II (Annex II) development, although based on its location within the Bredhi i Hotovës National Park, it should have been designated as an Annex I site. The EIA referred to a 10 km road reconstructed in advance by the developer, without reference to any adverse impacts occasioned by the construction. Alternatives for construction of transfer tunnels and overhead pylons were not fully assessed. The EIA stated that "the site lay outside the Protected Areas of the Përmeti zone, including the Bredhi i Hotovës National Park", despite the fact that when the design work was completed in 2011 the National Park had already been in existence for two years. The Ministry of Environment, Forests and Water Administration (now Ministry of Environment) rejected the EIA in October 2011, and refused a permit on the grounds that the development was within a protected area. However, after discussions and potential additional documentation/information provided, three months later, the Ministry reversed its decision and granted an environmental permit without consultation with stakeholders and without providing any explanation for its decision.

Zalli Qarrishtës HPP consists of 6 individual HPPs all of which are covered by the same EIA report, but the descriptions are generic and individual sites are not discussed. The development area lies within the Shebenik-Jabllanicë National Park, which was proclaimed in 2008, but the EIA written in 2013 states that the HPPs are all outside the National Park.

Sheje HPP near Dragostunje is referred to as lying in the Shkumbini River Basin, in the Rrajcë area, although the EIA fails to give any detailed coordinates and the description is highly generalised.

Zanore HPP lies in a different part of the Shkumbini River Basin but it is covered by the same description (provided by the same author) as the Sheje HPP. The only modification in the EIA document is to the names and technical description of the power plants.

Eighty four permits have been granted for construction of hydropower plants in the Librazhd, of which 56% lie within the Shebenik-Jabllanicë National Park. A major national campaign has been launched by NGOs, led by the Association for Protection and Preservation of the Natural Environment in Albania (PPNEA) and Eco-movement, seeking the prohibition of all future HPPs in the National Park. The campaign commenced in July and will end in October 2015, and is supported by eight leading NGOs: Institute of Nature Conservation in Albania (INCA), Regional Environment Centar Albania (REC Albania), Environmental Center for Development Education and Networking (EDEN), Ekolevizja, EcoAlbania, Milieukontakt Albania, Association for Organic Agriculture, Institute for Environmental Policy, Environmental Center for Protection, Education and Rehabilitiation (EPER center).

BOSNIA AND HERZEGOVINA

The selection of case studies was based on the availability of environmental and social impact assessment (ESIA) documentation, stakeholders comments (during previous public debates), and their location within important biodiversity areas. In each case there is a continuing debate between objectors and promoters, with legal challenges in 5 out of the 6 cases.

HPP Vrilo is located within a Ramsar site which has a very complex water regime and is already adversely affected by development. An EIA was undertaken and subsequently refused after revision in 2013.

SHPPs Hrčavka involve the planned construction of three proposed power plants within the heart of Sutjeska National Park. The EIA was concluded in July 2013, following public debates in April – May of the same year. NGO Center for Environment took legal action against the Ministry of Spatial Planning, Civil Engineering and Ecology of Republic Srpska for approving the EIA and the court ruled in favour of the plaintiff.

ETNAR "Advocacy NGOs networks for sustainable use of energy and natural resources in the Western Balkans and Turkey" maintains a website which provides updates on legal challenges and the following information is quoted verbatim from a posting on 15th March 2015.

„The District Court in Banja Luka canceled the decision about the approval of environmental impact assessment study for small hydropower plants in the Hrčavka River canyon in the National Park Sutjeska, and made a verdict in favor of Center for Environment. After the District Court ruled in favor of the Center for Environment and annulled the decision on approval studies of environmental impact, the Ministry had 30 days to issue a new decision, but decided to terminate the proceedings.

Nataša Crnković, Center for Environment: *"This verdict proves that there are evidences of breaking the law by the Ministry and also irregularities and defects in the process of making the environmental impact assessment. We expect similar verdict for the other lawsuit and we will not stop until we protect these two rivers."*

The representatives of the Project a.d. company from Banja Luka, who made the doubtful study, admitted at the public debate in Foča that they were not even entering in the Hrčavka River canyon, which makes ridiculous to even discuss the real analysis of the environmental impact."

SHPP Sutjeska power plants are also planned within the core area of Sutjeska National Park. The EIA process followed the same timescale as that for SHPPs Hrčavka and a legal challenge against approval of the EIA was also decided in favour of the plaintiff.

HPP Dabar has the potential to affect Nature Park Hutovo Blato. An EIA was undertaken in 2012 with public consultation in May-June of that year. Amendments were made to the EIA and a special section was devoted to the water issues. The Federal Ministry of Tourism and Environment of Federation of BiH challenged the findings of the Ministry of Spatial Planning, Civil Engineering and Ecology of Republic Srpska but its lawsuit was rejected as unfounded by the lower Court. The case was referred by the Federal Ministry to the Higher Court of Republic Srpska. It is reported that the public participation in this case was not encouraged by the promoting Ministry.

The Hrčavka River within Sutjeska National Park /Mato Gotovac, WWF

SHPPs Ljuta consist of ten individual power plants lying within a natural area for which the process of formal protection has begun. Four of the SHPPs lie in areas under control of Cantonal Ministries and six are under the control of the Federal Ministry. Three of the proposed dams exceed 30 metres in height which is in contravention of the definition of an SHPP. EIAs were undertaken between May and June 2012, followed by public consultation in October 2012. The EIAs were amended and finalised after consultation and revision by the expert group. The relevant Ministries' decisions to approve the EIAs were challenged by a group of NGOs and the case remains in court because amendments which were made didn't take into account real cumulative impacts even though the reports were being revised exactly for this reason.

SHPP Medna, Sana River The EIA was prepared between October 2008 and May 2009. The courts are still considering lawsuits served by an NGO Coalition for Sana River and Ribnik municipality against the Ministry of Environment for approving the EIA, environmental permit and partial construction permit. Despite the fact that the cases are still in court, construction began in 2015.

CROATIA

The EIAs for the five case studies in Croatia were prepared by the same consultancy, "Elektroprojekt", which was originally founded in 1949 in Zagreb under the name "Hidroelektroprojekt". The promoting company for the schemes is Hrvatska Elektroprivreda.

HPP Kosinj and **HPP Senj (2)** are two large schemes which are being promoted separately, but are located on the same river. The original design work for both projects was carried out in the 1960s (or possibly earlier). EIAs were prepared in 1986 but the schemes were not developed. In 2008, the Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC, now Ministry of Environment and Nature Protection) issued a decision that the old studies were invalid. The promoter began additional survey work in 2012 and, in 2013 the Ministry of Environment issued instructions on the content of mandatory EIAs under Annex I of the regulations since the proposed storage capacity for HPP Kosinj alone was in excess of 300 million m3.

The proposed **HPP Ombla**, in the Dubrovnik spatial plan is another long standing project which was subjected to an EIA in 1999. The search for development funding began and the European Bank for Reconstruction and Development (EBRD) initially agreed to advance a loan of €123 million, representing 80% of the construction cost, subject to a condition that a biodiversity assessment of the area should be undertaken. Intensive lobbying followed from more than 30 NGOs, and in 2013 EBRD decided not to finance the project. The promoter undertook further environmental studies in the same year but in November 2014 MoE issued a decision noting that "it is not possible to exclude the possibility of significant adverse effects on the conservation objectives and integrity of the ecological network" and requiring a full ecological assessment. This assessment has subsequently been rejected by the Ministry of Environment and Nature Protection.

Investors were invited to tender for construction of **SHPP Ilovac**, in the spatial plan of Karlovac County, in March 2010. Five months later a public debate on an EIA was announced to take place between 24th June and 25th July, 2010. Four months later, in November 2010, the Ministry of Environment granted an environmental licence. The procedures relating to the EIA were contested by NGOs and CSOs and the decision to approve was subsequently modified twice by MoE although it ruled in 2012 that it was not necessary for the promoter to carry out further EIA studies. Construction of HPP Ilovac began in 2014.

HPP Lešće on the river Dobra is another large scheme designed in the 1960s and an EIA was prepared in 1986. The scheme was finally constructed in 2010, based on the original permits with no new surveys in the intervening period. The approving authority was the former Community of Municipalities, whose legal successor is the Karlovac County. No records exist of the 1986 EIA. The turbines of HPP Lešće have an installed capacity of 42 MW and the dam is 52.5 metres high. It has flooded the Dobra canyon which had high landscape value and was a habitat for a number of threatened species such as the Danube salmon which spawned in the shallow gravel beds (only breeding place in Croatia). The 32 caves associated with the canyon provided a refuge for a number of unique subterranean species as well as to the long-fingered bat. The Lešće project features in current campaigns against new dams in Croatia involving a number of NGOs who are supported by Zrinka Cvitešić, a prominent Croatian actress. A freshwater projects officer for WWF[1] has described HPP Lešće as "A really bad example, where the investor submerged 12 km of a beautiful canyon together with habitats of several endangered and protected species. The initial estimated cost of the project was 60 million euros which has grown to over 100 million euros, and that's without the necessary mitigation measures for the local community, which now has to contend with the consequences – downstream erosion, polluted water and flooded fields".

The Site of HPP Lešće before construction and after clear-cut felling of forest, in preparation for flooding

1 Irma Popović-Dujmović, Project Officer at WWF Adria. *http://www.wwf.eu/?218151/Hydropower-development-in-the-Dinaric-Arc-requires-more-careful-analysis-to-avoid-costly-projects#sthash.Xnᴅʜ733l.dpuf*

MONTENEGRO

Five projects have been reviewed in Montenegro, several of which involve multiple sites and dams / accumulations. Some of these projects have a long history, with the original design taking place many years ago.

HPP Morača consists of four conventional dams along the Morača River located at Andrijevo, Raslovići, Milunovići and Zlatica. A further 11 sites for multipurpose reservoirs are identified in the upper catchment but are not included in the current proposals. The scheme has the potential to affect Skadar Lake shared by Montenegro and Albania and thus raises transboundary issues. An EIA was commenced in February 2010, followed by an SEA and the review process is on-going. In 2011 the government sought a developer partner to construct the scheme, using conventional tender procedures. Some interest was expressed initially, but none of the parties followed through with a formal offer. Subsequent attempts to generate international interest in the scheme are also reported to have failed.

Part of the Morača Canyon /Jon Bjartnes/WWF

HPP Komarnica is planned as a peak demand power plant, with the capacity to generate high energy outputs over short periods. It lies upstream of the Piva HPP which serves the same function and was built almost 40 years ago. Although it occupies a gorge of great scenic, recreational and ecological interest, the Komarnica dam site has been identified in successive National Spatial Plans as a suitable location for hydropower generation. An EIA commenced in April 2012 and the review process is reported to be on-going. Work on the dam commenced in 2012, but ran into severe geological problems and construction has been suspended. The financial backer has also withdrawn pending completion of the geological surveys.

SHPP Rastak project involves construction of a dam as one of two SHPPs on the river Rastak. The EIA commenced in May 2012 and has been finalised.

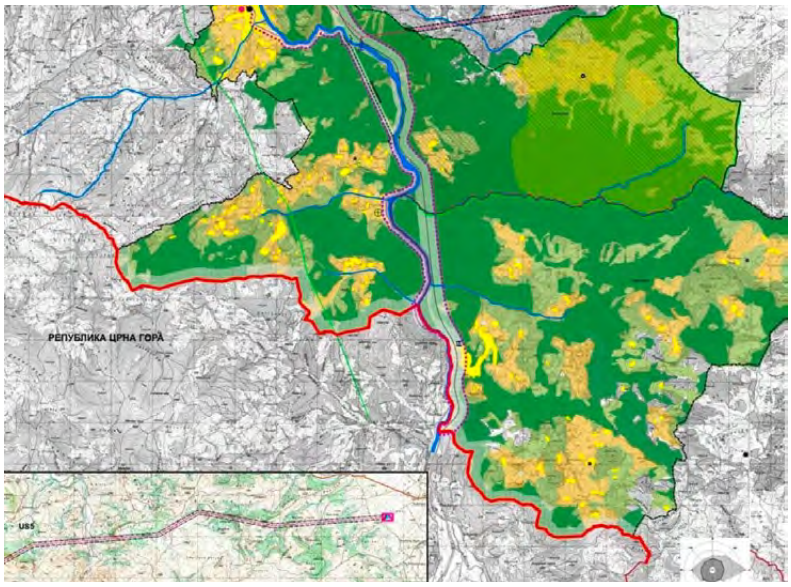
SHPP Bistrica scheme involves two SHPPs and the EIA was completed in February 2013.

SHPP Orah's EIA was commenced in May 2012 and has been completed.

SERBIA

HPP Brodarevo 1 and 2 is a controversial project which potentially affects rivers Lim, Drina, Sava and Danube. Although the Brodarevo 2 dam would be constructed within Serbia, the resulting impoundment would flood part of the territory of Montenegro. During the public debate in the case of hydropower plants on river Lim in Serbia (construction of Brodarevo 1 and Brodarevo 2 hydropower plants) in August 2012, when NGO activists wanted to express their opposition for the project, they were severely beaten by security guards at the public debate organized by the former Ministry for Environment and Spatial Planning.

The Spatial Plan of the Municipality of Prijepolje was instituted as a legal requirement due to the potential impacts on land use from the HPP Brodarevo 1 and 2 projects. An accompanying SEA was prepared and adopted in 2011 with a notional period for public consultation between March and April, 2011. The final SEA has not been published in accordance with the regulations. Under Serbian spatial planning legislation major infrastructure development, including large HPPs, must be made the subject of a Special Purposes Spatial Plan, which is distinct and separate from the Municipal Spatial Plan. The Spatial Plan (Special Purposes) for Hydropower Plants Brodarevo 1 and 2 was conducted in parallel to the Municipality of Prijepolje Spatial Plan. Both of these plans were subject to SEA procedures. However, the public debate to consider the Special Purposes Spatial Plan was held in Belgrade, during a state of emergency and in mid winter when snow restricted travel to the capital. Those NGOs and public representatives from the area of Brodarevo 1 and 2 who managed to reach Belgrade were unable to attend the hearing because it was stated that they did not have the required permits to enter a government building.



Extract from Prijepolje Spatial Plan /greenhome.co.me

SHPP Seoce was authorised on the Gračanica River in the Lim River catchment by the Ministry of Energy, Development and Environment in 2013. It was judged not to require an EIA although the site lay within the "Kamena Gora Landscape of outstanding features". Construction was halted in August 2014 by the Organisation for Forest Management due to degradation of forests and forest lands and contravention of laws on nature protection.

MACEDONIA

HPP Boškov Most is a 68 MW project with a proposed 33 metre high dam. It was first conceived in 1982. The project lies in Northwest Macedonia within the Mavrovo National Park and is situated in the Municipality of Mavrovo-Rostuse and the Municipality of Debar. Since Mavrovo NP has no spatial plan the investor was obliged to conduct a Spatial (urban) plan for the project (Spatial Infrastructure Plan for HPP Boskov Most) which is subject to SEA procedures. The Spatial plan for Boskov Most was adopted in 2014 without an SEA report.

Lukovo Pole Dam/Reservoir (39 million m3) **and HPP Crn Kamen** is a 6 MW project which will generate an estimated 159 GWh per year in addition to increasing output from existing HPPs. It was first planned in 1986 as part of the Mavrovo hydropower system. The project lies in the Mavrovo National Park in Mavrovo-Rostuse Municipality in the Korab mountain range (above 1500m height). The scheme would involve building a dam 71 metres high and constructing almost 20 km of supply channels to allow inter-basin transfer of water, so both the Adriatic and Aegean river basins are affected. An EIA was initiated in 2010, but the consultancy company withdrew and a new EIA procedure was initiated

Lukovo Pole: The dam construction site – this area is to be flooded /photo: Ulrich Eichelmann; reproduced from *http://www.balkanrivers.net/en/key-areas/mavrovo-national-park)*

in 2014. Since Mavrovo NP has no spatial plan, the investor is obliged to prepare a Spatial (urban) Plan for the project which is a subject to SEA procedure. The procedure for the Spatial Plan for the project started in 2013 without parallel SEA procedures.

SHPP Tresonce is located in Mavrovo National park and the Mavrovo-Rostuse Municipality on the Mala River which drains to the Adriatic river basin. This project has a Tyrolean intake with an installed capacity of 1.8 MW. The scheme was first designed in 1982 and it has been in operation since 2013. According to the provisions for EIA in Law on Environment and the relevant bylaws, HPPs with an installed capacity of less than 10 MW do not require an obligatory EIA. Instead the regulations require production of a less demanding 'Elaboration for Environmental Protection' (EEP). However, the legislation sets selection criteria under the EIA Directive provisions when deciding whether project is subject to EEP or EIA procedure. Objectors argue that the Ministry of Environment failed to take into account project characteristics, location and possible negative impact on nature when it took the decision that only an EEP was required.

SHPP Vratnica is a 1.3 MW project located on the Ljubotenska River draining to the Aegean. Part of the project falls within the aquatic protective zone "Rasce" and the Municipality of Jegunovce. A construction permit has been issued but work has not yet commenced. Since there was no Spatial (urban) plan for the area the investor was obliged to prepare a Spatial (urban) plan for the project which is a subject to SEA procedure. The SEA report prepared for the project Spatial plan in 2013 notes the possible negative impact and obliges the investor to conduct EIA study for the project. No EIA study was prepared for the project.

KOSOVO

No case studies have been considered in Kosovo, due to lack of access to the files.

SUMMARY LIST OF PROJECTS AND EIAS/SEAS ASSESSED IN THE COUNTRY REPORTS

ALBANIA

Project	River Basin	Initial Design	Protected Area	Period of EIA	Outcome
HPP Lengarica	Vjosa	2011	Bredhi i Hotovës	2008–2011	EIA rejected then approved
Zalli Qarrishtes 6 HPPs	Shkumbini	2013	Shebenik – Jabllanicë	2013	N/A
Sheje HPP (Dragostunje)	Shkumbini	2009	Shebenik – Jabllanicë	2009	N/A
Zanore HPP (Dragostunje)	Shkumbini	2009	Shebenik – Jabllanicë	2009	N/a

BOSNIA AND HERZEGOVINA

Project	River Basin	Initial Design	Protected Area	Period of EIA	Outcome
HPP Vrilo	Adriatic		Ramsar	October 2011	EIA rejected
SHPPs Hrčavka	Black Sea		Sutjeska	July 2013	EIA rejected
SHPPs Sutjeska	Black Sea		Sutjeska	July 2013	EIA rejected
HPP Dabar	Adriatic		Proposed Emerald site	May 2012	Legal challenge
SHPP Ljuta	Adriatic		Planned National Park	October 2012	Legal challenge
SHPP Medna	Black Sea		Planned Nature Park	Oct 2008 -May 2009	Legal challenge

CROATIA

Project	River Basin	Initial Design	Protected Area	Period of EIA	Outcome
HPP Kosinj	Adriatic	1960s	Karst cave system	First EIA 1986, revision in 2012, but based on pre 1966s data	New studies required by MoE 2013
HPP Senj	Adriatic	1960s	Very sensitive river ecosystem	1986, 2012-cont	New studies required by MoE 2013
HPP Ombla	Adriatic	1986	Ombla-Vilina Cave Natura 2000 site	July 1999	Promoter undertook new studies which were rejected by MoE in 2015
SHPP Ilovac	Black Sea	2008		May 2010. Updated in 2011 and 2012 but without public access	Project approval granted Nov 2010. Construction complete 2014
HPP Lešće	Black Sea	1960s		1986	Constructed in 2010

MONTENEGRO

Project	River Basin	Initial Design	Protected Area	Period of EIA	Outcome
Morača HPP	Skadar lake / Adriatic	Pre 1980	Skadar Lake	2010	EIA ongoing
Komarnica HPP	Black Sea	Pre 1980	Canyon Nevidio – Emerald site	April 2012	EIA ongoing
Rastak	Black Sea	2010		May 2012	EIA approved July 2013
Bistrica SHPP	Black Sea			Feb 2013	EIA approved April 2013
Orah SHPP	Black Sea	2009		Jan 2012	EIA approved Mar 2012

SERBIA

Project	River Basin	Initial Design	Protected Area	Period of EIA	Outcome
HPP Brodarevo 1 and 2	Lim (Drina, Sava, Danube)	2008	No evidence provided	2012	EIA approved Dec 2013
Spatial Plan Municipality of Prijepolje	Lim (Drina, Sava, Danube)	2011	No evidence provided	2011	SEA completed, not publicly available
Spatial Plan Section – Special Purpose HPP Brodarevo 1 and 2	Lim (Drina, Sava, Danube)	2011	No evidence provided	2011	SEA completed, not publicly available
SHPP Seoce	Lim, River Gračanica	2013	Kamena Gora Forest Protected Area	No EIA prepared	

MACEDONIA

Project	River Basin	Initial Design	Protected Area	Period of EIA	Outcome
HPP Boškov Most	Adriatic	1982	80% in Mavrovo National Park	EIA 2010 Spatial plan for the project initiated in 2012 without SEA	EIA permit (2012) expired. No construction permit
HPP Lukovo Pole and HPP Crn Kamen	Adriatic and Aegean	1986	Within Mavrovo National Park	EIA 2010 (abandoned) EIA 2014 initiated. Spatial Plan for the project initiated in 2012 without SEA procedure	EIA (2014) ongoing No SEA initiated for the Spatial Plan
SHPP Tresonce	Adriatic	1982	Within Mavrovo National Park	EEP (scheme under 10 MW) 2010	EEP approved 2010 Operational June 2013 No SEA for the Spatial Plan of the project
SHPP Vratnica	Aegean (Ljubotenska River)	1982	Part within the aquatic protective zone "Rasce"	EEP (scheme under 10 MW) SEA, 2011	SEA approved 2013 Construction permit approved without EIA permit. Construction has not started.

KOSOVO

No sites were reviewed due to constraints on access to the EIA Studies.

PART TWO – **THE FINDINGS**

Part Two of this Summary Report considers the standards and performance of EIAs and SEAs undertaken in relation to the case studies described earlier. It begins with reviews of the ways in which the legislative and regulatory frameworks operate in each country for both EIA (Chapter 3) and SEA (Chapter 4) and the effects that these procedures have on the standards of the EIA/SEA outputs (Chapter 5).

An equally important influence on the quality of EIAs and SEAs concerns the capacity and competence of the EIA/SEA companies and professionals who are engaged in the work (Chapter 6) and the external forces, which are exerted by commercial and political interests on the decision-making process (Chapter 7).

3. Review of EIA procedures

As discussed in the opening chapter this review of procedures follows the standard sequence of activities undertaken in EIAs and SEAs although there are minor variations from country to country which reflect the different ways in which the broad principles of the European directives have been transposed into local legislation.

LEGISLATIVE AND REGULATORY FRAMEWORK

The evidence presented in the Country Reports indicates that the technical requirements for transposing the EU directives into local law have been largely completed for the seven West Balkan countries in terms of EIA and SEA legislation. However, the essential task of creating appropriate regulations and bylaws and activating such processes is far from complete with the result that the legislation is either ignored or only partially implemented in most countries.

Albania

The EIA directive is enshrined in the Law on Environmental Impact Assessment (10440, 2011, amended by the Law 12/2015, dated 26.02.2015) while the SEA directive is transposed in the Law on Strategic Environmental Assessment (2013). Many other laws and regulations are quoted in the Country Report relating to water, biodiversity, energy and the formation of national parks. The Country Report concludes that "there is a good legal base following transposition of the European directives but Albania continues to suffer from implementation problems". A large number of strategies and plans exist in draft but are either incomplete or not updated which significantly reduces their value for planning and assessment purposes.

Bosnia and Herzegovina

EIA and SEA directives are transposed into the country's laws for the individual entities of the Federation of Bosnia and Herzegovina, Republic Srpska and District Brčko. However, the existence of separate state and national administrations results in many legal disputes over interpretation and questions of jurisdiction regarding implementation of international agreements such as Espoo Convention. The Country Report recommends a number of areas in which clarification and strengthening of the legislation is required.

Croatia

The new Environmental Protection Act (2013) gives effect to the EU directives on EIA, SEA, public access to information and the Espoo Convention, as well as other international treaty obligations. The legislative framework is not criticised in the Country Report, but it is clear from the case studies that many aspects of the procedures are not followed in practice.

Kosovo

All of the relevant EU directives have been transposed and a substantial amount of work has been done to prepare national strategies for environment (2011–2015), biodiversity protection (2011–2020), energy (2009–2018), draft energy strategy (2013–2022), water (2015–2034) and spatial development (National Spatial Plan 2010–2020+). However the Country Report notes that although the legal base and strategic documents are in place, implementation remains a concern.

Macedonia

A very large number of laws, decrees and ordinances have been formally adopted in Macedonia, including the transposition of the EU directives on EIA, SEA, public access to information and habitats protection. In spite of the legislation, it is noted that „implementation and enforcement of the provisions is still lacking and the objectives for quality environmental assessment are not met regarding the HPP EIA/SEA reports analysed".

Montenegro

EIA and SEA legislation has been enacted in 2005, 2007, 2010, and 2011. Regulations and 'Rulebooks' have also been introduced. The regulations are regarded as being complete, although criteria for guiding whether EIA should apply to some Annex II cases is lacking.

Serbia

Legislation transposing the EIA and SEA directives into Serbian law was enacted in 2004. The EIA law was amended in 2009, while SEA law was amended in 2010. Some implementing regulations and procedures in the form of bylaws were introduced in 2005. However, procedures for implementing the legislation are still in progress and are in general not well used. In particular, EIA is not obligatory for small hydropower projects and is usually avoided even in protected areas.

SCREENING OF ACTIVITIES TO DETERMINE WHETHER EIA/SEA IS REQUIRED

"Screening" is the term given to the exercise of deciding whether a particular proposal needs to be subjected to some form of environmental assessment before an environmental licence or development permit is issued. The European EIA Directive divides development projects into Annex I and Annex II categories. Very large and complex projects are listed in Annex I and automatically require EIA. However, in the case of smaller and less complex projects which appear in Annex II, it is left to member states to decide what procedures should apply. Most countries introduce screening guidelines to determine whether or not a full or partial EIA is needed in relation to Annex II projects. The underlying principle is that projects that are complex, novel in character, or are located in particularly sensitive environments should be subject to full EIA.

Large scale hydropower plants automatically require a full EIA but it has become common practice to define thresholds in terms of the size of reservoir, height of dam and generating capacity which allows smaller HPPs (under 10 or 5 MW capacity) to be exempt from assessment.

Experience in the Balkans shows that the concept of minimal thresholds is often abused. In Albania, the example is given of 47 concessions being granted between 2006 and 2014 for small scale hydropower plants within the Shebenik-Jabllanicë National Park with minimal consideration of environmental or social impacts. Around 12 of these HPPs have been built and are now in operation. Serious impacts on water flow and ecology are reported and the diversion of springs and underground streams is alleged to have caused loss of domestic water supplies to local villages and irrigation schemes. These issues were raised with the Prime Minister and Council of Ministers in September 2013 and are now the subject of detailed legal review.

Apart from lists of activities which are deemed not to require EIA, it is not uncommon for controversial projects to be treated as exceptions to the rules requiring full EIA. For example, the Lengarica HPP in Albania was classified as an Appendix II (Annex II) project, despite being located within a sensitive environmental area and within a protected area (National Park).

Use of Exemption Classes

In the interests of avoiding unnecessary duplication of effort, some classes of development activity are given exemption from the need to carry out EIA. The underlying concept is that once the range of environmental and/or social effects have been understood for one case it is possible to apply standard mitigation measures to avoid damage (construction of pipe crossings or culverts under a new road is an example of a typical exemption).

This approach of granting exemptions has been adopted in most countries in the case of small hydropower generating projects, which do not involve the construction of dams and large impoundments. Unfortunately, however, the thresholds for determining what is a 'small' HPP are sometimes set too high, so, for example, Montenegro has a policy of exempting HPPs of under 10 MW, whereas other countries apply the threshold of 5 MW. In addition, capacity is only one indicator of potential impact; the size and length of diversion pipes and percentage of river flow which is utilised also have a critical bearing on river ecology.

Cumulative Impacts

All of the Country Reports with the exception of Croatia indicate that the use of blanket exemption thresholds is having a serious effect on protected areas, where the cumulative impact of a large number of so-called small HPPs (for example 20 power plants, each with a capacity of five to ten MW) may be as great on the river systems as the impact of a single large dam with 200 MW generating capacity.

For SEAs the screening process is usually very straightforward; all national plans and programmes and many regional or local plans should be subjected to strategic environmental assessment before adoption. The Country Reports all indicate that the SEA Directive has been transposed into local legislation but in the majority of cases these procedures are not followed in practice. This is a serious shortcoming. It should be a mandatory requirement that SEA is undertaken for all SHPP schemes involving more than 2 power stations on any river tributary.

UNDERTAKING A *SCOPING STUDY* AND REPORT

Having determined that a hydropower project requires some form of environmental assessment, the next question to be addressed by the regulatory authority is what type and level of assessment is appropriate. This is established by requiring the proponent to carry out a scoping study and producing a scoping report.

In many Balkan countries it appears that the scoping stage is treated largely as an academic exercise without any serious attempt to analyse the local circumstances or determine what issues and geographical area need to be studied as part of the subsequent EIA.

In Serbia an added complication is that the EIA process is divided into three stages (scoping, assessment and decision), with rights for legal and administrative challenges to be made at each stage. In theory, this process should provide greater opportunity for public comment and engagement, but the reverse is often the case. Objections and legal challenges to a project at the scoping stage get caught up in extended court proceedings, which are then ignored by the developer and regulatory authorities. The second and third stage of authorisation may then proceed without proper consultation, regardless of the flaws exposed in earlier stages. This disregard for procedures and the law results in increased costs for all stakeholders including interested community groups. Similar problems arise in Bosnia and Herzegovina due to the split jurisdiction between the two state courts of Bosnia and Herzegovina and the courts of individual national entities[2].

UNDERTAKING THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The proponent or developer is responsible for carrying out baseline surveys, describing the project components and analysing the likely environmental and social effects of the intended development and these tasks are usually committed to individual experts or consultancies that produce the EIA on the developers' behalf. In some countries the regulatory authority may produce guidelines for specific types of EIA, (for example, Guidance on Windfarm EIAs in Serbia) but in most cases it is left to the consultant to interpret the regulations.

Overall, there is a lack of adequate guidance on the way in which the assessment should be conducted, and there is often a lack of knowledge of the key issues on behalf of both the consultant chosen to undertake the EIA and the competent authority which is charged with assessing the findings. In Bosnia and Herzegovina, for example, the terms of reference for consultants are restricted to the strict legal requirements and no attempt is made to address the scope or required duration of research for the baseline studies. This problem exists in most countries with the result that very few EIAs contain data on ecological conditions collected over a full year, in order to analyse seasonal variations. In addition the data that is produced is often out of date giving an incorrect position on the state of the environment.

Some countries require individuals and consultancies to be registered and to pass some form of test of competence before being permitted to produce EIAs. These processes are regarded as of limited value by the Country Report authors, due to weaknesses in the way in which the regulations are applied. In some cases the panel appointed to vet applications for EIA assessors is considered to lack the expertise

2 The court system of the Federation of Bosnia and Herzegovina alone comprises 40 courts – the Constitutional Court of the Federation, the Supreme Court of the Federation, 10 Cantonal and 28 Municipal courts.

and experience to judge the competence of candidates. In other cases individuals with a narrow and highly specialised area of knowledge may be granted a permit to prepare any EIA, regardless of their suitability to handle the majority of cases.

PUBLISHING THE EIA REPORT

A major weakness in most EIA systems has been shown to be the failure of the competent authority to insist on publication of the EIA report in locations where it can be examined during reasonable hours by members of the public. The majority of Country Reports make it clear that competent authorities are reluctant to follow their own procedures by allowing enough time for proper review of the documents.

In addition, it is not uncommon for the version of an EIA which is first placed on public deposit to be altered before the decision is taken on whether or not to grant an environmental licence. There is often a total lack of transparency in terms of who has asked for, or made, the amendments and why the changes have taken place.

UNDERTAKING PUBLIC CONSULTATION

The Country Reports indicate some significant variations in performance in terms of public participation.

In **Albania** the legislative framework is in place to allow for transparency and public involvement. However, despite the publication of EIA summaries for public consultations and debates by the competent authority, response rates vary. This has been attributed to low environmental awareness on the part of the public, although the recent protests over hydropower development in Shebenik-Jabllanicë National Park would suggest other factors are involved.

In **Bosnia and Herzegovina,** and in **Montenegro** the authors of the respective Country Reports state that public consultation meets the basic legal requirements although this viewpoint is strongly contested by other commentators who consider that the appearance of a single advertisement in a national paper often results in a small turnout in the public participation process and the situation is even worse in the case of transboundary issues. In addition, the reports of the expert review committees which review the EIA/SEA and the reports on public debates and consultations are not published. These failings are cited as one of the root causes for poor EIA performance.

In **Croatia** it is noted that public participation generally involves passive dissemination of information with little or no opportunity for the public to offer real feedback. Public meetings are not well publicised, with failure to notify the time and place of events and insufficient time being given in advance. It is further added that while public comments are listed there is no analysis of their significance and these views are largely ignored in decision making.

In **Kosovo** it is very difficult for the public to get access to information, despite this being a legislative entitlement.

The conditions in **Macedonia** are very similar and it is said that the concerns, opinions and recommendations arising from public consultation processes are not taken into account or reflected in the decisions.

A very similar view is held of conditions in **Serbia** where public authorities are reported to adopt an unhelpful attitude to public consultation, seeing such exercises as no more than "a stone in the shoe".

REVIEWING THE CONTENT AND FINDINGS OF THE EIA REPORT

In most cases, competent authorities are restricted in their capacity to critically examine the findings of EIAs through lack of staff, or staff with appropriate expertise that have been adequately trained in EIA review procedures. These difficulties are sometimes overcome by appointing expert review committees to carry out the review functions. Here again, however, shortcomings apply. Sometimes, the experts themselves are not up-to-date with changes in research methods and technology or may even have vested interests in specific projects or links to the promoting company.

REACHING A DECISION ON GRANTING AN ENVIRONMENTAL LICENCE

Another area where lack of transparency is a serious concern relates to the processes by which the technical findings on the content and quality of an EIA come to be vetted by the decision-making body and taken into account in reaching a decision as to whether or not to accept the EIA and grant a development permit or environmental licence.

In most Balkan countries there is a legal requirement for the results of the EIA examination and the reasons for granting, refusing or calling for modifications to the EIA licence/permit, to be made public. This rarely happens in practice so concerned citizens, NGOs and CSOs may be left completely in the dark in terms of what the decision is. In cases where permission for development is granted there may be no indication of which version of an EIA has been accepted, or what conditions may have been imposed. There are two serious consequences to this failure by the competent authority; firstly, it prevents access to justice because objectors do not have the statutory 30 days notice to challenge the initial decision and, secondly, the absence of information makes it very difficult, if not impossible for independent monitoring to be carried out subsequently to check that the EIA findings are being observed by the developer.

4. Review of EIA quality

The factors outlined in chapter 3, in relation to EIA procedures, are partially responsible for the poor quality of the majority of EIAs examined in all seven countries but the main shortcomings appear to arise from the lack of professional objectivity on the part of EIA/SEA consultancies and experts, the lack of capacity within regulatory agencies and the competent authority, and the influence of external pressures (see **chapter 7**).

UNDERTAKING A SCOPING STUDY AND REPORT

There is a strong tendency for scoping reports produced by developers and their consultants to play down areas of potential adverse impact and focus on the scope for mitigating any undesirable consequences of the development. The review of such reports and demands for proper assessment of key issues are sometimes neglected by the competent authorities.

UNDERTAKING BASELINE SURVEYS

The overall standard of baseline surveys is very low. A major failing in many EIAs of hydropower schemes is the unwillingness on the part of the promoters or their consultants to commission any new field work. Instead, reliance is placed on published data that is often grossly out of date and irrelevant. It is quite common for baseline surveys to rely on statistics and fieldwork undertaken more than 30 years ago, which largely undermines the credibility of subsequent analysis. Where new surveys are undertaken these often provide only partial coverage of the affected areas and ignore seasonal variations in ecological conditions. **Every Country Report makes it clear that baseline surveys are too general, do not target the project area and contain irrelevant information**.

Rainfall and Hydrological Data

The initial designs for the majority of large HPPs in the Western Balkans were undertaken in the period between 1960–1982, and used forecasts of rainfall and runoff from the relevant drainage basins which were based on even earlier data from the first half of the twentieth century. Records for this period were often incomplete with the result that initial design assumptions were often constructed around inaccurate data.

Unfortunately where projects initially conceived in the 1980s are updated there is a tendency for the design team to rely on the original estimates for water yield. The failure to update records is

compounded by the fact that climate change has already had serious effects on the seasonal distribution and total quantity of precipitation in the Western Balkans over the last twenty years. Snowfall has been particularly affected, with significant consequences for long term groundwater storage. Many of the catchments used for hydropower production lie in karst landscapes (porous limestone strata) where groundwater flow plays an important role in sustaining base flows in the rivers.

The use of out-dated hydrological data and absence of any attempt to quantify the effects of climate change leaves most EIAs without any credible basis for the subsequent analysis of environmental effects**. These failures were reported in two out of the seven Country Reports** (Bosnia and Herzegovina, and Croatia) **but are also known to apply in Serbia and Montenegro**. **In Serbia, the cadastre of potential SHPPs dates from 1989 and it has since been shown that many small rivers listed on the map have ceased to flow in summer** (*pers.comm*).

Determining the Minimum Acceptable Environmental Flow

All hydropower schemes, except for very small projects which simply use a weir or barrage, and do not interrupt the river flow, cause some alteration to the diurnal and seasonal discharge of water. The need to define the flow conditions which will preserve healthy aquatic ecosystems is central to the principles of sustainable river basin management and leads to a requirement to define acceptable environmental flow.

Unfortunately the evidence shows that in the majority of cases, EIA specialists (and their engineering colleagues) have either ignored the need to quantify the Environmental Flow, or have produced an entirely arbitrary estimate (as a percentage of mean annual flow) which bears no relation to the actual conditions pertaining to the river system in question. **These failures were reported in Albania, Bosnia and Herzegovina, Kosovo and Montenegro, and probably occur elsewhere. The concept of environmental flow is not legally recognised in some countries, but the principles are well known** and failure to take account of environmental flows should be regarded as a serious weakness undermining the credibility of the EIA / SEA document.

Studying the Ecology and Biodiversity of Affected Catchment Areas

Most of the EIAs considered in the case studies have relied on published data sources for generating descriptions of the ecology and conservation value of the potentially affected areas. In doing so they have often ignored the status of the areas where these have recently been designated as protected areas. Critically, however, the wording used in the EIAs shows that there have been no field visits or inspections to determine the actual character of potential impoundment sites, or the river channels and banks downstream of the planned dam. Furthermore, the phraseology used in the EIA reports indicates that the text has been compiled by generalists with no formal training in ecology / biology.

A more general concern about the quality of baseline assessments, which was highlighted in five out of the seven Country Reports, relates to the failure of consultancies and experts to undertake surveys in accordance with the relevant laws and regulations. This shortcoming was reported from the following five countries: Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia.

CONTENTS OF THE EIA

Systematic Analysis of Significant Impacts

A fundamental objective of the EIA process is to ensure that significant environmental impacts are properly identified and appropriate mitigation measures are put in place. **In three of the seven countries (Albania, Kosovo and Montenegro) the Country Reports indicate a failure to systematically identify significant impacts or to address the related concerns.**

Lost Records

In Croatia a case exists where the original EIA, which was used to support an HPP development more than twenty years ago, has been lost although the EIA is still relied upon to justify a re-application.

Description of the Project Area and Surrounding Designated Areas

Very few EIAs provided clear descriptions of the areas being covered in the assessment, even to the point, in one case, of ignoring the fact that the proposed impoundment would flood a substantial area of land in another country. It is also common for EIAs to lack plans or maps showing the boundaries of protected areas in relation to the project area. Maps and descriptions are often out-of-date and fail to record recent designations of land as part of a national park or other protected area.

Transboundary Impacts

The process of declaring potential impacts on an adjacent country is clearly laid down in the EU Directive, the Espoo Convention and other international agreements, but the authors of three out of the seven Country Reports (Albania, Kosovo and Serbia) have reported violations of these obligations.

Avoiding Accountability

A common practice amongst less scrupulous consultants is to set out what appears to be a detailed analysis of the type of impact that might be anticipated from a particular activity or component of the project. This gives the impression that the issue has been thoroughly researched. However, the review is followed by a statement that the necessary data to complete the analysis is not to hand because the appropriate surveys can only be justified once an environmental licence has been granted, or cannot be undertaken until construction is under way.

The net result is that the EIA document appears to contain credible detail but actually defers all serious investigation of potential environmental effects until it is too late for the results to influence the basic decision on whether or not to grant an environmental licence.

Social and Economic Impacts

EIAs generally give only a token account of the social and economic conditions prevailing within the affected project area. This issue is singled out as a particular constraint in Albania and Bosnia and Herzegovina, where it is noted that an EIA only provided adequate coverage of these issues when the commissioning authority is one of the major development banks (World Bank, IMF, or EBRD). In other cases, NGOs report that even this is not guaranteed to ensure sufficient quality (eg. Ombla). Analysis of social impacts is often missing in hydropower EIAs in other countries; for example, in Serbia issues of water supply, health recreation and landscape / amenity impact are often ignored.

Assessment of Alternatives

Failure to address the question of alternatives is highlighted as one of the biggest challenges in all EIAs for the seven countries. In most cases there is no analysis of possible variations in dam site location or height (and consequently area and extent of the impoundment). There is also no acknowledgement of the potential to augment electricity supplies from other sources, or to vary the type of HPP being proposed (from peak supply to base supply, for example).

Cumulative Effects

All of the Country Reports with the exception of Croatia highlight the failure of EIAs to address the question of cumulative impacts, which is perhaps the most challenging aspect of any HPP scheme when a new dam and impoundment is proposed in a drainage basin which has already been partially developed. The situation is more serious where a number of small HPPs is proposed in an upland catchment, where the stream flows may be low (and variable in summer), and the nature and altitude of the terrain makes it more likely that the area will have high biodiversity, scenic and recreational values.

Mitigation Measures

A common concern amongst most if not all countries, is the failure of EIAs to set out clear and unequivocal mitigation measures to avoid or offset potential adverse impacts. Instead, the responses are generalised, inappropriate or fail to give information on the timescales and likely costs of the required measures.

PUBLISHING THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT

It is not uncommon for pressure to be exerted by the promoter for critical parts of an EIA to be 'toned down' for public consumption, or for the document to be edited once it has been handed over to the commissioning authority. The authors of an EIA have a professional responsibility to ensure that the words used in the final printed document are their own, or have been formally agreed to, in the case of amendments.

UNDERTAKING PUBLIC CONSULTATION

Responsibility for undertaking public consultations usually falls on both the EIA project team and the competent authority. The EIA consultancy or individual experts are obliged to consult with stakeholders as part of the EIA process, while the competent authority is legally charged with arranging and managing public consultation on the draft or completed document. In practice, however, public authorities often leave the details and conduct of the final public consultation to their consultants, who are also given the role of preparing minutes and the public record. This situation is undesirable because it is too easy for criticisms of the EIA or the consultants' role to be ignored in the official record.

OVERVIEW OF WEAKNESSES IN EIAS

	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Baseline surveys are too general, contain irrelevant information and do not target the project area	✓	✓	✓	✓	✓	✓	✓
Baseline assessments are unreliable and field work is undertaken without reference to the relevant laws and regulations		✓	✓		✓	✓	✓
Other activities and uses of the surrounding area are not assessed		✓		✓			
Project designs and surveys are more than 20 years old and are out-dated		✓	✓				
Survey documents forming part of the EIA are lost			✓				
Historic EIAs are amended without recording the changes			✓				
Project areas have undergone significant change with increased water-using activities and have been given enhanced ecological status and protection, both of which are ignored in the EIA		✓					
Hydrological data is more than 20 years old and does not take account of climate change		✓					✓
Field work and research that is needed for a proper assessment are delayed until a later stage (after permits have been issued)						✓	
Scientific analysis by appropriate experts is not undertaken	✓						
Social and economic issues are not addressed unless required by financing institution's procedures (WB, IFC, EBRD)	✓	✓					
Areas of potential significant impact are not systematically identified and addressed	✓			✓		✓	
Construction impacts are not addressed				✓			
Issues of waste disposal are not covered adequately				✓			

	ALB	BIH	HRV	XKX	MKD	MNE	SRB
No methodology is presented for environmental flow calculations, or the environmental flow is based on a percentage of mean annual flow without any scientific justification	✓	✓		✓		✓	
Water resource management legislation governing environmental flows varies within the State and is not applied consistently		✓					
Maps of relevant protected areas are not used / provided	✓						
Descriptions of protected areas are vague	✓						
Ecologists are not in the list of experts	✓						
There is no evidence that experts provided assessments	✓						
Coverage of alternatives is limited to the no-go option or to individual components of the main proposal	✓	✓	✓	✓	✓	✓	✓
There is no cost-benefit assessment of the project and any alternatives					✓		
Affected environment is not properly described	✓						
Details of road construction and temporary works are not given	✓						
Cumulative issues are not addressed, or are covered poorly	✓	✓		✓	✓	✓	
Mitigation measures are generalised, inappropriate or poorly covered, especially for ecology and biodiversity	✓	✓		✓	✓	✓	✓
Competent authority staff is placed in a difficult position over approvals	✓						
There are no plans showing construction, rehabilitation or monitoring	✓						
No reference is made to strategies, plans, projects at regional or national levels	✓						
There are significant omissions to the environment impacts assessed	✓						
Adjacent HPPs are not described or their impacts assessed	✓						
Potential transboundary impacts are not assessed	✓			✓			✓
Methods and tools are not discussed or defined	✓						✓
Incorrect location coordinates are given	✓						
Controls to ensure compliance with legislation are weak	✓						
The EIA takes a positive view of the development even though important issues require detailed research or significant impacts are identified with no possible mitigation						✓	
The EIA/SEA process is only initiated after advanced designs have been prepared, when it is no longer possible to make constructive amendments and refusal of a permit is likely to be politically sensitive						✓	
Investors impose unwritten restrictions on the inclusion of mitigation measures that would add significantly to the project cost							✓

5. Review of SEA procedures

Most of the weaknesses identified in relation to EIA procedures apply with even more force to SEA procedures. There is less case history and fewer examples of good practice to follow in the case of SEA.

THE ROLE OF THE COMPETENT AUTHORITIES

Very few competent authorities employ officers who have had the benefit of working on SEAs. In addition there is often uncertainty about which government department should be spear-heading the SEA process and which other departments should be playing a supporting role.

SCOPE OF WORK

A serious limitation on the conduct of SEAs for lower tier plans and programmes is the absence of any form of prior assessment for the overarching policies and plans at national level. This means that there is no clear context or terms of reference for the conduct of individual municipal spatial plans, or special plans covering the areas potentially affected by large scale hydropower plants.

PUBLIC CONSULTATION

Public consultation procedures for SEAs of spatial plans are very weakly defined and are often ignored according to the evidence presented from the case studies in most countries.

PUBLICATION OF THE SEA

It would appear that SEAs are rarely published in a form that is easily accessible to the general public.

6. Review of SEA quality

In general, the shortcomings that apply to EIA are replicated for SEA and most of the individual Country Reports do not distinguish between EIA and SEA in their commentaries, with the exception of Croatia.

Most countries have adopted legislation covering SEA but there is very little experience of putting this into practice in relation to hydropower development, except in Montenegro where SEA tends to be treated as a composite EIA in order to avoid the challenge that cumulative effects of HPPs are ignored – although in practice these SEAs are so general that they fail to address strategic issues.

Common concerns about SEA include the view that competent authorities do not have staff or procedures in place, there is a lack of coordination between ministries who share responsibility for energy, protected areas, environment, water, agriculture, planning etc. Specific observations that have been picked up from the individual Country Reports are shown below.

ALBANIA

Law No 91/2013 provides the legal basis for strategic environmental assessment of plans and programmes. In Albania strategic environmental assessments for different development plans such as Strategic Environmental Assessment for the Southern Coastal Development Plan and Strategic Environmental Assessment for Tirana Spatial Plan have been completed, however, no strategic environmental assessments have been completed for any HPPs in the country. The Ministry of Environment is the authority responsible for managing SEA.

Efforts should be concentrated to ensure that SEAs are completed for all plans and programmes in compliance with the SEA Law. There is an urgent need to complete SEAs for HPPs which will address cumulative and transboundary impacts before concessions are granted for HPPs.

Specifically, the case study on Lengarica HPP draws attention to the existence of another HPP 70 km downstream and the cumulative effects on the Vjosa River where, according to Riverwatch / the European Parliament, there are 27 planned HPPs within the river basin (*http://riverwatch.eu/en/balkan-rivers-en/european-parliament).* This suggests the urgent need for an SEA covering this specific sub-region. There would also appear to be a need for SEAs of relevant sector plans (water, energy, protected areas).

Summary of key concerns on SEAs for hydropower development in Albania

- SEAs need to be implemented for all programmes and plans
- Secondary legislation should be completed by the Ministry of Environment, particularly with regard to SEA methodology
- Better coordination and cooperation should be provided during SEA process
- SEAs should be completed for HPPs addressing cumulative impacts, transboundary impacts, etc. prior to granting concessions for HPPs
- Better coordination and cooperation should be provided with the Ministry of Energy and Industry to guarantee that SEAs are completed before the HPPs concessions are granted

BOSNIA AND HERZEGOVINA

The environmental laws of the Federation of BiH, Republika Srpska and District Brčko require that SEA should be implemented with regard to strategic plans and programmes and give a brief framework to follow. Several SEAs have been prepared: Strategic Environmental Assessment of Trebižat and Cetina River Basins, 2008 and Strategic Environmental Assessment of the Spatial Plan of the National Park Sutjeska, 2013, as well as some other local spatial plans. There is a need to produce Rulebooks that define the content of SEA in more detail.

Summary of key concerns on SEAs for hydropower development in Bosnia and Herzegovina

- SEAs need to be implemented for all programmes and plans
- The processes for vetting HPP Vrilo and HPP Dabar were not in line with the SEA directive, Espoo convention or UNECE SEA protocol

CROATIA

Legislation was introduced in 2008 but there are very few completed SEAs in the country, although an SEA for offshore hydrocarbons exploration and exploitation has just been completed. The case study HPP Kosinj was subject to an EIA process beginning in 2012. However it is linked to HPP Senj and both schemes will have cumulative impacts on the Lika and Gacka river basins. The combined programme should have been covered by an SEA according to the law (Regulation on SEA of plans and programmes, OG 64/08).

Summary of key concerns on SEAs for hydropower development in Croatia

- SEAs should be completed for HPPs addressing cumulative impacts, transboundary impacts, etc. prior to granting concessions for HPPs
- There is insufficient staff to implement procedures
- Existing staff do not have the training to handle SEA
- Use of web-based communication excludes critical sections of the local population
- Data sources are not properly collated in one location
- No single authority is responsible for managing SEA and there is insufficient inter-sectoral coordination and cooperation amongst public authorities
- No clear objectives are set at the outset in terms of what the SEA is expected to achieve; this limits the scope for defining realistic alternatives
- Criteria for selection and appointment of members of the expert review committees are inadequate
- Members of expert review committees do not have sufficient awareness and experience in the field of SEA

KOSOVO

As a new country, Kosovo faces major challenges in creating a legislative framework which transposes EU directives into national law in a timeframe which reflects the capacity and resources of the respective ministries. However, the Law No. 03/L-230 of November 2010 on Strategic Environmental Assessment has fully transposed the EC Directive 2001/42/EC on Strategic Environmental Assessment.

In Kosovo no SEAs have been prepared or completed for HPPs, although strategic environmental assessments have been undertaken for economic and development plans, including municipal development plans. These are generally of good quality where the SEAs have been completed in cooperation with the World Bank, UN-Habitat and other international partners. Example of completed

SEAs includes Strategic Environmental Assessment for a Spatial Plan for Bjeshket e Nemuna National Park. Complete SEA reports are available at the website of the Ministry of Environment and Spatial Planning (MESP), together with notices publicising public meetings.

Summary of key concerns on SEAs for hydropower development in Kosovo

- SEAs have been completed for other types of plans, but have not been completed for HPPs

MACEDONIA

EIA and SEA Directives were transposed into national law over ten years ago but implementation and enforcement of the provisions is still lacking.

Summary of key concerns on SEAs for hydropower development in Macedonia

SEA of the Spatial Urban Plan

- The legally required public participation process and consultation period for review of the draft plan did not take place for the SEA of the spatial (urban) plan
- The spatial plan was adopted without an SEA procedure or report, in contravention of the national SEA provisions

SEA for SHPP Vratnica on the Ljubotenska river

- Information on the start of the SEA was not provided in accordance with the regulations
- Information on the report and draft plan was not made available to the public
- Public consultation was only initiated after hostile community reactions
- A public debate was held after the close of the consultation period
- No minutes of the public debate were published
- Findings of the SEA were not announced
- A construction permit was granted without a decision being taken on the SEA
- The SEA report did not contain an assessment of the design components or an analysis of cumulative impacts; instead it recommended that EIAs should be undertaken for individual projects

MONTENEGRO

The Country Report examines 2 SEAs and 3 EIAs. With respect to the requirements for transposing the EU SEA Directive, the Report notes that there are 'no gaps in a regulatory sense'. A number of weaknesses in the content of individual SEAs are noted (and are included in the summary table below). However, the Country Report author's concluding remarks do not bring out the full significance of the weaknesses that have been observed in their analysis of the individual case studies.

Summary of key concerns on SEAs for hydropower development in Montenegro

SEA of Morača River HPPs

- 11 out of the 15 potential dams of the Morača system were not considered in the SEA (which proposes that further SEAs will be required if these schemes are promoted)
- The baseline data is old and out-dated
- Where baseline data is lacking, the consultants recommend further study (but do not identify the level of risk of proceeding without this data)
- Examples of undefined risk include changes in water level of Skadar lake and interference with groundwater hydraulic connectivity
- The SEA recommends that mitigation measures should be defined during the construction phase (instead of being an integral part of the decision)
- The SEA supports development – while acknowledging that the impacts on biodiversity cannot be prevented or mitigated
- Full consultations were undertaken on the draft SEA, which should now be revised according to comments received

HPP Komarnica SEA

- Only one of 18 potential HPPs in the basin is considered in the SEA
- The project is based on hydrological data from 1969 which is not relevant
- Issues of climate change are ignored
- Baseline data are based only on desktop studies with no original research

SERBIA

Serbia has adopted a law on SEA in 2004 and 2010. However, the rules and procedures are not bound in the SEA Law, but in sector specific laws which should be consulted. Three stages are involved: 1) determining the need for SEA, 2) the process of assessment and reporting, and 3) the phase of decision-making and adoption. Two SEAs (both linked to the planned construction of HPPs Brodarevo 1 and 2) are examined as case studies. Both show evidence of serious irregularities in terms of the legal requirements. These issues are summarised in the table below.

Summary of key concerns on SEAs for hydropower development in Serbia

SEA for Spatial Plan of the Municipality of Prijepolje

- Requirement to publicise SEA in minority languages was not followed
- Documents were not recorded and certified /stamped
- Public had restricted access to some meetings
- The expert review committee's public session was terminated early and not resumed
- The expert review committee's report on contents, methods and procedures of the planning process was not presented to the public

SEA for Special Purposes Plan for HPPs Brodarevo 1 and 2

- Requirement to publicise SEA in minority languages was not followed
- The room set aside for the display of plans to the public was kept locked on the day for public debate
- The town planner responsible for public consultation was on vacation during the entire consultation period
- Public presentation of the draft plan took place in Belgrade, 400 kms from the affected villages of Prijepolje, Brodarevo and Arbour
- Residents who travelled to Belgrade were denied access to the meeting (because they were unannounced or not on the official list of invited persons)
- No allowance was made in the timing of the consultations for the fact that the country was in a state of emergency due to snow blizzards
- The procedures for public participation under the SEA law are poorly regulated

7. Root causes of failures in EIA and SEA processes

Having completed their review of case studies, each of the authors of the Country Reports provided a description of what they saw as the root causes of failures in the EIA and SEA processes in the respective countries. Many of the issues, not surprisingly, had already been identified in discussing problems with procedures and the quality of the EIA and SEA documents, and these are repeated in the summary table below without additional commentary since the findings speak for themselves. However, some of the underlying reasons for failure were presented in a different context, or with different emphasis, and these are highlighted in the paragraphs below.

CONFLICTING POLICY CONTEXT AND FRAMEWORK

Conflicts sometimes arise at both European and national levels between the goals and objectives of individual policies with regard to the expansion of renewable energy production, climate change, river basin management, water use, biodiversity and environmental protection. These policies can then be transposed into national legislation without reconciliation of areas of disagreement. In the absence of rigorous and appropriate strategic environmental assessment of national strategies, spatial plans and programmes, the conflicts remain inherent at the project level, where it is simply not possible to tackle them. Examples of these policy conflicts include:

- proposals for development of renewable energy schemes (small scale hydropower plants) within protected areas,
- exemption of classes of hydropower plants (under 10 or 5 MW) from anything other than nominal environmental assessment – regardless of the number or location of such plants or the environmental capacity of the receiving watercourses.

LACK OF COORDINATION WITHIN GOVERNMENT

The problems of conflicting policy objectives are compounded by a common reluctance amongst government ministries to work together to find solutions to such problems, as noted for Albania, Serbia and other countries. The consequences are clearly illustrated in the case of **SHPP Seoce in Serbia** where approval for construction of an SHPP was granted under an Appendix II category not requiring EIA, for a site in a forest reserve, where the appropriate legislation bans such activity.

ABSENCE OF SECONDARY LEGISLATION, REGULATIONS AND GUIDELINES

Delays in introducing and implementing secondary legislation and in developing appropriate guidelines for managing the EIA and SEA processes are regarded as a significant constraint in most countries. The work of the competent authorities could be greatly improved if case officers were required to take action and make recommendations based on clearly established procedures, checklists and content lists for EIA and SEA reports.

LACK OF CAPACITY WITHIN COMPETENT AUTHORITIES

The majority of Country Reports indicate that the ministries and agencies responsible for handling EIAs and SEAs lack financial resources, are under-staffed and existing officers are poorly equipped in terms of experience and sources of advice and guidance.

THE ROLE OF EXPERT REVIEW COMMITTEES

Two related issues are identified from the case studies with regard to the role of experts. The first concerns the failure under most jurisdictions to ensure that EIAs and SEAs are undertaken by competent professionals with direct experience in the required subject areas, including critically hydrology and ecology. The second shortcoming is related to the inadequate ways experts are appointed to take part in expert review committees, and the way in which their performance as impartial and objective advisors is checked.

LACK OF TRANSPARENCY IN DECISION-MAKING

Numerous cases are cited where the competent authority has issued an environmental licence or permit in the face of overwhelming evidence from the public relating to legal infringements and inadequate survey and documentation of impacts. These decisions are made without reference to public concerns and with no explanations of the reasons which have justified the decision. This lack of transparency seriously weakens public trust in the objectivity of the EIA and SEA processes.

ABSENCE OF ENFORCEMENT

Another common concern relates to the lack of enforcement capability in most regulating authorities. If scheme promoters and the authors of EIAs/SEAs know that once an environmental licence has been secured there is little likelihood that their subsequent performance will be monitored, it becomes much harder to insist on proper implementation of mitigating measures.

SOME OF THE ROOT CAUSES OF POOR EIAS AND SEAS

Policy Framework	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Proper policy framework governing development of natural resources and the protection of the environment is missing	✓						
There are conflicts between environmental and energy legislation	✓				✓		
River basin management plans for all basins are missing	✓						
There is lack of coordination between ministries and agencies of government	✓						
Complex structure of administration for local areas weakens effectiveness in implementation of national rules	✓						
Regulations and criteria governing the accreditation and appointment of EIA experts are weak	✓	✓	✓				
Experts can hold positions/posts in public administration which creates conflicts of interest	✓						

Legal Framework	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Secondary legislation (regulations) putting primary legislation into effect is lacking	✓			✓			✓
System of bylaws is complicated	✓						
Screening process is not properly carried out	✓						
Scoping phase is ineffective due to limited timeframes, difficulties in submitting EIA applications to all parties, difficulties in publishing EIA applications on websites, relatively low awareness levels among public and missing responses	✓						✓
There is poor performance in relation to public debates on full EIAs	✓						✓
EIAs are undertaken by individuals when a multi-disciplinary approach is required	✓						
Individuals appointed to undertake EIAs or act as experts are not sufficiently qualified	✓						
There is a lack of transparency in making EIA/SEA reports available to the public		✓					✓
Public consultation does not extend to neighbouring countries in cases where transboundary impacts are identified		✓					
The competent authorities report from public debates and consultations is not made public		✓			✓		
Mitigation measures are not confirmed to the public		✓					✓
The ministry has insufficient capacity to evaluate EIAs and SEAs		✓					✓
Expert opinions are often ignored in producing EIAs		✓					
EIAs are based on evidence that is 30 years old without any basis for legal challenge		✓	✓				
The competent authorities' staff have insufficient experience			✓				
Guidance on form and content of EIAs is missing				✓	✓		
Competent authority is under-resourced				✓			✓
Reliable data are difficult to obtain				✓			✓
Timescale for decision-making is too short				✓			

Legal Framework (continued)	ALB	BIH	HRV	XKX	MKD	MNE	SRB
SHPPs, as defined by national legislation, are exempt from EIA					✓		
Climate change and biodiversity directives are not transposed into national law					✓		
There are no procedures to deal with HPPs and SHPPs in protected areas					✓		✓
Competent authority is not obliged to publish review, decision or reasons for decision					✓		
There is no legal requirement for public consultation on upgraded or revised EIA					✓		
The access to website links on EIA and SEA procedures is poor					✓		
There are no legal guidelines on form and content of an SEA					✓		
Law enforcement is lacking					✓		✓
SEA is conducted too late to influence choice or analysis of alternatives					✓	✓	
SEAs are not undertaken at the strategy / national plan level					✓		
Consultants respond only to the investor and are not objective						✓	
Competent authority has no influence over the scope of contracted work						✓	
Public has no role in gathering background data							✓
Public authorities have an unhelpful attitude towards public consultation							✓

8. Review of external influences

The focus of research in this study of EIA and SEA performance in the hydropower sector has concentrated on potential weaknesses in the standard legal and regulatory procedures, and shortcomings in the assessment processes themselves. However, all of the case studies acknowledge that there are other external factors that condition the outcome of both EIAs and SEAs and these issues are explored below.

With the exception of the Serbia review, the individual authors have been circumspect in choosing how to report on external influences. The following examples illustrate some of the concerns:

- "There is a reluctance amongst Croatian and Bosnian and Herzegovinian authorities at all levels to develop new ideas and new energy projects. Instead the emphasis is on pushing forward old projects, planned more than 30 years ago."
- The Strategy of Energy Development in Croatia (2009) attaches great importance to the construction of new large as well as small hydropower plants. It further notes that "the Croatian Government, in order to encourage investors, with particular attention to environmental protection, will help investors in licensing facilities and in the removal of administrative barriers".
- "Both promoters and government agencies (in Croatia) tend to neglect parts of the EIA procedure, especially regarding public participation."
- In Croatia "the consultant works under the framework of a contract signed with the investor".
- In Montenegro, "the consultant is selected by the project developer. This makes the consultant fully dependent on the project developer. The final report of the EIA/SEA is not public; so the final measures to minimize and avoid negative impacts are not known to the general public".
- In Macedonia it is noted that sometimes "the decisions of the regulatory authority are not supported by any evidence justifying the conclusions".
- In Serbia EU directives are largely incorporated within national law, "but the much bigger problem is the application of these standards … these problems are related to insufficiently regulated administrative framework, insufficient training of civil servants, rooted bureaucratic mentality and to the problems of corruption and the connection between politics and capital".
- "The dominant position of the investors toward the consultant who compiles the study leads to excessive influence on the content of the study which is therefore adjusted to the interests

of the financiers. Similar pressure is made on civil servants (because investments of great value have a political character)".

- In Kosovo "a very weak point of the EIA/SEA process is the (lack of) transparency, public information, involvement and participation in the decision-making process".
- In Albania many of the national level plans and strategies have not yet been implemented, or in some cases approved beyond draft stage. Coordination and cooperation between institutions at the drafting stage has not been very fruitful.

BUILT IN INERTIA TO CHANGE

Some economic sectors in the Balkans have been slow to adapt to new technological and financial realities[3]. Power, heavy manufacturing, transport and mining are examples of primary industries that have relied on a close association for their continued development, and there are important supply and trading links within these industries which rely on access to cheap electrical power. In recent years, most nations have adopted policies for reducing public ownership in traditional industries and breaking up monopolies by splitting energy production and energy distribution systems prompted by the desire to enter the European common market. There has also been rapid expansion in transnational agreements on energy supply and open markets.

Despite these changes, there are still strong sympathies and alliances amongst many industrialists, commercial operators and political parties who work together in cartels to maintain traditional production methods and mutually beneficial contracts between electricity producers, suppliers and end-users. These underlying bonds result in strong pressures to promote hydropower schemes, even in cases where the economic case for development may be weak and environmental and social concerns may be very considerable.

These views are widely held, and not only amongst environmental activists, as the following quotation demonstrates:

"Countries in the Western Balkans face many challenges in developing their energy supplies. Years of under-investment, combined with slow progress in reforms, have held back the region from developing its potential. Corruption and rule of law problems often act as obstacles for a coherent regional energy policy." Jakov Milatovic and Peter Sanfey, EBRD, 2015[4]

3 See for example: Economic development in the Balkans: Is it possible to grow faster, smarter, better? Milica Uvalic, Regional Cooperation Council, SEE 2020, 2014

4 *www.ebrd.com/news* – 8 Jan 2015

POLITICAL INFLUENCE

In most countries the electricity supply producer remains a state-owned entity or it has been partially privatised with the government retaining a major shareholding, or the business has been transferred to a long established energy company. These organisations continue to press for the development of schemes which were first included in the national development plans of the 1980s and have been incorporated in subsequent revisions to the national plans or energy strategies, without any serious review of the economic justification or social and environmental consequences.

Bodies with a vested interest in cheap electricity from hydropower are, understandably, reluctant to explore alternative energy sources, including wind and solar power for which the Balkans offer very considerable potential (The International Energy Agency[5] has published a study suggesting solar energy will outweigh all other renewables in the region by 2050). Instead they seek to preserve large scale hydropower development options as a future 'renewable' energy source, despite uncertainties over available runoff in the face of climate change and the undeniable damage caused to remaining wild rivers which constitute a vital part of the Balkans' biodiversity, scenic beauty and recreational resources.

The political influence and power exercised by energy generating companies and their financial backers is very considerable and it is not surprising, therefore, that open and transparent examination of environmental and social issues through the EIA and SEA process meets with covert opposition and resistance. The Country Report for Serbia is both sanguine and forthright in drawing attention to cases where it is alleged that vested interests and even corruption have prevented the normal functioning of the EIA process.

INFLUENCES EXERCISED BY THE PROMOTER

One of the fundamental criticisms of the established international framework for undertaking EIA is that the responsibility for each assessment rests with the promoter. Critics maintain that this inevitably reduces the chances of an open-handed and transparent assessment. However, those who support an industry-based approach to EIA argue that companies (who will ultimately bear the responsibility of compliance with all forms of regulation) are better placed to assess the practicalities and the costs of mitigating adverse effects. Where environmental assessments are conducted by a project developer it is axiomatic that the checks and balances provided by the regulatory authorities, competent authority and expert review committees should be of very high standard in order to protect the public and national interest.

From the case studies presented in the Country Reports there is strong evidence that promoters do seek to influence the objectivity of their consultants; that the consultants and experts themselves do

5 *Energy in the Western Balkans – International Energy Agency*, Paris, 2014

not maintain impartiality and objectivity in their work, and that the regulatory bodies lack the capacity and willingness to enforce appropriate standards.

OFFICER RESPONSES

It is not necessary for opponents of an open and democratic decision-making process to exert direct pressure on individuals who are responsible for handling EIA procedures in order to influence the end-result. Many government employees find themselves having to balance their professional judgement with their experience of 'how the system works'. They are naturally concerned that their long-term career prospects may be affected if they are seen to criticise the content of an EIA for a project which is supported and endorsed by their employer. This is not a problem that exists only in the Balkans – it exists to a greater or lesser extent in most countries. The end result is that the individual response of officers and corporate reaction of some government institutions is to try and avoid controversy and to control the level of public response. This is done by ignoring regulations and guidelines, by issuing late notices of public debates, arranging for meetings to take place in isolated locations or at inconvenient times and then avoiding any form of official response to public concerns and criticisms by leaving the minuting and reporting of adverse public views to the proponent's consultants.

THE ROLE OF NON GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY ORGANISATIONS

Each of the case studies identifies the role and comments made by NGOs and CSOs through the public participation process. In most cases, these groups have played a vital role in helping to marshal and present arguments on behalf of individual citizens and communities with less experience of defending their interests against powerful developers. A recurring theme in the Country Reports is the threat to existing water supplies from impoundments and water diversion schemes planned in connection with major hydropower plants. Examples are cited in Albania and Macedonia where upstream dams have cut off underground springs to local villages. Loss of existing livelihoods and uncertainties over whether or not access will be possible to the reservoir and catchment are other elements that feature strongly in case studies. There is overwhelming evidence from the case studies that the opportunities for genuine discussion by all representatives of the general public have been strictly limited and in most cases the adopted procedures have failed to meet national legal standards for consultation.

ACHIEVING A BALANCED DEBATE ABOUT HYDROPOWER DEVELOPMENT

The focus of this report is on upgrading existing procedures and, as the recommendations in the final chapter clearly demonstrate, there are many ways in which existing procedures can be used more

effectively as the laws now stand, providing regulations and guidelines are produced and applied and there is a willingness on the part of all players to make the system work.

However, the 25 case studies from the seven Western Balkan countries also reveal that the prospects of achieving an objective debate about the merits and demerits of hydropower proposals will only be realised when the fundamental policy decisions of individual governments are held to public account through the application of SEA at national as well as at regional and local level.

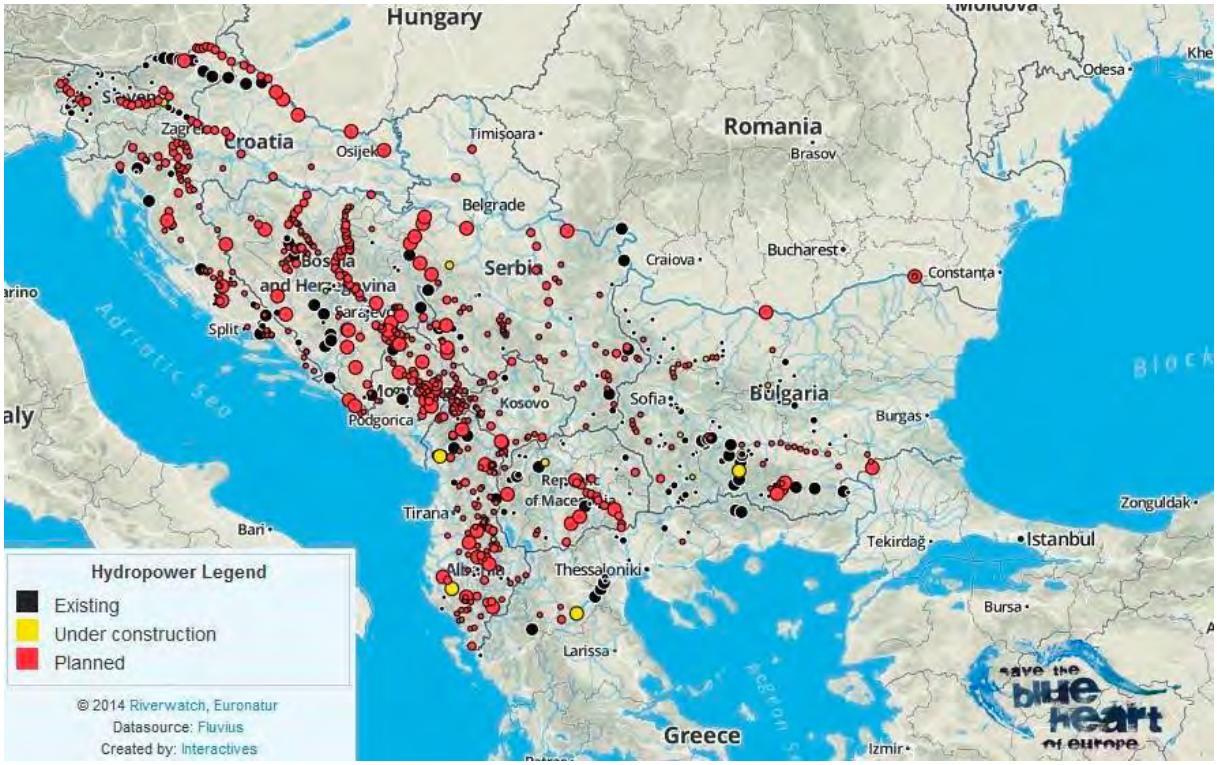
The debate also needs to extend to regional strategies that are being developed within the European Union and its partners through the work of bodies like the Energy Community Treaty formed between the EU and the Western Balkan countries. Conflicting messages emanate from such organisations which, on the one hand, require that "*the construction and operation of new generating plants shall comply with the* acquis communautaire *on environment, including the EIA directive*" (Article 16 of the Treaty), while at the same time seeking to fast track development projects and cut bureaucratic delay. The Commissioner for European Neighbourhood Policy and Enlargement Negotiations addressing 6 Energy Ministers from the Western Balkans is quoted as saying: *"One way to reduce import dependency is to increase production of renewable energies. Your region has great potential for renewables, particularly hydropower. Investments in renewables are not taking off because of insufficient incentive schemes or power-purchasing agreements, as well as complicated licensing and permitting procedures". (EC;* Johannes Hahn. 02 July 2015).

There is a major gulf between the aspirations of most governments who want their countries to become not only self-sufficient in energy production, but also significant exporters, and individual citizens and concerned NGOs who wish to see affordable energy but not at the expense of destroying every remaining wild river and protected area through the proliferation of small, medium and large hydropower schemes. This dilemma has been clearly identified in national and international media accounts, and in reviews undertaken by potential financing institutions. The current proposals for the construction of more than 500 individual hydropower schemes across the Balkans (see **Figure 8.1**) cannot be regarded as sustainable in environmental, social or even economic terms and yet individual governments have pressed ahead with development plans set out in national spatial plans and national energy strategies, with scant regard for public opinion or the views of their own technical advisers.

In these circumstances it is essential that a proper regional debate should be held on how to manage energy supply, demand and transmission within environmental and social safeguards provided through a regional SEA that will take account of climate change and increasing pressures on water resources, protected area and biodiversity and the real costs to other forms of development including tourism and recreation.

SUMMARY

The systematic and careful analysis undertaken in the seven Country Reports reveals that there are many shortcomings in the way in which EIA and SEA procedures are put into practice, and that the general standards of EIAs and SEAs in the hydropower sector are poor. The underlying reasons are complex; but include lack of capacity, lack of rigour in production and review of EIAs and SEAs and an institutional and political lack of concern to see full transparency in the process. Measures for addressing these weaknesses are discussed in the final sections of this report.



Existing and proposed hydropower plants in South East Europe /Map prepared by Fluvius for Blue Heart campaign

9. Recommendations

The authors of the Country Reports have given a great deal of thought to recommendations that would help to improve the performance and quality of EIAs and SEAs for hydropower projects and programmes, and each recommendation is captured in Table 9.1 and in the individual country summaries which appear in Part Three. All of these recommendations should be carefully considered by those responsible for managing EIA and SEA processes in the respective countries.

In addition, the main themes from these individual recommendations have been distilled into a set of general recommendations that should be considered throughout the Western Balkans, and by external partners who are engaged in policy formulation and financing of individual projects, including the European Union, European Bank for Reconstruction and Development, European Investment Bank, the World Bank, International Finance Corporation, Western Balkan Investment Framework and bilateral partners.

GENERAL RECOMMENDATIONS

Policy Framework

1. All countries should ensure that their policies and strategies for energy, natural resource development, and environmental protection reflect the latest thinking on climate change, biodiversity and safeguarding of protected areas.

2. Particular emphasis should be placed in each country on the role of SEA in relation to preparing and updating national energy strategies. This study has shown that the shortcomings of the majority of EIAs for individual hydropower projects arise through lack of a proper review of environmental constraints and opportunities and alternative energy solutions at the highest policy level.

3. The Ministry of Environment in each country should be charged with coordinating joint surveys to be undertaken with other relevant ministries and agencies (including national parks, forestry and wildlife, energy, water resources and agriculture) in order to define environmentally sensitive and protected areas within which proposals for any form of hydropower development, including SHPPs in the range of 1–10 MW installed capacity, will be subject to full EIA (or SEA in the case of multiple power plants within the same river catchment).

4. All Balkan countries should adopt the Water Framework Directive and Birds and Habitats Directives, and these directives should be included in the Energy Community Treaty insofar as they are applicable to energy sector projects.

5. The World Wide Fund for Nature (WWF) and SEE SEP partners should stage an international conference on EIA and SEA within the region and should invite the participation of NGOs, promoters and international financing institutions, including the European Bank for Reconstruction and Development. The aim of this conference should be to bring all parties together to agree the need for more responsible handling of environmental and social concerns in the development of hydropower plants and the improvement of EIA and SEA practice.

6. A regional study of the potential for hydropower production and the safeguarding of protected areas should be commissioned and presented to the proposed regional conference. This regional study should be modelled on the principles of SEA and should define thresholds for development of SHPPs and should provide clear indicators on assessment of the number of SHPPs, type of construction, length and diameter of diversion flow pipes and channels, environmental flow requirements, ecological surveys and assessment of cumulative impacts.

Inter-Ministerial Cooperation

7. Formal procedures should be introduced in all countries to ensure that sufficient time is given for proper studies and the views of relevant affected ministries are obtained before environmental licences are granted for HPP and SHPP in any environmentally sensitive area.

Legal Reform

8. European Union Country Delegations should seek confirmation that the necessary primary and secondary legislation has been put in place within each country to meet the recommendations for all legal reform outlined in this Summary Report.

Public Information

9. Each government should review its provisions relating to public access to information under the Aarhus Convention and publish an annual report to be presented to Parliament detailing the measures taken to meet its legal obligations with regard to screening, scoping, assessment of EIAs and SEAs, the reports of consultations and final decisions and conditions imposed on the formal licence where appropriate.

Public Participation

10. All countries should follow existing legal requirements for publishing reports on public consultation in relation to each individual assessment. In addition, the Ministry of Environment, and/or any other

competent authority with responsibility for regulating EIAs and SEAs should be required to publish an annual report confirming precise details of dates and times of every public debates, meeting or presentation that has taken place in the preceding 12 months, together with the numbers of people attending. This report should also confirm the nature of any decision taken in relation to an EIA or SEA, together with the terms and conditions applied.

11. The Ministry of Environment for each country should be obliged to publish the report on its website and forward a copy to Parliament and to the European Union Country Desk. The purpose of the annual report is to provide a formal review and framework for monitoring performance on the implementation of public participation.

Role and Responsibilities of the Competent Authority

12. Each Ministry of Environment, or other competent authority should carry out internal reforms to ensure that it has sufficient qualified staff and up-to-date procedures for handling EIA and SEA.

13. The World Wide Fund for Nature and SEE SEP partners should consider commissioning a comprehensive training manual, applicable in all seven countries, containing checklists, guidance and standards to assist staff and senior officers in carrying out their functions and duties with regard to hydropower EIAs and SEAs. The draft training manual should be circulated to all relevant authorities for comment and should be refined through regional workshops.

14. The manual and guidelines should be distributed to country offices of the European Union and to those major investment and development banks providing finance for hydropower development throughout the Balkans.

Role of Decision-Makers

15. Decisions on major energy development projects are often controversial but decision-makers should always be prepared to publish the reasons for the decision and ensure that conditions attached to any consent are clear and effective. This obligation should be enshrined in law in every country.

Role of Experts and EIA/SEA Expert Review Committees

16. Every country needs to put strong rules and guidelines in place governing the selection and appointment of well informed and independent experts to sit on expert review committees which advise the competent authority on the technical content of EIAs/SEAs.

Accreditation of Independent Experts and Consultancies

17. The performance standards of consultancies and independent specialists should be raised by requiring certification and accreditation for an EIA/SEA licence and penalties for poor performance including revocation of the licence.

Contents of EIAs and SEAs

18. The competent authorities in the region should combine efforts to form a steering group and produce model guidelines to describe the contents of scoping and EIA/SEA reports, and ensure that all relevant details are covered in sufficient depth. This process should be participatory and involve a regional workshop involving academia, NGOs, consultants and the power sector. The draft document should be published for public comment and reviewed in the light of comments by the steering group prior to final publication.

Baseline Surveys

19. Particular attention should be paid by competent authorities and expert review committees to the information required from baseline surveys and developers should be advised that EIA and SEA documents that are not supported by in-depth and up to date surveys of the project location and environment will be rejected.

Analysis of Environmental Flows

20. Specific requirements should be set by the competent authority for the preparation of a full environmental flow determination for every HPP and SHPP project requiring an EIA or SEA. The determination of environmental flow should involve full consultation with informed stakeholders, including local communities, academic experts and NGOs with hydrological and ecological expertise in addition to the project proponents and their consultants.

Consideration of Alternatives

21. The legal requirement that applies in every country for reasonable alternatives to be considered should be rigidly enforced and any EIA/SEA which fails to provide this assessment should be rejected.

Cumulative Effects Assessment

22. A full assessment of cumulative effects (including impacts on other water users within the catchment) should be undertaken for every hydropower project, where there is already one or more existing or planned HPP/SHPP development within the same river catchment (see also Recommendation 4).

Transboundary Effects

23. Existing legislation requiring consultation with neighbouring countries in the event that both large and small hydropower projects could have transboundary impacts should be rigorously enforced by all countries. Failure to observe these international agreements should be monitored closely by the European Union in the case of countries seeking membership.

Monitoring and Enforcement

24. Systems should be put in place in each country to monitor compliance with environmental and social standards and conditions attached to EIAs and SEAs. In addition the capacity of enforcement agencies should be strengthened with the necessary staff and equipment to minimise infringements of the regulations.

Capacity Building

25. International agencies working in partnership with specialist EIA/SEA training organisations and expert NGOs should continue to support the Western Balkan countries in giving advice, technical assistance and trainings to regulatory agencies and competent authorities in the field of EIA and SEA.

SUMMARY OF RECOMMENDATIONS FOR EACH OF THE SEVEN COUNTRIES

Policy framework	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Strategies policies and plans urgently need to be drafted and regularly updated for natural resource development and management, and for sustainable energy supply and demand	✓						
Management plans are urgently required for all river basins	✓						
River basin authorities should be established and the necessary regulations to implement the Water Law, including provisions for the issue of Water Permits should be drafted and adopted				✓			
Draft Strategy for cooperation with the civil society should be strengthened and activated				✓			

Inter-Ministerial coordination	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Better coordination is required between ministries	✓						
Cooperation between the agencies reviewing, assessing and granting environmental declarations, permits, consents, and licenses should be strengthened	✓						

Removal of conflicting legislation	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Conflicts between legislative provisions need to be addressed, and overlaps eliminated, especially with reference to spatial planning documents	✓						
The requirements of the national SEA Law should be transposed into other legislation where it is currently ignored	✓						

Legal reform	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Relevant legislation, including the EIA Law should be revised to incorporate the requirements of the most recent EU directives; Specific attention should be given to screening provisions, quality and analysis of EIAs, and treatment of protected areas	✓						
The Ministry of Environment and Spatial Planning should draft secondary legislation giving effect to the EIA and SEA laws				✓			
Measures are required to ensure proper implementation of the legislation, including: increasing awareness of all parties' responsibilities and roles, capacity strengthening, and effective participation				✓			
Climate change and biodiversity obligations set out in the EU EIA Amending Directive (2014/52/EU) should be transposed into national legislation and implemented					✓		
Conflicts of purpose between the Decree on EIA and the Decree on EEP (HPP under 10 MW) should be resolved in law					✓		
Legal provisions should be established to require public participation whenever a draft EIA report is upgraded or revised					✓		
Legal provisions should be established for information disclosure regarding the SEA (decision on conducting, report, etc. on one (single) official portal)					✓		

Legal reform (continued)	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Provisions should be made allowing for a legal challenge to the EIA review report					✓		
Legal provisions should be established for information disclosure regarding the SEA (decision on conducting, report, etc.) on one (single) official portal					✓		
Provisions should be established for legal court review of the assessment of the adequacy of the SEA report and the public consultation report					✓		
The Law on Environment should be strengthened to allow for the decision on the adoption of a plan, programme or strategy to be challenged based on the findings of the SEA (or failure to adequately prepare an accompanying SEA)					✓		
The jurisdiction of the State Environmental Inspectorate (SEI) should be extended with regard to EIA/SEA procedures, because SEI procedures are faster and more efficient than administrative court procedures					✓		
Amendments to the Law on Construction are needed in order to establish provisions regarding implementation and monitoring of EIA/SEA measures and to introduce provisions for revocation of construction licenses if EIA/SEA measures are not implemented					✓		
Legal changes should be introduced for improving the content of the decision and adequacy of the EIA/SEA report; A formal classification of approval or rejection should be set up					✓		
The jurisdiction of the State Environmental Inspectorate for oversight should be extended and enhanced with regard to the content and the implementation of the EIA/SEA					✓		
The Law on Public Procurement should be amended to include provisions for obligatory criteria regarding the capability to conduct the EIA/SEA (references, experience, technical capabilities etc.) and to introduce a blacklist and penalties for failure to produce a quality assessment					✓		
Legal provisions should be established that require a project or the spatial plan at the project level to be subject to the findings of a previously approved SEA report prepared in relation to an overarching higher tier strategy or spatial plan					✓		
The law should be amended to give powers to NGOs and CSOs to sue against an unreasonable final decision by the competent authority to authorise an HPP project, despite major environmental or social objections						✓	
The shortcomings of the existing three phase approval process need to be addressed to remove the ability of authorities to issue an approval even when a legal challenge has been raised in phases 1 and/or 2 (effectively ignoring public concerns and rights to object)							✓
Greater legal power should be given to inspectors and monitoring staff to search out corrupt practices and to reduce pressures exercised by investors on the official agencies and the consultant who compiles the EIA/SEA							✓

Public information	ALB	BIH	HRV	XKX	MKD	MNE	SRB
The use and quality of websites for publishing EIAs and public participation processes should be greatly enhanced	✓						
The SEA/EIA document should be available electronically on web sites of the competent authorities during public consultation and throughout the project lifetime	✓						
EIA study reports should be publically available in city libraries and reading rooms			✓				
Reports from the public debate and consultation process, as well as report of the expert review committee, should be available for public in electronic form			✓				
The Adopted version of the SEA/EIA and the EIA/SEA decision should be placed immediately on web sites of the competent authorities to allow for access to justice in the case of abuse of powers			✓				
SEA study reports should be publically available in city libraries and reading rooms			✓				
Information prescribed by the Rights of Access to Information Act should be published on the websites of local (regional) government units			✓				
All relevant information on EIAs and SEAs should be published on the Ministry of Environmental and Spatial Planning (MESP's) website		✓		✓	✓		
The Public Relations Office of the Ministry of Environment should be used to enhance access to environmental information					✓		
The MESP and other respective authorities are obliged to provide, upon an applicant's request, data and information which they hold is significant in determining direct and indirect impacts of a project on the environment; however, this system does not work well, due to lack of data and capacity, and should be reassessed				✓			
Urgent work is required to update the national inventory of plants and animals				✓			

Public participation	ALB	BIH	HRV	XKX	MKD	MNE	SRB
More emphasis should be given to raising public awareness of environmental laws and procedures and the role of EIA and SEA	✓						
Full details should be published on the websites of the competent authority of the time schedules for public debates on specific EIAs			✓				
The time period of public debates should be extended beyond the legal minimum of 30 days in the case of complex documents, or documents that are of exceptional public interest	✓		✓				
A list, or unique address book, of people representing public organisations should be prepared and used to invite local stakeholders to attend public debates			✓				
Information prescribed by the Rights of Access to Information Act should be published on the websites of local (regional) government units			✓				
Full details should be published on the websites of the competent authority of the time schedules for public debates on specific SEAs			✓				
A rule should be adopted to ensure that optimal dates are chosen for presentation of documents and public debate, including a requirement that presentations do not occur during normal working hours or on public holidays			✓				

Public participation (continued)	ALB	BIH	HRV	XKX	MKD	MNE	SRB
More than one public presentation of the SEA document should be made where the effects of the project are of wide scope and interest			✓				
Public meetings and debates should be published on websites as well as in newspapers				✓			
MESP should improve publication of information to increase transparency, public awareness, involvement and participation in the EIA/SEA process, with improved arrangements for the earlier engagement of the public				✓			

Role and performance of the competent authority	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Clear tasks must be set for subordinate sections of the environment ministry	✓						
The authority and responsibilities of subordinate structures within the Ministry of Environment should be incorporated in secondary legislation, together with the format for an annual report on EIA law implementation, and a legal framework for the preparation of EIA reports	✓						
Training in the review and assessment of EIAs and procedures for attaching conditions to environmental declarations and decisions should be provided to all National Environment Agency (NEA) staff	✓						
Performance indicators should be introduced for assessing the competence of staff working for the NEA and Regional Environmental Agencies (REAs) with provisions to impose penalties for poor performance or questionable actions in relation to the granting of permits	✓						

Decision making	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Processes for making Environmental declarations and granting permits and concessions for HPPs must be revised to ensure compliance with national legislation and ensure public interest needs	✓						
Before an EIA study is approved the competent authority should publish a substantive reply to comments submitted by the public			✓				
MESP should be obliged to inform the public on the draft decision to award an environmental consent, and publish a statement containing the content of the decision and any proposed conditions to be attached, together with the main reasons and considerations on which the decision is based including, if relevant, a summary of the views of the public, a description of planned measures for avoiding, reducing and /or mitigating any adverse impacts				✓			
Clear rules and obligations should be defined in terms of who should be involved, and how the SEA report and its adequacy should be dealt with during the decision making process					✓		
The review check list of the report on the adequacy of an EIA should be subject to mandatory disclosure					✓		

Environmental consent / permit	ALB	BIH	HRV	XKX	MKD	MNE	SRB
The form and content of the environmental consent is not defined in law and should be clarified; a draft environmental consent should be presented for public inspection before the final decision is issued				✓			

Time limits	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Any delay of more than two years in starting an HPP project should result in the automatic cancellation of all permits and documentation	✓						
The timeframe for screening and scoping should be extended to make them more effective				✓			

Role of the expert review committee	ALB	BIH	HRV	XKX	MKD	MNE	SRB
NEA should establish an appropriate panel of EIA experts to give independent technical and scientific opinion, to avoid subjectivism and corruption and ensure better decision-making	✓						
The mandate of expert review committee in terms of their role in quality control should be regulated		✓					
Clear and strict criteria should be established by MoE for the appointment of members of the expert review committees			✓				
Work should be accelerated by MoE on production, adoption and implementation of legal regulations governing accreditation of experts			✓				
MoE should establish clear and strict guidelines for the appointment of the members of expert review committees to ensure appropriate levels of expertise and impartiality			✓				
Regulations governing the responsibilities, organisation and functioning of various committees including the EIA expert review committee should be drafted and put into effect				✓			
A better system needs to be established for technical review of SEA/EIA studies e.g. independent committee for EIAs with authorized experts to guarantee the report content and quality					✓		

Role and performance of experts	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Sanctions should be introduced against EIA experts who provide inadequate EIAs, including the suspension or revocation of certificates	✓						
MoE should speed up its work on adopting and implementing legal regulations relating to accreditation of experts			✓				
A licencing system should be introduced to accredit individual consultants and experts with the authority to prepare EIAs and SEAs						✓	✓

Role and performance of NGOs	ALB	BIH	HRV	XKX	MKD	MNE	SRB
The role of NGOs should be strengthened in relation to the decision-making process by being invited to participate in expert groups and through regular consultation	✓						

Content of the EIA/SEA	ALB	BIH	HRV	XKX	MKD	MNE	SRB
If more than one HPP is planned in one watershed, SEA should be mandatory		✓					
The EIA/SEA should address all aspects given in Annex 1 of the Country Report, and especially risk assessment, which should include at least seismic stability, flooding, geotechnical stability, etc.		✓					
The ICPDR Guiding Principles on Sustainable Hydropower Development (2013) should be taken into account		✓					
Guidelines should be adopted on the content of the chapters in the EIA report in order to improve the quality of the EIA		✓					
A formal requirement should be established for EIAs to contain a chapter addressing conflicts in policy between the project proposal and provisions of other legislation covering the same project area (e.g. areas designated for industry, construction, nature protection, etc.)		✓					
Detailed regulations or guidelines should be adopted on the content of chapters in the SEA report					✓		

Baseline studies and surveys	ALB	BIH	HRV	XKX	MKD	MNE	SRB
The baseline study should be based on up to date and target research of conditions in the affected area		✓					
Legislation should be revised to ensure that only up-to-date information is used in baseline surveys			✓				

Treatment of alternatives	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Alternatives must be presented and assessment of alternatives must be ensured in the development of energy policies, strategies and plans; assessment should be done taking into account environmental, social and economic criteria		✓					
When evaluating alternatives, social, economic and environmental criteria should be taken into account		✓					
The cost analyses should take into account costs of mitigation and monitoring measures		✓					

Transboundary issues	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Cross-border impacts should be analyzed in detail		✓					
Hydropower development on transboundary water bodies must be subject to consultation processes with potentially affected neighbouring countries		✓					
MoE should invest more time and commitment to informing and involving neighbouring countries on EIA and SEA procedures affecting proposals with potential transboundary issues			✓				

Definition of environmental flow	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Methodology for determination of environmental flow should be defined by legal acts in Republic Srpska and District Brčko			✓				
Regulations for SEA and cumulative impact assessment in Federation of BiH and District Brčko should be prepared and adopted			✓				
Federal Law on Environment should be amended and the procedure for screening and scoping in accordance with the EIA directive re-established			✓				

Publication of EIA/SEA report	ALB	BIH	HRV	XKX	MKD	MNE	SRB
In accordance with the legal obligation set out in 2013, the full details of an EIA should be published and not just the non-technical summary, as is the current practice.			✓				
The competent authority should provide advice and guidance to the general public on how to prepare their case when presenting evidence and opinions to public debates			✓				

Cumulative impacts	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Special attention should be given to the cumulative impacts of existing and planned projects, including development of methods for undertaking such assessments		✓	✓				
A publicly available database should be established for all prescribed and conducted environmental monitoring activities			✓				

Guidelines for EIA and SEA	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Guidelines should be written for drafting and reviewing EIA reports on HPPs			✓	✓			
The above guidelines should contain criteria for assessing the completeness and suitability of EIAs for decision-making				✓			

Monitoring and enforcement	ALB	BIH	HRV	XKX	MKD	MNE	SRB
Penalties should be imposed on any developer/operator who has provided false or incorrect data on an HPP project	✓						
A control and audit unit should be established within the National Environment Agency	✓						
Regional environmental agencies should collect and verify developers' monitoring reports and enforce standards with legal action where necessary	✓						
Conditions attached to environmental declarations should be clear, transparent and specific, and capable of being enforced under the relevant standards and legislation	✓						
The capacity of the State Inspectorate of Environment, Forests and Water (SIEFW) should be strengthened and its cooperation with other enforcement agencies increased	✓						
The State Inspectorate of Environment, Forests and Water (SIEFW) should actively inspect construction and operation of HPPs and enforce environmental declaration conditions and requirements	✓						

Monitoring and enforcement (continued)	ALB	BIH	HRV	XKX	MKD	MNE	SRB
The mitigation measures should be precisely defined and listed so to allow monitoring and inspection		✓					
MoE should follow the example of the European Commission and periodically analyse implementation and quality of EIAs, the quality and uniformity of the expert review committee and transparency of procedures			✓				

Capacity building	ALB	BIH	HRV	XKX	MKD	MNE	SRB
MoE should improve its own performance in conducting SEA proceedings in accordance with the legislation and regulations			✓				
The capacities of the staff of the Kosovo Environmental State Inspectorate should be strengthened to ensure effective law enforcement				✓			
Staffing levels in the EIA/SEA unit of MESP need to be increased to cope effectively with the workload				✓			
The law should be rigidly enforced in all cases where any small HPP project breaches the criteria for exemption					✓		
Better professional training is required for public administrators and civil servants engaged in the field of EIA/SEA							✓
The NGO sector could benefit from development of continuing adult education and training for participation in EIA/SEA procedures							✓

PART THREE – **COUNTRY REPORT SUMMARIES**

This part of the report contains only a very brief extract of the key findings from each of the seven Country Reports. It is not possible to do full justice to the analysis of individual case studies which provides the evidence base for the subsequent conclusions, but that information has itself been summarised in earlier sections of this report. However, those readers who want to gain a deeper understanding of the legal framework and the constraints and opportunities relating to each country are strongly advised to consult the original texts.

Albania

WEAKNESSES IN EIA PROCEDURES

Legislation

- A good legal base has been prepared for transposing the relevant EU directives.

Procedures

- The new National Water Strategy and Energy Strategy are still in the preparatory stage.Action Plans need to be developed.
- Adequate policies, plans and programmes are missing or out-of-date.
- Capacity to implement the legal framework is weak.
- Positive theoretical objectives cannot be met in practice due to the conflict between sustainability goals and development pressure.
- The conflict in objectives is exemplified by the award of concessions for HPP development.
- The absence of land use plans, master plans and management plans for protected areas is crucial.
- Even where plans for protected areas exist they are not enforced or are given only superficial recognition.
- Individual experts are not qualified to handle all aspects of EIA/SEA.
- Staff responsible for reviews have relatively weak expertise.
- Law enforcement suffers from logistical constraints, shortage of staff and failure to check compliance with standards and permit conditions.

WEAKNESSES IN EIA QUALITY

- Projects wrongly classified as Appendix (Annex) II instead of Appendix (Annex) I.
- Generalised and irrelevant baseline information.
- No scientific analysis by appropriate experts.
- Do not address all environmental, social and economic issues.
- No methodology for environmental flow calculations.
- Impact assessment is generic and not specific to case.
- No maps of relevant protected areas.
- Description of protected areas are vague.
- No ecologist in the list of experts.
- No evidence that experts provided assessment.
- No alternatives considered.
- Affected environment is not properly described.
- No clarity over the list of activities covered by the EIA.
- Details of road construction and temporary works are not given.
- Cumulative issues are not addressed.
- Mitigation measures are inappropriate or poorly covered.
- Competent authority staff placed in a difficult position over approvals.
- No plans showing construction, rehabilitation or monitoring.
- No reference to strategies, plans, projects at regional or national level.
- Significant omissions to the environment impacts assessed.
- Adjacent HPPs are not described or their impacts assessed.
- Potential transboundary impacts are not assessed.
- Methods and tools are not discussed or defined.
- Incorrect location coordinates are given.
- Controls to ensure compliance with legislation are weak.

ROOT CAUSES OF POOR EIAS

Policy Framework

- Absence of a proper policy framework governing development of natural resources and the protection of the environment.
- The absence of river basin management plans for all basins.
- Weak coordination between ministries and agencies of government.
- Complex structure of administration for local areas weakens effectiveness in implementation of national rules.
- Regulations on the accreditation and appointment of EIA experts are weak.
- Experts can hold positions/posts in public administration which creates conflicts of interest.

Legal Framework

- Secondary legislation (regulations) putting primary legislation into effect in particular related to SEA/EIA and water management is not fully completed.
- System of bylaws is complicated.
- Screening process is not properly carried out.
- Scoping phase is ineffective due to limited timeframes; difficulties in submitting EIA applications to all parties.
- Difficulties in publishing EIA applications on websites; relatively low awareness levels amongst public and missing responses.
- On full EIAs poor performance in relation to public debates.
- EIAs are undertaken by individuals when a multi-disciplinary approach is required.
- Individuals appointed to undertake EIAs or act as experts are not sufficiently qualified.

RECOMMENDATIONS

- Strategies, policies and plans urgently need to be drafted for natural resource development and management.
- Management plans are urgently required for all river basins.
- Better coordination is required between ministries.
- Conflicts between legislative provisions need to be addressed, and overlaps eliminated.
- The requirements of the national SEA Law should be transposed into other relevant legislation.
- Clear tasks must be set for subordinate sections of the environment ministry.
- More emphasis should be given to raising public awareness of environmental laws and procedures and the role of EIA and SEA.
- Processes for making environmental declarations and granting permits and concessions for HPPs must be revised to ensure compliance with legislation.
- Any delay of more than two years in starting an HPP project should result in the automatic cancellation of all permits and documentation.
- Regional environmental agencies should collect and verify developers' monitoring reports and enforce standards with legal action where necessary.
- The State Inspectorate of Environment and Forests should actively inspect construction and operation of HPPs and enforce environmental declaration conditions and requirements.
- Existing HPPs operating within protected areas should be inspected and the developer should be held responsible for paying compensation for any damage caused to the environment, protected species and habitats.
- Penalties should be imposed on any developer/operator who has provided false or incorrect data on an HPP project.

- The National Environment Agency should establish an appropriate panel of EIA experts to give independent technical and scientific opinion, to avoid subjectivism and corruption and ensure better decision making.
- Conditions attached to environmental declarations should be clear, transparent and specific, and capable of being enforced under the relevant standards and legislation.
- The authority and responsibilities of subordinate structures within the Ministry of Environment should be incorporated in secondary legislation, together with the format for an annual report on EIA law implementation; and a legal framework for the preparation of EIA reports.
- Relevant legislation, including the EIA Law should be revised to incorporate the requirements of the EU EIA Directive. Specific attention should be given to screening provisions, quality and analysis of EIAs, and treatment of protected areas.
- Timescales for consultation and reporting should be lengthened to make public engagement more effective.
- Cooperation between the agencies reviewing, assessing and granting environmental declarations, permits, consents, and licenses should be strengthened.
- Sanctions should be introduced against EIA experts who provide inadequate EIAs, including the suspension or revocation of certificates.
- Training in the review and assessment of EIAs and procedures for attaching conditions to environmental declarations and decisions should be provided to all National Environment Agency staff.
- Performance indicators should be introduced for assessing the competence of staff working for the National Environment Agency and Regional Environment Agencies (REAs) with provisions to impose penalties for poor performance or questionable actions in relation to the granting of permits.
- A control and audit unit should be established within the National Environment Agency.
- The capacity of the State Inspectorate of Environment and Forests should be strengthened and its cooperation with other enforcement agencies increased.
- NGOs should be given a greater role in the the decision-making process.
- The use and quality of websites for publishing EIAs and public participation processes should be greatly enhanced.

Bosnia and Herzegovina

WEAKNESSES IN EIA AND SEA PROCEDURES

Legislation

- The framework for legislation in BiH is based on an entity structure under which the Federation of Bosnia and Herzegovina, Republic Srpska and District Brčko each have their own legislation.

Procedures

- There is a need for improved transparency in EIA/SEA practice.
- Electronic copies of EIAs/SEAs should be available.
- The Report of the expert review committee is not available to the public.
- The Report of the public debate and consultations is not made public.
- There should be a statement from the decision-making body giving its response to public comments.
- The final SEA report should be published so that measures proposed for mitigation and the avoidance of impacts is available to all stakeholders.
- Quality control of EIAs/SEAs depends upon the expert review committee review but this body plays no part in screening or scoping, so these processes lack expert and independent advice.
- Licensed consultants whose names appear in the register are eligible to undertake all EIAs/SEAs regardless of their specific competencies.
- The decision on appointment of consultants is left to the promoter and the ministry plays no part in selection.
- Ministries do not have the expertise required to assess the complexities of HPP projects.
- The advice from specialist experts is often not integrated into the final EIAs/SEA reports.

WEAKNESSES IN EIA QUALITY

- Baseline assessments of the project area are unreliable.
- Other activities and uses of the area are not described.
- Plans were drawn in the 1950s or 1980s and are out-of-date.
- Project areas have undergone significant change with increased water-using activities and have been given enhanced ecological status and protection both of which are ignored in the EIA.
- Proposals for mitigation of ecological (and other) effects are not appropriate.
- The environmental flow (EF) has not been properly calculated.

- Hydrological data is more than 20 years old and does not take account of climate change.
- Water resource management legislation governing EF varies within the country and is not applied consistently.
- Social impacts are not addressed under standard EIAs unless as a requirement of donor procedures (WB, IFC, EBRD).
- Cumulative impacts were not addressed except in one case.
- Proposed mitigation is very general.
- Coverage of alternatives is limited to the no-go or to individual components of the scheme.

ROOT CAUSES

- There is a lack of transparency in making SEA/EIA reports available to the public.
- Public consultation does not extend to neighbouring countries even when there are clear trans-boundary impacts, as in the case of HPP Dabar which would affect Republic Srpska and Croatia.
- The report from public debates and consultations is not made public.
- Mitigation measures are not confirmed to the public.
- Quality control systems are not effective.
- The ministries have insufficient capacity to evaluate EIAs and SEAs
- Expert opinions are often ignored in producing EIAs.
- Poor ToRs due to lack of knowledge on the part of investor – and deliberate policy of seeking to obtain permits with the minimum level of investment.

RECOMMENDATIONS

EIA/SEA Studies

- If there are more HPPs planned in one watershed, an SEA should be mandatory.
- The EIA/SEA should address all aspects given in the Annex 1 of the Country Report including risks assessment as well. This includes at least seismic stability, flooding events, geotechnical stability, etc.
- The ICPDR Guiding Principles on Sustainable Hydropower (2013) should be taken into account.
- The baseline study should be based on up to date and target research of conditions in the affected area.
- The mitigation measures should be precisely defined and listed so to allow monitoring and inspection.
- Alternatives must be presented and assessment of alternatives must be ensured in the development of energy policies, strategies and plans. Assessment should be done taking into account environmental, social and economic criteria.
- When evaluating alternatives one should consider social, economic and environmental criteria.
- The cost analyses should take into account costs of mitigation and monitoring measures.

- Cross-border and cross-entity impacts should be analyzed in details.
- Specific international agreements to which Bosnia and Herzegovina is signatory should be elaborated and taken into account.

Legal changes

- Define method for determination of environmental flow by a legal act in the Republic Srpska and District Brčko.
- Prepare and adopt regulations for SEA and cumulative impact assessment in the Federation of BiH and District Brčko.
- Amend the Federal Law on environment and re-establish the procedure of screening and scoping in accordance to the EU EIA Directive.
- Regulate the mandate of expert review committee in terms of their role in quality control and to make provision for the revocation of individual expert licences in cases of incompetence or corruption.

Transparency

- The SEA/EIA document should be available electronically on web sites of the competent authorities during public consultations.
- Reports from the public hearing and consultation process, as well as report of the expert review committee, should be available for public in electronic form.
- Adopted version of SEA/EIA should be available electronically on web sites of the competent authorities and the decision on the EIA must be published on the website, in a timely manner.
- Hydropower development on transboundary water bodies must be subject to consultation processes with potentially affected neighbouring countries.

Croatia

WEAKNESSES IN EIA AND SEA PROCEDURES

Legislation

- EIA and SEA are conducted in accordance with up-to-date legislation (new Environmental Protection Act O.G. No 80/13).
- Transposition of the SEA Directive was correctly handled, but procedures for implementation and actual practice is not so good. There are 12 on-going SEAs but since legislation was first enacted in 2008 only one SEA (for Hydrocarbon exploration and exploitation in the Adriatic Sea) has been completed and with significant expert and public complaints on the procedure.

Procedures

- Reluctance to use SEA for assessing cumulative impacts of individual projects which are subjected to EIA.
- Legislation introduced in 2008 but only one completed SEAs.
- Insufficient staff to implement procedures.
- Existing staff in the competent authority and other ministries do not have the training to handle SEA.
- Use of web-based communication excludes critical sections of the local population.
- Data sources are not properly collated in one location.
- Insufficient inter-sectoral coordination and cooperation amongst public authorities.
- No single authority responsible for managing SEA.
- No clear objectives set at the outset in terms of what the SEA is expected to achieve, which limits the scope for defining realistic alternatives.
- Criteria for selection and appointment of members of the expert review committees are inadequate.
- Members of expert review committees do not have sufficient awareness and experience in the field of SEA.
- SEA procedures are hampered within the Ministry of Environment by staff shortages, limited capacity, inter-ministerial lack of cooperation and the lack of public interest in SEAs.

WEAKNESSES IN EIA QUALITY

- Focus on old projects with no new forward-thinking.
- Use of historic data with no new surveys.

- Loss of survey documents forming part of old EIAs.
- Loss of public comments on old EIAs.
- Loss of EIA documents.
- Historic EIAs amended without recording the changes.
- Failure of competent authority to issue basis of final decision.
- No record of conditions as a basis for monitoring mitigation.
- Field surveys undertaken outside the legal framework.
- Public participation involves passive dissemination of information with no opportunity for real feedback.
- Inadequate approaches for conducting public participation.
- Use of website which is not accessible to the majority of affected people.
- Meetings held remotely from the site area.
- Failure to notify time and place of meetings.
- Insufficient time given in advance of meeting dates.
- No serious consideration of alternatives.
- Public comments are listed but there is no analysis of their significance and public comments are largely ignored in the decision-making process.

ROOT CAUSES

- A principal reason for the poor quality of EIAs/SEAs is the absence of clear and strict criteria for the appointment of members of the expert review committees.
- Legal regulations controlling the accreditation of EIA/SEA experts have been delayed and there is no effective selection procedure for either EIA specialists or expert review committee members.
- EIAs can be based on data which is 30 years old without any legal challenge.
- Representatives of the competent authorities have insufficient education and experience to play their part in SEAs.
- SEA procedures suffer from a lack of administrative capacity, lack of cooperation between administrative bodies, lack of knowledge on the part of competent authorities and a lack of interest on the part of the general public.

RECOMMENDATIONS

Improvement of EIA Procedures

- In accordance with the legal obligation set out in 2013, the full EIA should be published and not just the summary which currently happens.
- Before an EIA is approved the competent authority should publish a substantive reply to comments submitted by the public.

- Full details should be published on the websites of the competent authority of the time schedules for public debates on specific EIAs.
- EIAs should be publically available in city libraries and reading rooms.
- The time period of public consultation should be extended beyond the legal minimum of 30 days in the case of complex documents, or documents that are of exceptional public interest.
- A list, or unique address book, of people representing public organisations should be prepared and used to invite local stakeholders to attend public debates.
- The competent authority should give advice and guidance to the public on how to prepare their case when presenting evidence at public debates.
- Legislation should be revised to ensure that only up-to-date information is used in baseline surveys.
- The legislation should be strengthened to ensure that experts retained on EIA expert review committees are truly impartial.

Improvements on Quality Control

- The Ministry of Environment should follow the example of the European Commission and periodically analyse implementation and quality of EIAs, the quality and uniformity of the expert review committee and transparency of procedures.
- Special attention should be given to the cumulative impacts of existing and planned projects, including development of methods for undertaking such assessments.
- A publicly available database should be established for all prescribed and conducted environmental monitoring activities.
- Guidelines should be produced for HPP EIAs.

Legal Recommendations

- Clear and strict criteria should be established by Ministry of Environment for the appointment of members of the expert review committees.
- Work should be accelerated by Ministry of Environment on production, adoption and implementation of legal regulations governing accreditation of experts.

Recommendations on Transboundary issues

- The Ministry of Environment should invest more time and commitment to informing and involving neighbouring countries on EIA procedures affecting proposals with potential transboundary issues.

Recommendations for Improvement of SEA procedures

- Information prescribed by the Rights of Access to Information Act should be published on the websites of local (regional) government units.
- Full details should be published on the websites of the competent authority of the time schedules for public debates on specific SEAs.
- SEA reports should be publically available in city libraries and reading rooms.

- A rule should be adopted to ensure that optimal dates are chosen for presentation of documents and public debate, including a requirement that presentations do not occur during normal hours of working or on public holidays.
- The time period of public debates should be extended beyond the legal minimum of 30 days in the case of complex documents, or documents that are of exceptional public interest.
- More than one public presentation of the SEA should be made where the effects of the project are of wide scope and interest.
- A list, or unique address book, of people representing public organisations should be prepared and used to invite local stakeholders to attend public debates.
- The Ministry of Environment should meet its legal obligations with regard to conducting SEA proceedings.
- The Ministry of Environment should speed up its work on adopting and implementing legal regulations relating to accreditation of experts.
- The Ministry of Environment should establish clear and strict guidelines for the appointment of the members of expert review committees.
- The Ministry of Environment should invest more time and commitment in informing and involving neighbouring countries in SEA procedures relating to HPPs with potential transboundary issues.

Kosovo

WEAKNESSES IN EIA AND SEA PROCEDURES

Legislation

- A significant number of acts, policies and strategies have been promoted, but implementation is limited by lack of staff and appropriate competences.

Procedures

- The public's right to information is enshrined in law but not supported in practice. Of 14 requests for access to public documents made to the Ministry of Environment and Spatial Planning only 4 were successful.
- It has been suggested that one reason for the refusal to release EIAs is the concern of some technical experts that their reports contain commercially sensitive information or that their release would prejudice intellectual property rights.
- The secondary legislation to support the primary acts is not in place.
- There is a lack of coordination between government ministries.
- Staffing levels are too low to be effective.
- Government agencies are required to supply information in their possession to applicants preparing EIAs within 15 days. In some cases this is not practical, especially where the data is obsolete and surveys are incomplete.
- The timeframes for ministries to issue screening and scoping opinions (10 and 30 days respectively) are too short.
- River basin authorities have not been established which hampers work on HPP EIAs/SEAs.
- The level of transparency in relation to decision making is low.
- Government's engagement with civil society is weak.

WEAKNESSES IN EIA QUALITY

- The analysis is based on discussion and background research – there are no actual case studies due to the fact that it was not possible to access any EIAs on HPPs.
- Environmental consents can cover HPPs at different sites and are therefore very general and do not specify relevant conditions for management/mitigation at each site.
- Baseline conditions are not properly described (even for single project sites).
- The main significant adverse impacts are not systematically identified.

- Appropriate mitigation measures are not proposed.
- Operations and activities that are ancillary to the main project are not described or assessed.
- It is not clear if alternatives are considered.
- Other activities and water users in the project area are not properly examined or assessed.
- Construction activities are not addressed properly.
- Rehabilitation of working areas is not addressed in the regulations.
- It is not clear how environmental flow should be calculated, and how this should affect operational standards.
- Issues of waste disposal are not addressed.
- Standard consents are issued by the authorities regardless of the nature or scale of the HPP.
- Transboundary issues are not accounted for.
- Nothing is said about cumulative impacts.
- The environmental consent requires operators to adhere to the safeguards and mitigation measures set out in the EIA but in most cases no such measures are prescribed.

ROOT CAUSES

- Lack of information on the form and content of EIAs (and SEAs?) is a major challenge in seeking to establish the reasons for poor quality overall.
- Absence of secondary legislation is a serious constraint.
- There is a serious lack of staff (only two experts are responsible for the Ministry of Environment and Spatial Planning's EIA administration – the Chief of the EIA Sector and one specialist).
- Provision of reliable data is difficult.
- Timescale for decision making is too short.

RECOMMENDATIONS

- The Ministry of Environment and Spatial Planning should draft secondary legislation giving effect to the EIA and SEA laws.
- Guidelines should be written for drafting and reviewing EIA reports on HPPs.
- The above Guidelines should contain criteria for assessing the completeness and suitability of EIAs for decision making.
- A checklist should be prepared to assist in identifying all information contained in an EIA, including the project description, associated developments, environment likely to be affected, appropriate consideration of alternatives, data collection and survey methods, identification of impacts, impact prediction, significance of effects, mitigation and environmental management proposals.
- Measures are required to ensure proper implementation of the legislation, including increasing awareness of all parties' responsibilities and roles, capacity strengthening, and effective participation.

- All relevant information on EIAs and SEAs, including notifications on screening and scoping, the full EIA and the EIA decision, should be published on the Ministry of Environment and Spatial Planning's website.
- Public meetings and debates should be published on websites as well as in newspapers.
- Ministry of Environment and Spatial Planning should be obliged to inform the public on the draft decision to award an environmental consent, and publish a statement containing the content of the decision and any proposed conditions to be attached, together with the main reasons and considerations on which the decision is based including, if relevant, a summary of the views of the public, a description of planned measures for avoiding, reducing and /or mitigating any adverse impacts.
- Staffing levels in the EIA/SEA unit of Ministry of Environment and Spatial Planning need to be increased to cope effectively with the workload.
- Regulations governing the responsibilities, organisation and functioning of various committees including the EIA expert review committee should be drafted and put into effect.
- Urgent work is required to update the national inventory of plants and animals.
- The Ministry of Environment and Spatial Planning and other respective authorities are obliged to provide, upon an applicant's request, data and information which they hold is significant in determining the direct and indirect impacts of a project on the environment. This system does not work well, due to lack of data and capacity, and should be reassessed.
- The timeframe for screening and scoping should be extended to make them more effective.
- Rules governing the withholding of information from an EIA on the grounds that its release would infringe the intellectual property rights of the author(s) or expose commercially sensitive data should be clarified and rewritten to ensure that the public interest is met.
- The form and content of the environmental consent is not defined in law and should be clarified. A draft environmental consent should be presented for public inspection before the final decision is issued.
- River basin authorities should be established and the necessary regulations to implement the Law on Waters, including provisions for the issuance of water permit, should be drafted and adopted.
- Ministry of Environment and Spatial Planning should improve publication of information to increase transparency, public awareness, involvement and participation in the EIA/SEA process, with improved arrangements for the earlier engagement of the public.
- The Draft Strategy of cooperation with civil society should be strengthened and activated.
- The capacities of the staff of the Kosovo Environmental State Inspectorate should be strengthened to ensure effective law enforcement.

Macedonia

WEAKNESSES IN EIA AND SEA PROCEDURES

Legislation

- It is more than 10 years since the EU Directives on EIA and SEA were transposed but implementation and enforcement is still lacking.

Procedures

- There is currently a lack of information and opportunity for real public participation.
- The concerns, opinions and recommendations arising from the public consultation process are not taken into account or reflected in the decision.
- Access to justice is hampered by the serious delays and costs incurred in challenging illegal procedures and poor decisions.
- Groups of projects that are not subject to formal EIA in the absence of rigorous screening can contain individual projects with serious environmental impacts.
- Plans are drafted and adopted without SEA, thus eliminating the opportunity to test alternatives and finding ways to reduce significant impacts.
- Applying SEA only to lower-order plans and ignoring the overarching plan, or selectively assessing only parts of a plan („Salami slicing") makes the validity of the entire assessment questionable.

WEAKNESSES IN EIA QUALITY

- Requirements for baseline surveys and their spatial extent are not sufficiently determined at the scoping stage.
- There is no baseline data on biodiversity and other environmental qualities.
- In the absence of baseline information there are no effective proposals for mitigation of adverse impacts.
- Alternatives are not well assessed despite a legal requirement.
- There is no cost-benefit assessment of the relative merits of the project and any alternative.
- There is no form of cumulative impact assessment.
- Decisions of the regulatory authority are not supported by any evidence justifying the conclusions.
- There is a lack of timely, adequate and complete information and public participation.
- Concerns, opinions and recommendations from the public consultation process are not taken into account and reflected in the decision.

- Case examination for EIA is not subject to a mandatory procedure and does not take into account the selection criteria for deciding whether to conduct an EIA or EEP.

ROOT CAUSES

- There is a conflict between legislation governing electrical power generation and that governing EIA.
- HPPs under 10 MW are exempt from environmental review under the Decree on electricity generation.
- Obligations relating to climate change and biodiversity have not been transposed from the EU directives into national law.
- There are no regulations or detailed guidelines on the content of the chapters in an EIA or SEA report.
- No procedures are in place for dealing with an EIA for a project which is proposed in a protected area where such activity is banned under other legislation.
- There is no requirement for the publication of the review check-list findings, or of the decision to approve or refuse a project based on EIA findings.
- Legally binding provisions are lacking with regard to public participation when an EIA report is revised or upgraded.
- There is a lack of clarity about which website is chosen by the promoting authority for the publication of SEA procedures. As a result few members of the public can gain access to the relevant information.
- There are no legal provisions to determine the content or adequacy of an SEA report which is prepared by the Ministry of Environment.
- Plans and programme subject to SEA cannot be challenged under the SEA legislation enshrined in the Law on Environment. A legal challenge against a defective plan or programme can only be made under the Law on administrative procedure.
- Law enforcement is generally lacking.
- Access to information and public participation provisions in EIA/SEA procedures are not always respected.
- Decisions on the scope of an EIA are not respected.
- Obligatory procedures for SEA of HPP plans are not always implemented or respected.
- SEA reports and draft plans are supposed to be completed in parallel but this rarely happens. The SEA is conducted in the final stages when opportunities to propose alternatives or examine cumulative effects are limited.
- Reports on the public consultation process and assessment of the adequacy of the SEA report are not produced.
- Decisions on the adoption of the plan, programme or strategy and the final version of the SEA report are not available to the public.

- SEA assessment is lacking at the strategic level. The National Spatial Plan, 2004 first proposed major HPP development, followed by the Strategy for Utilization of Renewable Energy Sources to 2020, published in 2010. The RES Strategy proposed 400 SHPPs. Neither of these national documents were subjected to SEA.

RECOMMENDATIONS

EIA law improvement

- Climate change and biodiversity obligations set out in the EIA Amending Directive (2014/52/EU) should be transposed into national legislation and implemented.
- Conflicts of purpose between the Decree on EIA and the Decree on EEP (HPP under 10MW) should be resolved in law.
- EIA procedures should be obligatory for any small HPP project which breaches the criteria for exemption.
- Legal provisions should be established to require public participation whenever a draft EIA report is upgraded or revised.
- Guidelines should be adopted on the content of the chapters in the EIA report in order to improve the quality of the EIA report.
- A formal requirement should be established for EIAs to contain a chapter addressing conflicts in policy between the project proposal and provisions of other legislation covering the same project area (for example, areas designated for industry, construction, nature protection etc.).
- The review check list of the report on the adequacy of the EIA should be subject to mandatory disclosure.
- Provisions should be made allowing for legal court review of the feasibility of the above report.

SEA law improvement

- Legal provisions should be established for information disclosure regarding the SEA (decision on conducting, report, etc.) on one (single) official portal.
- Detailed regulations or guidelines should be adopted on the content of chapters in the SEA report.
- Legal provisions should be adopted to cover the content of the report on adequacy of the SEA report and the accompanying quality check list.
- Clear rules and obligations should be defined in terms of who should be involved, and how the SEA report and adequacy of the SEA report, should be dealt with, during the decision-making process.
- Provisions should be established for legal court review of the assessment of the adequacy of the SEA report and the public consultation report.
- The Law on Environment should be strengthened to allow the decision for the adoption of a plan, programme or strategy to be challenged based on the findings of the SEA (or failure to adequately prepare an accompanying SEA).

Improving implementation and enforcement

- The Public Relations Office of the Ministry of Environment should be used to enhance access to environmental information.
- Better usage is required of electronic tools and the Ministry of Environment internet portal regarding EIA and SEA information and procedures.
- The jurisdiction of the State Environmental Inspectorate (SEI) should be extended with regard to EIA/SEA procedures, because SEI procedures are faster and more efficient than administrative court procedures.
- Amendments to the Law on Construction are needed in order to establish provisions regarding implementation and monitoring of EIA/SEA measures and to introduce provisions for revocation of construction licenses if EIA/SEA measures are not implemented.

Improving the quality of the EIA

- A better system needs to be established for technical review of SEA/EIA studies, e.g. independent committee for environmental assessment with authorized experts to guarantee the report content and quality.
- Legal changes should be introduced for improving the content of the decision and adequacy of the EIA/SEA report. A formal classification of approval or rejection should be set up as follows:
  - proposal/plan approved;
  - proposal/plan approved with conditions;
  - proposal/plan on hold pending further study and analysis;
  - proposal/plan returned for revision and resubmission;
  - proposal/plan rejected.
- The jurisdiction of the State Environmental Inspectorate to monitor should be extended and enhanced with regard to the content and the implementation of the EIA/SEA.
- The Law on Public Procurement should be amended to include provisions for obligatory criteria regarding the capability to conduct the EIA/SEA report (references, experience, technical capabilities etc.) and to introduce a blacklist and penalties for failure to produce a quality assessment.

Improving the quality of SEA

- Legal provisions should be established that require a project or the spatial plan at the project level to be subject to the findings of a previously approved SEA report prepared in relation to an overarching higher tier strategy or spatial plan.

Montenegro

WEAKNESSES IN EIA AND SEA PROCEDURES

Legislation

- The assessment of the consultant preparing the Country Report is that there are no significant gaps in national legislation. However, SEAs are not prepared for all plans.

Procedures

- Government agencies maintain that public consultation and public debate procedures are fully organised in line with legal requirements.
- SEA/EIA documents are not available electronically.
- The final report of findings by the competent authority is not published, so members of the public do not know what mitigation measures have been agreed.
- All mitigation measures should be summarised and published for the record.

WEAKNESSES IN EIA QUALITY

- The absence of an official water cadastre containing ecological and hydrological data is a serious constraint.
- The quality of baseline studies is unsatisfactory.
- Research is postponed until a later stage (after permits have been obtained).
- The baseline assessment covers a wide area and does not concentrate on the area directly affected by the project.
- Due to weaknesses in the baseline, the assessment findings are unreliable.
- Consultants with experience in EIA do not necessarily have the expertise to deal with HPPs.
- Significant areas of assessment are not covered in the EIA.
- Mitigation measures are not proposed or are very general.
- The environmental flow is based on a percentage of mean annual flow with no scientific justification.
- Cumulative impacts are not addressed.
- Alternatives are not covered in most case-studies, or simply consist of the no-go option.
- The EIA takes a positive view of the development even though important issues require detailed research or significant impacts are identified with no possible mitigation.
- The EIA/SEA process is only initiated after advanced designs have been prepared when it is no longer possible to make constructive amendments and refusal of a permit is likely to be politically sensitive.
- The consultants/experts are selected by the project developer which limits independence of view.

ROOT CAUSES

- EIAs/SEAs are conducted too late in the design development process so there is little opportunity to examine alternatives, or to introduce effective mitigation.
- Consultants are selected by the project developer which leaves the consultant fully dependent on the developer.
- The Environment Agency has no influence on the scope of contracted work or the selection of experts needed for a specific type of EIA/SEA (e.g. HPP).

RECOMMENDATIONS

Building the capacity of authorities and consultants

- Guidelines should be developed for environmental impact assessment for hydropower plants to be used by the Environment Agency during screening and scoping process and by the consultants. The guidelines should list best available techniques for mitigation of environmental impacts and monitoring measures.
- Guidelines should be developed for SEA and cumulative impact assessment.
- Guidelines should be produced for evaluation of HPP EIAs/SEAs to be used by members of the expert review committee.
- Tailor made training programmes and materials should be produced for the Environment Agency staff, consultants and experts engaged by the Agency in order to build their capacities for EIA for HPP projects.

Improving Procedures

- As part of the screening/scoping exercise, the competent authority should specify the necessary skills, experience and profile of the consultants or individual experts who are to undertake the full assessment.
- Members of the expert review committee should be carefully selected having in mind their relevant expertise.
- Experts of the water directorate should be involved in both the scoping and evaluation phase of an EIA.
- The SEA/EIA should be available electronically on web sites of the competent authorities during the public consultation process.
- The terms of a construction permit should clearly specify what are the obligatory mitigation measures.
- The final adopted version of an SEA/EIA should be available electronically on the web sites of the competent authorities.
- Cross-border impacts should be addressed in a timely and adequate manner. Hydropower development involving transboundary water bodies must be subject to consultation processes involving the citizens of potentially affected neighbouring countries. The SEA and EIA both require an assessment of cross-border impacts.

Serbia

WEAKNESSES IN EIA AND SEA PROCEDURES

Legislation

- European directives are transposed into the national law, but the procedures for implementation and actual practice do not deliver the EU objectives.

Procedures

- Division of EIA into three separate administrative procedures is not working effectively at present because legal challenges in the initial scoping stage or even the EIA elaboration stage are often ignored by the authorities who proceed to give approval without waiting for the court ruling. Successive court appeals add significantly to the overall timescale and increases costs for all participants.
- Developers have too great an influence over proceedings including selection and briefing of consultants.
- Civil servants are not trained in legal proceedings and often fail to make decisions in accordance with the regulations.
- The environment ministry which is responsible for the EIA/SEA process is also responsible for managing the expert review committee and handling complaints and appeals leading to internal or judicial review.

WEAKNESSES IN EIA QUALITY

- The three-part procedure for conducting EIA is unsatisfactory adding to time delays, costs and legal security issues.
- Consultants are poorly qualified for the work, especially on biodiversity assessment.
- Investors impose unwritten restrictions on the inclusion of mitigation measures that would add significantly to the project cost.
- Irregularities in procedures and processes for gaining approvals suffer from elements of corruption and inadequate safeguards against insolvent operators.
- Evidence exists of falsified documentation and deliberate exclusion of information relating to transboundary effects.
- Different versions of the same document are in circulation.
- Insufficient attention is given to the ecological conditions of protected areas in the baseline studies.

- Historic data is used for making assessments of climate and meteorological conditions, which renders the results invalid.
- Transboundary impacts are not assessed.
- No alternatives to the project are considered.
- Mitigation measures are too general or are not discussed.
- Assessment techniques are not described.

ROOT CAUSES

- The public play no role in the gathering of background data used in EIA/SEA studies.
- There is no effective licensing system for legal entities or bodies which conduct technical studies. The poor quality of many studies has consequences for the entire EIA process.
- Public authorities adopted an unhelpful attitude to public consultation – seeing these exercises as "a stone in the shoe".
- Administrative procedures are very lax and do not meet even the minimum legal requirements.

RECOMMENDATIONS

- The shortcomings should be addressed in the existing legal framework for environmental impact assessment, involving three independent administrative procedures, which adds costly delays without addressing real issues. The Country Report author advocates merging all stages into a single activity but this is contested by other commentators who feel this would make it easier for the authorities to grant environmental and construction permits at the same time without considering all the evidence.
- A licensing system should be introduced to accredit individual consultants and experts with the authority to prepare EIAs and SEAs.
- The law should be amended to give powers to NGOs and CSOs to sue against an unreasonable final decision by the competent authority to authorise an HPP project despite major environmental or social objections.
- An appeals process should be introduced.
- Greater legal power should be given to inspectors and monitoring staff to search out corrupt practices and to reduce the pressures exercised by investors on the official agencies and the consultant who compiles the EIA / SEA.
- Better professional training is required for public administrators and civil servants engaged in the field of EIA/SEA.
- The NGO sector would also benefit from development of continuing adult education and training for participation in EIA/SEA procedures.

The Morača River Canyon © Andrija Vrdoljak WWF-Canon

ANNEX – **AUTHORS' BIOGRAPHIES**

Editor of the Summary Report

PETER NELSON MA; MSc; Dip TRP; MRTPI;
Principal of Planning Green Futures UK;
International Director of Planning Green Futures Ltd, Sierra Leone

Peter is an environmental scientist and Chartered Town Planner. He has worked in natural resources development, environmental impact assessment and strategic environmental assessment since 1975, when he was appointed Project Manager for a prototype SEA of Water Resources in northern England for the North West Water Authority. Peter prepared the first UK Guidelines for EIA for the Department of the Environment (1992) and advised the European Union on the Costs and Benefits of EIA and SEA in 1996. He has subsequently prepared SEAs for the water sector in South Africa (2002–2004), Shire River Basin, Malawi (2009–2010), the Mara and Tana River Basins in Kenya (2010–2014), and acted as Environmental Expert on the Independent Panel for Multi-purpose water resources development (2012–2014) on the Blue Nile in Ethiopia.

Peter has detailed knowledge of water resource development and conservation issues in South East Europe having worked for the World Bank, UNDP, SNV, and the respective governments of Hungary, Bulgaria, Montenegro and Albania and with SEEChange Net in Sarajevo, on a range of SEA and planning programmes including energy, spatial planning, rural development, tourism and conservation.

Peter is co-author with Barry Sadler of the OECD-DAC Guidelines for Strategic Environmental Assessment in Developing Countries. He is a member of the International Association of Impact Assessors, and was formerly External Examiner on EIA and SEA Postgraduate courses for the Universities of Manchester and Oxford Brookes.

Author of the Albania and Kosovo Country Reports

ALMA BAKO

Alma has worked for more than twenty years on environmental issues in Albania. She is Director of EIAs and Permits Unit for the Ministry of Environment and was formerly Quality, Environment, Health and Safety Director for the National Airports Authority.

As a senior government officer Alma has contributed to the drafting of environmental legislation, policies, strategies and plans and programmes relating to EIA, the development of SEA/EIA and the permitting and law enforcement systems of Albania. She has written extensively on EIA and SEA, and Alma's papers are included in a wide range of journals, nationally and internationally.

Author of the Croatia Country Report

ŽELJKA LELJAK GRACIN

Željka is a full time lawyer with NGO Zelena akcija/FoE Croatia, and is also external lecturer at the University of Law in Zagreb, where she has been lecturing on Environmental Law since 2010.

At NGO Zelena akcija/FoE Croatia Željka coordinates the Environmental Law Programme, which she established in 2007. Over the last eight years she has participated in the drafting and adoption of procedures for a series of regulations in Croatia including the Environmental Protection Law, Water Law, Forest Law, Regulation on EIA, Regulation on SEA, Law on Legal Aid and Code on consultation with the interested public in procedures for adopting laws. She has also led or participated in the preparation and implementation of many projects financed by the European Union in which EIA and SEA procedures have played a prominent role.

Željka is currently involved in the preparation of a comparative analysis of EIA and SEA processes in the European Union which is being conducted by Justice and Environment, a network of European environmental lawyers. During the course of her work she has conducted many educational activities on EIA and SEA procedures for Croatian NGOs, public servants and the general public.

Željka has also been an active participant in a number of successful campaigns for protection of the environment including the campaign for the abolition of the Law on golf courses and campaign for preservation of the pedestrian zone in Zagreb.

Author of the Bosnia and Herzegovina Country Report

SVJETLANA KODŽO

Svjetlana has multi-annual experience as environmental planner at the Department for Spatial Planning and Environment at the Institute for Urban Planning, Civil Engineering and Ecology of Republic Srpska, Bosnia and Herzegovina. She has developed environmental plans within planning documents, studies and projects, as well as worked on local strategies and environmental action plans supported by international organizations.

Svjetlana intensively researched EIA and SEA methodology and legislation during her Master's studies. She strives to integrate EIA and SEA in the spatial planning practice as much as possible, and highlights the importance of these assessments.

Svjetlana published papers within the framework of participation in environmental seminars specifically on the subject of normative environmental protection. She has been involved in educational activities and projects for developing and strengthening public awareness about environmental issues.

Author of the Bosnia and Herzegovina and Montenegro Country Reports

DR SANDA MIDŽIĆ–KURTAGIĆ

Sanda is an Executive Director at the Hydro-Engineering Institute of Civil Engineering Faculty in Sarajevo, with responsibilities for national and international projects. She holds a Doctorate in Technical Sciences and B.Sc in Civil Engineering and her key qualifications are in the fields of solid waste management, pollution management and prevention, mine water management and pollution control, environmental impact assessment, and cleaner production technologies.

With over twenty years of practical experience Sanda is a licensed adviser to the Federal Ministry of Environment and Tourism for the assessment of EIA studies and Requests for environmental permits.

Sanda applies her analytical skills in legal and institutional analyses for ESIA, and is fully qualified to undertake the baseline studies and full environmental and social impact assessments (ESIAs) for a wide range of projects and industrial installations including hydropower, roads, motorways, power transmission lines, wastewater treatment plants, landfills, wind parks, touristic eco-infrastructure, irrigation and flood protection systems, concrete production facilities and quarries. Based on her extensive practical and academic experience Sanda is familiar with national legislation and the requirements of financial institutions involved, like EBRD, WB, IFC and KfW. She has a strong track record in the preparation of framework documents needed for project appraisal and the project approval phase, as well as full ESIA plans prepared with respect to the environmental, social, health and safety policy of the financial institutions.

Author of the Macedonia Country Report

ALEKSANDRA BUJAROSKA

Aleksandra has worked as an environmental lawyer in the Environmental citizen's association "Front 21/42" since 2007. She holds a LL.M. degree in Criminal Law from the Iustinianus Primus Faculty of Law in Skopje where she wrote her Master's thesis on "Environmental crime and criminology".

She conducted several research and analyses of the transposition and implementations of the environmental legislation on national and regional level. Aleksandra is a coauthor of the "Guide on environmental law in the Republic of Macedonia" which is an official text book of the Iustinianus Primus Faculty of Law in Skopje. She actively participates in environmental decision and policy making in Macedonia with a main focus on energy issues and industrial pollution. Aleksandra has participated in the preparation and monitoring of a number of EIAs/SEAs procedures and reports on national level.

Author of the Serbia Country Report

SRETEN ĐORĐEVIĆ

Sreten is a practicing lawyer, attorney at law and member of the Serbian BAR Association, with significant experience in environmental law issues. During his 15-year career, Sreten has participated in many proceedings before the judicial and administrative authorities where the subject matter was related to the environment in the areas of energy, mining, nature protection, cement manufacture and radiation protection, amongst other issues.

In addition to professional activities as a lawyer, Sreten acts as a consultant in the field of environmental law, and he took part in the harmonization of the Serbian legal system with the EU legal system.

Sreten is the author or co-author of many publications in the field of environmental law, access to justice in the environmental field, access to information and public participation in environmental matters. In 2014, he was declared the winner of the "Green List" for 2014 (awarded by Radio Belgrade 2 and the Conservation Movement of Vojvodina) for his part in the active struggle for the realization of citizens' environmental human rights in Serbia.

South East Europe
Sustainable Energy
Policy

Supported by