



“PROJECT FOR REHABILITATION OF REGIONAL AND LOCAL ROADS, ALBANIA”

Environmental and Social Management Framework

*Prepared by:
Albanian Development Fund*

draft
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LIST OF ACRONYMS

ADF	Albanian Development Fund
DCM	Decision of the Council of Ministers
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IBRD	International Bank for Reconstruction and Development
IoCM	Institute of the Cultural Monuments
IPRO	Immovable Properties Registration Office
LGC	Local Grievance Committee
LGU	Local Government Unit
MoET	Ministry of Environment and Tourism
PAP	Project Affected Persons
RAP	Resettlement Action Plan
ARAP	Abbreviated Resettlement Action Plan
RPF	Resettlement Policy Framework
WB	World Bank

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INTRODUCTION

This document presents the Environment and Social Management Framework (ESMF) for the proposed Project for Rehabilitation of Regional Roads. The main purpose of the ESMF is to be a tool for ensuring that the infrastructure sub-projects implemented through the project comply with the existing laws, regulations and practices in Albania, as well as with the World Bank's Operational Guidelines on Environmental Assessment, Natural Habitats, Involuntary Resettlement and Cultural Heritage, and that the sub-projects will not have a lasting adverse impact on the country's population, nor on the natural environment or properties of particular cultural or historical value. A summary of the possible environmental issues and mitigation measures is presented in the chapters that follow.

BACKGROUND

During the past two years, the Government of Albania developed key strategic instruments for the territorial development of the country, including preparation of the National Territorial Development Strategy (NTDS). These strategic documents provide a sound vision and strategic direction for the development of the country over the next fifteen years (2015-2030).

The proposed "Project for Rehabilitation of Regional and Local Roads " in Albania follows several large investment projects in infrastructure improvement financed by the World Bank Group.

The Albanian Development Fund (ADF), which will be the Implementing Agency for the project, is a public agency whose mission is to encourage a sustainable, balanced and cohesive socio-economic development at local and regional level.

The ADF was established at the beginning of 1993, based on an agreement between the Albanian Government and the World Bank.

The main objectives of the ADF are:

- improvement of the local socio-economic infrastructure;
- improvement of the local public services;
- institutional strengthening of the local government units;
- encouragement of good governance at local level;

ADF's COMPETENCES include:

- Management of projects financed by the Albanian Government and/or various donors whose aim is the local and regional development;
- Provision of financial assistance in forms

such as grants, loans, guarantees, etc. for the local government units to improve the socio-economic infrastructure and local public services;

- Provision of technical support in the implementation, follow-up and the supervision of investments to improve socio-economic infrastructure and the local public services;

- Provision of technical assistance and carrying out trainings to increase the institutional capacities of the local government;

- Accomplishment of various activities to serve the implementation of policies and the instruments of the local and regional development.

Having a long experience with implementation of a variety of infrastructure investments, including projects in construction/rehabilitation of road infrastructure, Water Supply and Sewage Systems, Schools, Kindergartens & Playing Fields, Health Care Centres, Drainage Systems, Bridges, Markets, Public Buildings and Community Centres, the ADF has gained consequent knowledge and practice on implementation of infrastructure projects.

Of special relevance to this document, is the Rehabilitation of Secondary and Local Roads Program. The implementation of such an important project was entrusted to the ADF which is an experienced Agency in the implementation of infrastructure projects. "The Improvement of Secondary and Local Roads" Project, which is co-financed by the World Bank and other donors at an estimated amount of \$ 368 million, aims at increasing the concrete efforts for the improvement of infrastructure in the country and for increasing the access to basic services and local markets especially in rural areas via the rehabilitation of secondary and local road network, consisting of about 1,200 km of roads. The environmental management framework was prepared for the project prior to appraisal. There were no major environmental non-compliances during project implementation.

The Project became effective in September 2008 and is expected to be finalized by the end of 2017. This programme was initially prepared and financed by the World Bank Group, to be later followed by other donors. The SLRP has been financed to the amount of 368 million USD by the Albanian Government, World Bank, OFID, Council of Europe Development Bank, Norway Trust Account, European Bank, European Bank for Reconstruction and Development, European Investment Bank, Islamic Development Bank, KfW and WBIF. The performance rating by the Implementation and Completion Report on the World Bank and OFID I financing for SLRP is "Highly Satisfactory".

The SLRP programme was followed by the "Project for Integrated Urban and Tourism Development- PIUTD", also financed by the World Bank Group. The development objective of the Integrated Urban and Tourism Development Project for Albania is to improve urban infrastructure, enhance tourism assets, and strengthen institutional capacity to support tourism-related local economic development in selected areas in the south of Albania. This project is approved in November 2016 at the total project cost of USD 71 million, expected to be finalized in July, 2022.

Investments carried out by ADF have been in compliance with Albanian Environmental Regulations and other donor policies, including World Bank's Safeguard Policies,

EBRD/EIB, KfW, CEB, OFID, etc. ADF has an Environmental and Social Unit comprising of head of the Unit, one full time social expert and three full time environmental expert. The staff has to date undergone two days training by World Bank safeguards experts. The staff will also in the future enroll in additional environmental and social trainings.

Based on ratified loan agreements between the Government of Albania and donor organizations, all financed investments must be in compliance with donor policies, as well as national policies, with priority given to loan agreements in case of gaps and missing implementation tools in national legislation.

1.1 Purpose of the project for “Regional and Local Roads Connectivity Project”

1.1.1. PROJECT OBJECTIVES AND CONTENT

The Project Development Objectives are to improve and sustain road access of regional communities to economic centers and strengthen the selected project municipalities' management of road infrastructure.

The Albania Regional and Local Roads Connectivity Project (RLRCP) is expected to be financed by an IBRD loan of Euro 50 million. It will build on the lessons and results from previous World Bank-financed transport projects, including the SLRP which was found to be "highly satisfactory" in post completion reviews, as well as very relevant similar experience in Armenia, Moldova and Georgia. LRCP will focus on the role that improved roads can play in enabling connectivity driven economic gains, particularly in the agricultural and tourism sectors, both key drivers of growth in regional Albania.

Component 1. Accessibility Improvement. This component will finance the rehabilitation of about 80 km regional and local roads; consultancy service for designs, civil works supervision, technical and road safety audits; and road safety initiatives.

The project will finance the rehabilitation and/or reconstruction within the right-of-way of regional and local roads in selected municipalities and construction of short new segments only where they present natural continuation / connection. The construction, reconstruction or rehabilitation of roads on existing right of way would be allowed only in form of one or two lane roads. New construction will be limited and allowed only in some specific cases, for example, where segments are missing or alignment of a section that is currently particularly difficult or dangerous. While the rehabilitation works will be allowed in the protected and sensitive areas, the new construction in such areas will not be supported. No activities would be allowed in or in proximity of critical habitats. Construction will mainly occur within the existing right-of-way, and the estimated cumulative length of project road segments is 80 km. There is no geographical focus for the roads to be financed. Instead, the selection of roads will be subject to a rigorous multi-criteria prioritization process which takes into account connectivity between farms and markets and consider aspects of political economy, in order to optimize the economic impact and opportunities to link agricultural markets and tourism

hubs. Initially, the Implementing Agency, in consultation with all municipalities developed a long-list based on the priorities identified by the LGUs, taking into account the aforementioned environmental protection related limitations. This was followed by a multi-criteria analysis applied to the long-list of roads resulting from the first screening, where the framework criteria have been agreed with the World Bank.

Component 2: Capacity Building for LGUs. This component will provide trainings to increase selected municipalities¹’ capacity to manage their transport system and road assets, and include technical assistance to support them to take advantage of improved accessibility for agricultural production and tourism potential. The following activities are envisaged:

Component 3. Implementation Management Support. This component includes incremental operational cost of ADF, development and maintenance of GIS and prioritization database for regional and local roads, midterm evaluation, and capacity building initiatives for ADF. It will also include the implementation of a Project Impact Assessment to assess the project’s impacts on key social, transport, agriculture and tourism indicators, similar to what ADF has done in the previous Rural Road Program using financing from the development partners and outsourced expertise.

¹ To keep it manageable this could only be supported in project road municipalities

1.2 Scope and Objectives of the ESMF

As the technical evaluation (e.g. feasibility studies, detailed designs) and specific intervention locations under the project will not be completely identified and/or ready and their specific impacts will not be known by project appraisal, the preparation of this ESMF, in addition to a Resettlement Policy Framework (RPF) describes the overall environmental and social safeguard procedures to be undertaken during project implementation. Therefore, the purpose of this ESMF is a guide to the Environmental and Social Assessment process relevant to the proposed project activities. It provides guidelines on how to manage the project potential adverse impacts in line with the Bank operational policy OP 4.01 on *Environmental Assessment* and other triggered policies and the relevant national laws, to set out the process of how environmental and social impacts are to be assessed, addressed and managed for project activities as yet to be identified.

The purpose of this ESMF is to guide the Environmental and Social Review process, i.e. to facilitate screening, assessment, and management of environmental and social issues for activities to be taken up by the project in subsequent years. The project is category B project and for such ESMF defines following eligibility environmental criteria for subprojects: a) category A sub projects will not be financed; b) for sub projects in nature protected sites, or significant natural habitats, only rehabilitation of the roads would be allowed and no new construction. No activities would be allowed in or in proximity of critical habitats; c) New construction should be limited and allowed only in some specific cases for example where segments are missing or alignment of a section that is currently particularly difficult or dangerous; d) The construction, reconstruction or rehabilitation of roads on existing right of way would be allowed only in form of one or two lane roads. The procedures essentially consist of Environmental Screening, Environmental Assessment, and Environmental Mitigation where necessary. The Environmental Screening will be carried out by ADF at an early stage in their sub-project review procedures to determine the appropriate environmental risk category for the proposed sub-projects, and may require the contracting of external expertise. Following screening, an Environmental Assessment (EA) in line with the environmental classification of the sub-borrower/sub-project will be recommended. The EA will be a part of the Design contract with ADF (borrower/implementing agency), prepared by ADF or ADF consultant, in coordination with the beneficiary (local self-governing unit - LGU). When the design is finished, the beneficiary applies for an environmental permit and pays the tariff, based on a signed Investment Agreement with ADF.

The implementation of the Environmental and Social Management Plan (ESMP) will be monitored by the ADF team.

This ESMF is the document focused on the overall project implementation. Specific ESMPs (stand-alone or as a part of preliminary ESIA e.g. for Fier-Seman road rehabilitation) and ESMP Checklists for investments identified during project implementation, will be prepared depending of the scope of works and location (confirmed by the screening) in due time before

works commence either by ADF or designated designer and in coordination with the Local Self-governing Units. The chapter on Resettlement Policy Framework, part of this ESMF, serves to assess and mitigate potential social impacts associated to land acquisition and economic or physical displacement of population required for the project.

Finally, this ESMF will be an integral part of the Project Operation Manual (PoM) and is applicable to all linked investments financed in the project areas regardless of their funding source or implementing agency.

2. PROJECT LEGAL AND REGULATORY REQUIREMENTS

In case of any gap or misalignment between the Albanian legal framework applied in the framework of this document and World Bank policies, in accordance to the Law No.10 428, dated 2.6.2011, “On the Private International Law” (article 2)², the international agreement between them prevails the legislative framework; known also as the supremacy of international agreements. The current loan between the GoA and World Bank for the project financing is considered to be an international treatment/agreement and therefore its articles and specifications prevail the respective country law.

2.1.ENVIRONMENTAL ASPECTS

2.1.1. BACKGROUND

In general terms, the Albanian Constitution that was adopted by the Albanian Parliament in 1998 requires institutions to maintain a healthy environment, ecologically suitable for present and future generations. In the last decade and especially since 2001, a number of laws and other legal acts on the environment have been drafted and approved.

The Albanian national legal framework is largely harmonized with EU legislation. The Albanian legal framework regarding environmental and socioeconomic issues is based on the Constitution of the Republic of Albania and consists of laws and regulatory acts, such as Decisions of the Council of Ministers (DCM), ministerial acts, regulations, guidelines and standards.

2.1.2. LAW ON ENVIRONMENTAL PROTECTION

Environmental legislation is governed by the Law on Environmental Protection No. 10431, dated June 9, 2011³. This Law sets out principles, requirements, responsibilities, rules and procedures to ensure a higher level of environmental protection and includes dispositions for environmental impact assessment as a tool for environmental protection, aiming to identify and define the possible direct and indirect effects on the environment mainly to prevent these effects.

Article 5 defines the principle of sustainable development:” Public authorities, through the development, adoption and implementation of normative acts, strategies, plans, programs and projects within their competence, promote sustainable economic and social development,

² Law no.10 428, dated 2.6.2011, “On the private international law”,
http://www.pp.gov.al/web/ligji_drejte_nderkombetare_private_1_571.pdf

³ This law is harmonized with Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage. Official Journal L 143 , 30/04/2004 P. 0056 - 0075

using natural resources in order to meet current needs and preserve the environment, without prejudice the possibility of future generations to meet their own needs”.

This Law establishes national and local policies on environmental protection, requirements for the preparation of environmental impact assessments and strategic environmental assessments, requirements for permitting activities that affect the environment, prevention and reduction of environmental pollution, environmental norms and standards, environmental monitoring and control, duties of the state bodies in relation to environmental issues, role of the public and sanctions imposed for violation of the Law.

2.1.3. LAW ON PROTECTED AREAS

The new law no. 81/2017 “on the Protected Areas” regulates the nomination, conservation, administration, management, sustainable use of environmentally protected areas and their natural and biological resources, based on the principle of sustainable development, to fulfill standard environmental, economic, social and cultural functions in favour of communities, as well as definition of roles and responsibilities of public institutions and private physical/juridical entities on the protection and sustainable administration of PA, through: a) identification, definition and widening of environmentally protected areas; b) guarding, protection, rehabilitation and recovery of ecosystems and natural habitats, species, landscapes within protected areas; c) sustainable use of environmentally protected areas by integrating its elements in strategic planning and decision-making.

The responsible institutions for protected area nomination and administration are the Ministry of Environment and Tourism and the National Agency of Protected Areas. Classification of protected areas is in line with the IUCN International classification and criteria.

The Ministry of Environment and Tourism and the National Agency for Protected Areas are responsible for:

- Proposing areas to be protected.
- Preparing the legal and managerial procedures to propose and declare a protected area.
- Compile management plans for protected areas.
- On-going monitoring / regulation of management.

National Agency of Protected Areas, created by the Council of Ministers decision. No. 102, dated 04.02.2015, aimed management, protection, development, expansion and operation of the surfaces of protected areas in our country, which today account for about 16% of the territory of Albania. NAPA manages the network of protected areas and other natural networks as Natura2000 under management plans drawn up. NAPA monitors and inventory of flora and fauna in these areas, as well as a very important aspect is to generate income from services to others.

The system of protected areas consists primarily in 15 national parks, several managed natural reserves and protected landscapes that shelter the greatest natural and biodiversity values of the coun

try. This large network is recently being complemented with Regional Protected Areas, established and managed by local authorities.

A summary of protected areas system, taken from the National Agency of Protected Areas website, is given in the table below:

Protected Areas Categories	Description of the category	Number	Area (ha)	%
Strict Nature Reserve/ Scientific Reserves (IUCN Cat. I)	Territories bigger than 50 hectares, with special natural value where no intervention is allowed	2	4,800.00	1.04
Nation Parks (IUCN Cat. II)	Wide territories usually bigger than 1000 hectares, representing unique national and international values, where in some parts of it, tourism and recreation are allowed	15	210,501.40	45.76
Natural Monuments (IUCN Cat. III)	Natural formation (including special wood), with an area up to 50 hectares, the formation of special geologic / geomorphologic, a habitat of a rare type and in threat of extinction or with an importance scientific value	750	3,470.00	0.75
Managed Nature Reserve/ Natural Park (IUCN Cat. IV)	Territories that represent bio-centers and bio-corridors with regional and local importance or areas with plants, animals that are especially protected	22	127,180.10	27.64
Protected Landscape (IUCN Cat. V)	Large territories more than 1000 hectares with a well formed harmonic landscape, with a developed relief, with a variety of ecosystems, sea or land, etc.	5	95,864.40	20.84
Protected Area of Managed Natural Resources (IUCN Cat. VI)	Areas that include large areas of territory and relatively isolated and uninhabited, where is difficult to go or regions that are sparsely populated	4	18,245.00	3.97
*Regional Nature Parks (IUCN Cat. IV of V)	Territories/Areas with natural values and important to the local communities that are under the management of local government, such as forests, grasslands, reservoirs, wetlands, etc.	4	51,383	
Total		798	460,060.90	100%

2.1.4. LAW ON ENVIRONMENTAL IMPACT ASSESSMENT

The new law on Environmental Impact Assessment No 10 440, dated July 7, 2011, is approximated to the Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁴.

⁴ Law No 10 440, dated 7. 7. 2011 “on environmental impact assessment”

This law aims to protect the environment through prevention, minimization and compensation of damages from proposed projects which may cause direct or indirect significant adverse impacts on the environment due to their size, nature or location before the projects are approved.

Further, the law defines the guidelines for the environmental impact assessment, the parties that must be involved and the obligation of environmental authorities to make all existing information for the compilation of EIA reports available to project developers. Provisions for trans-boundary impacts are also part of this law.

The EIA Law defines the type and scale of the projects that require an EIA before implementation. The law prescribes two levels of EIA system for projects (i) preliminary EIA and (ii) profound EIA.

- Preliminary EIA. This is for projects that may have less potential impacts. They include projects listed in Appendix 2 of the Law on EIA.
- Profound EIA. This is for projects with significant potential impacts, as listed in Appendix 1 of the Law, those projects listed in Appendix 2 which the MoET considers will have a significant impact on the environment (including activities that are to be implemented in a protected area). The profound EIA procedure also includes: public debate and consultations with relevant authorities.

According to the above-mentioned legislation flowing rules apply:

	Necessary when
Profound EIA	<ul style="list-style-type: none"> - Construction of highways and expressways (highway highways). <p>Meaning of this law, "expressway" is a path that meets the conditions set forth in the definition of European Agreement on the Main Arteries of International Traffic, 15 November 1975.</p> <p>And</p> <ul style="list-style-type: none"> - Construction of a new road of four or more lanes, or rehabilitation/widening of an existing road, which has two or less lanes, to become with four or more lanes, when the new road or the rehabilitated road is 10 or more km long of continuous length.
Preliminary EIA	<ul style="list-style-type: none"> - Construction of roads, marines and marine installations, including fishing marines (projects not included in appendix 1) - Permanent roads for races and other motor

	tests
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The key laws related to environmental protection and assessment are listed below:

- Law No. 10119/09 "On Territory Planning," amended by Law No. 10258, dated 21.04.2010 and Law No. 10315 dated 16.09.2010;
- Law No. 9700, dated 26.03.2007 "On environmental protection from transboundary impacts;"
- Law No. 9478, dated 16.02.2006 "On the accession of the Republic of Albania to decisions II/14 and III/7, amendments of Espoo for Environmental Impact Assessment in the transboundary context;"
- Law No. 8897, dated 16.05.2002 "On air protection" as amended by Law No. 10266, dated 15.04.2010;
- Law No. 9424, dated 06.10.2005 "On the ratification of the strategic environmental assessment protocol;"
- Law No. 9010, dated 13.2.2003 "For environmental administration of solid wastes" as amended by Law No. 10137, dated 11.05.2009 "On Some Changes in Legislation in Force for Licences, Permits and Authorizations in the Republic of Albania"
- Law No. 9115, dated 24.07.2003 "On the administration of polluted waters" (amended by Law No. 10448/11 "On Environmental Permits"
- Law No. Nr. 81/2017, "On protected areas"
- Law No. 10463, dated 22.09.2011 "On Integrated Waste Management."
- Law No. 9048, dated 07.04.2003 "On Cultural Heritage;" as amended by Law No. 9592, dated 27.07.2006;
- Law No. 9882, dated 28.02.2008; and Law No. 10137, dated 11.05.2009 "On Some Changes in Legislation in Force for Licences, Permits and Authorisations in the Republic of Albania;"
- DCM No. 676, dated 20.12.2002 "On declaring the Albanian Nature Monuments as Protected Zones;"
- Law No. 8756, dated 26.03.2001 "On civil emergencies" as amended by Law No. 10137, dated 11.05.2009 "On Some Changes in Legislation in Force for Licenses, Permits and Authorizations in the Republic of Albania;"
- Law No. 8093, dated 21.03.1996 "On water reserves" as amended by Law No.8375 dated 15.07.1998;

Besides the Albanian legal framework, the ESIA process respects the international obligations provided from international conventions and agreements ratified by Albania.

The following table shows the conventions and agreements which are related to the environment and have been ratified by the Republic of Albania over the years.

Table 1. International Conventions and Agreements Ratified by Albania

Convention name
Ramsar Convention on Wetlands (1971)
Convention on Biodiversity (Biological Diversity) (1992)
Bern Convention (1976): Conservation of European Wildlife and Natural Habitats
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (2003)
UN Framework Convention on Climate Change (UNFCCC)
Aarhus Convention (Convention on Access to Information (1998), Public Participation in Decision making and Access to Justice in Environmental Matters)
Bonn Convention or CMS (1979); Convention on the Conservation of Migratory Species of Wild Animals
Barcelona Convention (1976); Convention for the Protection of the Mediterranean Sea against Pollution
Kyoto Protocol
UNESCO Convention for Safeguarding the Intangible Cultural Heritage (2003)
Espoo Convention: Convention on Environmental Impact Assessment in a Trans boundary Context together with amendment and Protocols (1991)
Convention on the Protection of Underwater Cultural Heritage (2001)
Convention on the Protection and Use of Transboundary Watercourses and International Lakes
Nagoya Protocol
United Nations Convention on the Law of the Sea
Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
Cartagena Protocol on Biosafety
Basel Convention
Stockholm Convention on Persistent Organic Pollutants
Protocol on Water and Health

2.2.Laws and Regulations in the Field of Cultural Heritage and Chance Finds

Projects for all types of constructions above ground and underground and engineering infrastructure projects across the entire country are based on standards and technical requirements of legal acts in force. Law No. 10119/09 "On Territorial Planning," amended by Law No. 10258, dated 21.04.2010 and Law No. 10315 dated 16.09.2010, is the main legislative tool in Albania relating to urban planning, and aims to integrate the urban planning legislative framework into a single law.

Law No. 10119/09 entered into force on 30 September 2011. The main purpose of this law is to provide a sustainable development of the territory through the rational use of land and natural resources. This law includes the concepts of natural and cultural heritage protection and of the community's health and safety protection. Additionally, the law mentions integrated planning instruments to be designed for Coastal areas, for cultural, natural and environmental heritage and landscapes, as well as for other areas of common importance or interest.

The protection of cultural heritage in Albania is addressed by the Ministry of Tourism, Culture, Youth and Sports and several specialized institutions within the Ministry of Education and Science. Within the Ministry, the Department of Cultural Heritage oversees the Institute of Monuments, the nine National Museums, and the Centre of Registration of

Cultural Property. Cultural heritage includes: archaeological sites, historic buildings (isolated and in districts), graveyards and places invested with traditional meaning of a historical, cultural or religious nature.

Law 9048 (“Cultural Heritage Act”) approved on April 7th, 2003 (as amended by Law No. 9592, dated 27.07.2006; Law No. 9882, dated 28.02.2008) is the primary legal framework governing the management of tangible and intangible cultural heritage in Albania. Law 9048 represents the first effort to extend legal protection to material within the field of intangible cultural heritage. Its contents include: Categories of Albanian cultural heritage to be protected (i.e. tangible, intangible, movable, immovable); Definitions and examples of tangible and intangible heritage; Responsibilities of relevant institutions and government bodies; Penalties for those who damage cultural heritage; and Mitigation procedures. Article 4 lists the tangible, immovable values that are to be protected, which include, but are not limited to: Archaeological sites; Historic structures (including places of worship); Historic towns and neighborhoods; Cemeteries and graves; and Historic landscapes. Law 9048 was amended by Law 9592 dated 27.07.2006. Amendments included 1) the introduction of the National Committee of National Heritage as an advisory body and 2) the creation of the National Committee for Intangible Heritage (NCIH). Law 9048 was amended again by Law No. 9882, dated 28.02.2008. The 2008 amendments incorporated articles reconstructing the network of specialized cultural heritage institutions and articles dealing with the creation of the National Council of Archaeology and specialized institutions such as the Albanian Archaeological Service.

According to the law, if anything unusual will be found during the digging and excavation process, the contractor has to stop immediately the works, urgently inform the local authorities, the Institute of Cultural Monuments and also the Ministry of Culture. They will send archaeologists and field specialists in order to check and evaluate the supposed archaeological objects and the works will restart only after the official permit is given by the Institute of Cultural Monuments.

Albania also respects the international obligations provided under international conventions and agreements ratified by Albania in the framework of cultural heritage.

Table 2. Laws adopted after the ratification of international conventions by the Republic of Albania

Convention name	Ratified by Albania
Law no. 9490, dated 13.03.2006 "On the Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage", Paris 2003	2006
Law nr.9806, dated 17.09.2007 On the Ratification of the European Convention "On Protection of the Archaeological Heritage"	2007
Law No. 10 027, dated 11.12.2008 "On accession of the Republic of Albania to the Convention on the Protection of Underwater Cultural Heritage", Paris 2001	2008

Source: <http://www.kultura.gov.al/al/baza-ligjore>

2.3.EU EIA Directive

The Environmental Impact Assessment (EIA) was introduced in Europe in 1985 by the EIA Directive (85/337/EEC) and represents a key instrument for European Union environmental policy⁵.

The EIA Directive of 1985 has been amended three times:

- Directive 97/11/EC brought the EIA Directive in line with the UN ECE Espoo Convention on EIAs in a Trans-boundary Context. The 1997 Directive widened the scope of the EIA Directive by increasing the types of projects covered and the number of projects requiring mandatory environmental impact assessment. It also provided for new screening arrangements, including new screening criteria for projects, and established minimum information requirements;
- Directive 2003/35/EC sought to align EIA Directive provisions with the Aarhus Convention on public participation in decision-making and access to justice in environmental matters; and
- Directive 2009/31/EC amended Annexes I and II of the EIA Directive, adding projects related to the transport, capture and storage of carbon dioxide (CO₂).

On 28 January 2012, Directive 2011/92/EU on the effects of public and private projects on the environment was published in the Official Journal. Directive 2011/92/EU codifies Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (EIA Directive) and its associated amendments. Directive 2011/92/EU fully preserves the content of the acts being codified and does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

The scope of this Directive is to ensure that plans, programs and projects likely to have significant effects on the environment undergo an Environmental Assessment prior to their approval or authorization. While Annex I contains a list of projects for which the EIA is mandatory, Annex II defines those categories of projects whose ESIA is optional and at the discretion of the community member states.

On 16 April 2014, Directive 2011/92/EU on the effects of public and private projects on the environment was amended by the Directive 2014/52/EU of the European Parliament and of the Council of amending on the assessment of the effects of certain public and private projects on the environment.

2.4.The Espoo Convention

The UN Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo Convention issued in 1991 sets out the obligations of countries that ratified the

⁵ <http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

Convention to assess the trans-boundary environmental impacts of a project at an early stage of planning. The Espoo Convention was ratified by Albania with Law No. 9478/2006⁶.

The process of notification and consultation with the affected parties is driven by the competent authority. However, authorities can ask the developer to prepare notification and undertake public consultations above and beyond their normal EIA requirements. The developer may also be asked to undertake public consultations with affected parties. The notification and consultation process according to the Espoo Convention comprises the following main elements:

- Notification of the affected countries
- Preparation of the environmental impact assessment documentation
- Consultation between countries concerned
- Final decision.

All these stages include specific procedural steps required by the Convention.

The proposed project is classified as environmental category “B” according to the World Bank OP 4.01 categorization and does not have environmental or social trans-boundary impacts.

2.5.WB Policies triggered for the Project – comparison to Albanian Law

The project triggers the following WB safeguards policies:

OP 4.01. Environmental assessment

According to the World Bank OP 4.01, the project is categorized as category B and is not expected to have significant or irreversible environmental impacts given the rehabilitative nature of works to be financed. Anticipated civil works will primarily entail rehabilitation and reconstruction of rural roads. Potential negative environmental impacts may include, but not limited to: (i) temporary construction works -related effects on noise, dust, and air quality; (ii) temporary localized water quality impacts resulting from possible drainage and sewage pollution; and (iii) temporary changes in access to, and the use of, public spaces during construction. The exact project locations are still not known as the prioritization of rural roads is still ongoing. For that reason, preparation of Environmental and Social Framework (ESMF) is proposed prior to appraisal. ESMF is prepared to facilitate screening, assessment, and management of environmental and social issues for activities to be taken up by the project in subsequent years. The ESMF will ensure preparation of appropriate and World Bank safeguard policy-compliant safeguard instruments during project implementation.

⁶ Official Gazette - No. 20, 17 March, 2006, pg. 631.

For the project is categorized as category B. The following projects will be eligible under this ESMF: a) category A sub projects will not be financed; b) for sub projects in nature protected sites, or significant natural habitats, only rehabilitation of the roads would be allowed and no new construction. No activities would be allowed in or in proximity of critical habitats; c) New construction should be limited and allowed only in some specific cases for example where segments are missing or alignment of a section that is currently particularly difficult of dangerous; d) The construction, reconstruction or rehabilitation of roads on existing right of way would be allowed only in form of one or two lane roads.

Involuntary Resettlement OP/BP 4.12

The project will finance rehabilitation and reconstruction of rural roads. Roads connecting villages with the regional centers, touristic/cultural sites and agricultural fields. Given the linear nature of the works the land-take impacts will be minor and linear, adjacent to the existing road. Thus there will be small land taken. Displacement of households or businesses is not expected either, nor any impact on livelihoods. Given that the project is a rehabilitation of existing roads, there will be no need for access roads, thus it is not expected to address associated land-take cases. To address the social safeguards instrument, the borrower will prepare Resettlement Policy Framework (RPF) that will guide the land take activities during the whole cycle of the project implementation. If for any sub-project it is expected that the footprint will be known during the preparation phase of the project then the borrower will prepare site specific abbreviated or full fledged (depending of the impact) Resettlement Action Plan.

Natural Habitats OP/BP 4.04

The project triggers Natural Habitats OP/BP 4.01. Some of the rehabilitation works are envisaged in the nature protected areas and natural habitats. However, the activities allowed in the protected and sensitive areas will be limited: no new construction would be allowed in nature protected sites, or significant natural habitats, but only rehabilitation of the existing roads. In addition, no activities would be allowed in or in proximity of critical habitats. For each of such sub projects EIA and EMP would be prepared, priority reviewed by WB environmental specialist and cleared / consulted with the Albanian Agency for Protected Areas (or relevant Environmental Authorities).

Pest Management OP 4.09

The project is not triggering the WB pest management policy. The investments will not promote or increase the use of the pesticide. Although the project will finance solely roads rehabilitation, the ESMF will provide guidance for use of herbicides for roads maintenance. (Annex 6)

Physical Cultural Resources OP/BP 4.11

The project has not triggered Physical Cultural Resources WB OP 4.11. The investments will be focused on rehabilitation of existing roads. Nevertheless, due to the country's cultural richness, during the earthworks chance finds might be possible. For that reason, ESMF will include a chapter on chance finds and required practices.

EIA became an important instrument for environmental sustainability for multi-lateral development agencies, including the World Bank. The Bank introduced EIA – as one of environmental, social, and legal safeguard policies – to identify, avoid, and mitigate the potential negative environmental impacts associated with Bank lending operations.

The proposed project investments are expected to be designed to have positive social and environmental benefits. Environmental policies in Albania are generally in line with World Bank Safeguard policies (see above “Legal and Regulatory Framework on the Environmental Assessment”). For detailed information on these policies applicable to the project please visit the referenced website.⁷

The Albania EIA procedures are generally in line with the World Bank's EA process, as all projects require some sort of an environmental screening and possibly assessment in order to receive an Environmental Approval/Permit.

Furthermore, the type and scale of the project impacts will have on the environment determine the procedures that have to be followed and the type of approval granted. Also all the approvals include conditions that shall be observed by the proposer including environmental monitoring and mitigation requirements.

The difference lies in the scope of the EIA required for those projects that fall into World Bank Category A and the Albanian Law on EIA Appendix II. Some projects (e.g., wastewater management) are considered as Category A under the World Bank screening, while the same activities/projects under the Albanian Law will require only a Preliminary EIA for most investment schemes, unless the MoET decides that the project must undergo a Profound EIA, as discussed above.

For the project's activities which are considered as Appendix II according to national law, a Preliminary EIA will be prepared and approval will be obtained for each investment. Site specific ESMPs will be prepared based on inputs from Preliminary EIAs.

⁷ For more information on World Bank Safeguard Policies please visit <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTSAFEPOL/0,,menuPK:584441~pagePK:64168427~piPK:64168435~theSitePK:584435,00.html>

SOCIAL AND RESETTLEMENT ASPECTS

3.1. Jurisdiction of the Framework

In implementing this framework, the following will apply:

- a. Where the landowner has willingly or voluntarily contributed land but is seeking compensation, the assessment for compensation shall be treated as for the case of involuntary land acquisition.
- b. Where land whose owner has freely contributed but is not seeking compensation for it, the assessment for compensation shall only include assets thereon and not land.
- c. Compensation shall be limited to valuations made after the cut-off date. A census or small scale census will be undertaken to evaluate the current social condition as per the cut off date, after this latter is specified by the project, as no cut off date is predicted in the Albanian Law. The census will provide as an output also a list of assets affected by the project implementation activities.
- d. All land conflicts shall be resolved in a transparent manner and in a manner that is not coercive. Attempts shall be made to resolve conflicts at each city. Where this is not possible, courts of law shall be consulted.

3.2. Legal Property Framework and Property Evaluation Criteria

The community and population in the areas of the projects will be affected on their properties during the implementation of the project according to the type of project activity to be implemented and social impacts related to each loss category. Below we present a table with the main property loss categories and the main type of impacts, accompanied by the type of owner.

Table 3. Property Losses Categories

Possible Appropriated Assets	Type of Impact	Owner
Land	Agriculture Land: Affected from the project less than 80% of the total land The rest of the land remains economically usable.	Owner/ Property Title Holder
	Affected from the project more than 80% of the total land The rest of the land remains economically unusable	Owner/ Property Title Holder
Buildings	Fully/partially affected structures.	Owner/ Property Title Holder
Agricultural Crops	Agricultural crops affected by the permanent/temporary land appropriation.	Owner/ Property Title Holder
Trees	Cut Trees	Owner/ Property Title Holder
Temporary Acquisition	Temporary Acquisition	Owner/ Property Title Holder
Loss of Rental Accommodation		Residential and Business Tenant
Loss of Business		Owner/Holder of the business

Business / Employment	Temporary/permanent loss of business or employment	Business Owner; Employees
Relocation	Transport and transitional livelihood costs	Owner/ Property Title Holder by relocation
Vulnerable PAPs Livelihood		PAP below poverty line
Socio-Economic And Cultural Identity		Community
Public Facilities		Community
Unforeseen / Unanticipated Impacts		

On Article 41/4 of the Albanian Constitution⁸ it is provided: *“The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation”*

Furthermore, on the European Convention on Human Rights, it's provided in the Art. 1 “Right to property” of the Protocol 1⁹: *“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law...”*

In this context, the Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”¹⁰ is in power. The mentioned law provides the entire procedure how an expropriation procedure begins, for which reason, from which subject and the right of the owners to contest the evaluation of the property made unilaterally from the state institutions.

Anyway, an international agreement ratified by law has priority on application in front of a common law. (Art. 116 of the Albanian Constitution¹¹) Furthermore, if a law creates a collision with an international agreement ratified by law, it will be applied the international agreement. This principle it's a guarantee that the international agreement with the Albanian Government with the World Bank, for the loan, it will be applied in priority in front with the legislation in force, especially in front of the mentioned law “On expropriation....”.

A short resume of the principles provide by law “On expropriation...” is provided below:

- The project aims public interest (Art. 8/ç of Law “On Expropriation...”) ¹²;
- The beneficiary subject in the expropriation process will be *the relevant Municipality of each city* (Art. 9 of the Law “On Expropriation...”) ¹³

⁸ Albanian Constitution, Article 41/4, http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf

⁹ European Convention on Human Rights, Article 1 “Right to property”, http://www.echr.coe.int/Documents/Convention_ENG.pdf

¹⁰ Law No. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

¹¹ Albanian Constitution, Article 116, http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf

¹² Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 8ç, http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

- The Municipality needs to submit the request with a list of necessary documents to the Ministry of line, which is the Ministry of Urban Development and to the relevant government authorities.
- The line Ministry has to follow the legal procedure, on publishing the request for expropriation, collecting the complaints of the affected owners, and preparing the draft of the sub legal act for the Council of Ministers;
- The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the GoA;
- The decision for the expropriation (for the owners that do not agree with the expropriation) will be approved by the Council of Ministers and will enter into force immediately, also it will be published in the Official Journal;
- The owners affected have the right of complaint to the Court for the compensation and if they don't follow this procedure, the decision of the Council of Ministers will be an executive title.

Two other legal considerations are to be emphasized:

– ***The devaluation of property***¹⁴

During the land acquisition for public interest it might happen that some properties will not be necessary to be taken from the owner, but in the same time the owner will not be able to benefit similarly from the property as before and thus he / she has the right to be compensated for the devaluation of his / her property. This situation includes the application of special conditions to the usage of the property. The situation is specified in the Albanian Law as “Compensation for the Devaluation Value of the Property” (article 18), as the value provided to the owner for the partial expropriation of his land. This situation and conditions is not faced and applied so often in practice, but it is provided by law, if owners are affected in this manner during the project implementation activities.

– ***The provisional taken on possession of the property***¹⁵

During the land acquisition it might happen that certain properties are needed to be taken in possession for temporary use, such as the case for expansion of the village road to pass large vehicles during the works for the implementation of the project, so it has taken someone's land temporarily and then reversed it, but on payment of rent. The request to take on provisional possession a property needs to be addressed to the Ministry of Urban Development, describing the property, the reason, the term and the compensation for the owner. The owner has the right to raise a complaint to the court against such decision.

¹³ Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 9 , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

¹⁴ Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 18 , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

¹⁵ Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 27-37 , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

3.3. Legal Criteria on the Compensation and Evaluation of Properties¹⁶

The Council of Ministers Decision No. 138 dated 23. 3. 2000¹⁷ provides the legal criteria for the evaluation of properties affected by expropriation.

- **Land:** The estimation of expropriated land shall be determined for urban lands, lands within the yellow line of the town and administrative unit properties according to the prices approved by the Council of Ministers Decision deriving from Law No. 9235, dated 29.7.2004 “On restitution and compensation of private properties”¹⁸.
- **Residential properties:** Value of expropriation compensation for residential properties is considered the average sales price according to the records of the Immovable Property Registration Office (IPRO).
- **Industrial and Agricultural properties:** The value of expropriation compensation for industrial and agricultural properties is considered the average sales price according to the records of the Ministry of Urban Development. Depreciation of property must be subtracted from the price.
- **Agricultural land, forested areas, etc:** The estimate value of agricultural lands, forested areas, pastures and grasslands is determined from the prices approved by Council of Ministers Decision complementary to the Law No. 9235, dated 29. 7. 2004 “On restitution and compensation of private properties”. In cases where there are no prices approved for certain regions, the evaluation for agricultural lands, forested areas, pastures and grasslands is determined by the average sales price available at IPRO.
- **Fruit trees:** For fruit trees the estimated value is calculated considering costs of investment and expenses. This value is calculated per unit (number of fruit trees) or unit per land surface (m² of vineyard, nursery etc.). The investment present in the land, the total expenses and different amortization factors are foreseen by special Ministry of Agriculture directives.¹⁹
- **Crops:** For crops the estimated value is calculated based on the expected yield and market unit price.²⁰
- **Illegal constructions:** For investments the owners of properties, who are not registered at the IPRO (without a title), are also expropriated. The entity, which initiates the expropriation has the right to complete the procedure if: the owners of the property have

¹⁶ As per Albanian Legislation in force.

¹⁷ The Council of Ministers Decision No. 138 dated 23. 3. 2000,
http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc

¹⁸ Law No. 9235, dated 29. 7. 2004 “On restitution and compensation of private properties”,
http://www.nchb.al/wp-content/uploads/2014/12/LIGJI_KTHIMIN_KOMPENSIMIN_E_PRONES.pdf

¹⁹ The Council of Ministers Decision No. 138 dated 23. 3. 2000,
http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc

²⁰ The Council of Ministers Decision No. 138 dated 23. 3. 2000,
http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc

started an administrative process at the Agency for Legalization and Integration of Informal Properties (ALUIZNI) according to Law No. 9482, dated 3.4.2006 "On legalization, urbanization and integration of informal properties (updated)"²¹; in case the illegal building (or additional works on the existing building) have been previously declared and have been qualified later for legalization permit from ALUIZNI, based on the criteria set in the Council of Ministers Decision No.438, dated 28.6.2006 "On the criteria, procedures and required documentation that determine legalization of informal properties"²²; in case when the owners of the property are in the process of taking a legalization permit, etc.

2.6. World Bank Criteria for Determining Eligibility for Compensation

According to OP 4.12 of the World Bank²³, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, shall be based on the following:

- a. those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- b. those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- c. those who have no recognizable legal right or claim to the land they are occupying.

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project. The compensation shall be in accordance with the provisions of this framework and if affected persons occupied the project area prior to the cut-off date (date of commencement of the Census). Persons covered under sub-section (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy. In addition, they have to be given the necessary assistance to satisfy the provisions set out in this policy, if they occupy the project area prior to the established cut-off date²⁴. All persons in the three sub-sections above are to be provided with compensation for loss of assets other than land. Consequently, this policy advocates for some kind of assistance to all affected persons, including squatters or other persons encroaching on the project area illegally, irrespective of whether they have formal titles, legal rights or not. However, all persons who encroach on the project area after the cut-off date will not be entitled to any compensation or any assistance. Communities including districts, towns, wards and villages permanently losing land, resources and/or access to assets shall be

²¹ For more, please refer to the Full Version of the Law:

http://www.planifikimi.gov.al/sites/default/files/Ligji_nr.9482_per_legalizimin,_urbanizimin_dhe_integrimin_e_nderimeve_pa_leje,%20i%20ndryshuar_1.pdf

²² For more, please refer to: <http://www.aluizni.gov.al/vendim-nr-438-per-percaktimin-e-kriterieve-te-procedurave-dhe-dokumentacionit-te-zbatueshem-per-te-kualifikuar-objektet-ne-ndertim-qe-legalizohen-ose-jo/>

²³ OP 4.12 of the World Bank,

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

²⁴ OP 4.12 of the World Bank

eligible for compensation. **Compensation measures shall ensure that pre-resettlement socio-economic status of the communities are restored and maintained.**

The World Bank Policies require the application of the local laws for the valuation and compensation of losses as far as they fit the principles of the WB (Achieving the replacement cost for lost assets). In every case, as mentioned above, the international agreement between GoA and the World Bank prevail the country legislative framework. For all losses of assets attributable directly to the project, full compensation needs to be done. In the Operational Policy 4.12 is defined an assured compensation for the replacement cost as below:

“With regard to land and structures, “replacement cost” is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. “

The OP 4.12 as well defines that when the domestic law does not meet the standard of compensation settled by the WB, at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. However, by the Law No.10 428, dated 2.6.2011, “On the Private International Law”²⁵, any international agreement ratified by law prevails over the provisions of this law, when its provisions do not agree with them²⁶.

2.7. Gaps between Albanian Laws and World Bank Policies

Table 4. Table of GAPS of Albanian Legislation and World Bank Policies

Category	Albanian Legislation	World Bank Policy	Recommendations to Bridge Gaps
A. Loss of Land Families, households	Compensation with the price defined before for urban land and agriculture land	Compensation at full replacement cost. <ul style="list-style-type: none"> – For agriculture land pre-project or pre displacement, whichever is higher, market value of land of equal productive potential within the same vicinity; – For urban land, pre-displacement market value of land of equal size 	<ul style="list-style-type: none"> – Full compensation with the market prices; – No expenses for land registration or other administrative fees will be charged to the owners

²⁵ Law no.10 428, dated 2.6.2011, “On the private international law” (article 2), http://www.pp.gov.al/web/ligji_drejte_nderkombetare_private_1_571.pdf

²⁶ As explained previously in the text this means that in case of any gap or misalignment of the Albanian law and World Bank policies, the international agreement between them prevails the legislative framework; known also as the supremacy of international agreements.

		<ul style="list-style-type: none"> and use, with similar facilities and sources within the same vicinity; – Replacement land of equivalent productive potential. 	
A. Loss of Land Non –title holder	No compensation provided	<ul style="list-style-type: none"> – Resettlement assistance in lieu of compensation for land occupied (land, cash, and other assets, employment) to at least restore their livelihoods and standards of living to pre-displacement levels. 	<ul style="list-style-type: none"> – Resettlement assistance to those most vulnerable to restore pre-displacement level livelihoods. Vulnerable groups may include but not be limited to: poor or landless, women headed households, disabled and elderly. – Encroachers will not be entitled to any compensation for their affected unauthorized/illegal extensions over public land. – Encroachers with economic losses are entitled to assistance for livelihood restoration.
B. Loss of Homes, Structures <i>Families, households, Structure owners</i>	Compensation at the prices referred by the Register of Real Estate Office; Compensation for the structure without title with the condition to have applied before for legalization at the Legalization Agency;	<ul style="list-style-type: none"> – Compensation at full replacement cost. – For houses and structures the market cost of the materials, transport, and labor to build a replacement structure of a similar quality or better than the affected structure. 	<ul style="list-style-type: none"> – Law provides the same standard with WB, meaning that nobody will be denied of any further opportunity to be compensated.
C. Loss of Economic Assets <i>Families, households</i>	Compensation with the cost method of evaluation of object.	<ul style="list-style-type: none"> – Compensation at full replacement cost 	<ul style="list-style-type: none"> – Law provides the same standard with WB, meaning that nobody will be denied of any further opportunity to be compensated.
D. Loss of Income	No provisions	<ul style="list-style-type: none"> – Measure to assist affected people in improving their former living standards, income earning capacity, and production levels, or at least restoring them 	<ul style="list-style-type: none"> – Rehabilitation assistance for lost or diminished livelihoods. – In the case of landless families who suffer partial or total loss of livelihood, provide income generating options and support mechanisms.
E. Loss of Community Resources	Compensation by the Government with market value.	<ul style="list-style-type: none"> – Measures to assist impacted communities to re-establish or re-develop lost Community resources. 	<ul style="list-style-type: none"> – Compensation for re-establishing or reconstructing lost community resources such as religious and cultural structures, irrigation structures. – Restore partially affected structures.

PROCEDURES AND GUIDELINES TO ADDRESS PROJECT ENVIRONMENTAL AND SOCIAL ISSUES

4.1. Guiding Principles and Basic Approach

Overall, the set of guiding principles for developing the environmental assessment instruments relevant to the project will encompass the following concepts:

1. *Integrate environmental and social objectives into the design process.* These designs often provide a significant opportunity to integrate environmental and social objectives as part of the planning process;
2. *Promote transparency through stakeholder participation and public information disclosure.* Since many studies promote improved planning, this provides an excellent opportunity to promote broad stakeholder engagement and participation.
3. *Promote environmental and social capacity building and institutional strengthening.* The project will provide an opportunity to build counterpart capacity (local government level and state level) for integrating environmental and social concerns into their work. Support for capacity building will come in the form of training, monitoring and reporting.

4.1.1. SCREENING PROCESS AND ENVIRONMENTAL IMPACTS

Project activities will have similar impacts and relevant mitigation and monitoring measures. New construction is generally not accepted as works will mainly occur within the existing right-of-way, however, they will be allowed in some cases, such as if present a logical continuation or necessary connection of two routes. Unlike rehabilitation activities, new construction will not be allowed in areas under protection. No activities, rehabilitation or construction, is permitted in or near the critical habitats. There is no geographical focus for the roads to be financed. Instead, the selection of roads will be subject to a rigorous multi-criteria prioritization process which will take into account connectivity between farms and markets and consider aspects of political economy, in order to optimize the economic impact and opportunities to link agricultural markets and tourism hubs. Therefore, no large scale impacts are foreseen. The impacts will be mostly related to dust, noise, solid waste, wastewater generation during pre-construction and construction activities etc.

4.1.2. SCREENING AND SCOPING

All the project activities will be subject to an environmental screening in order to prevent execution of projects with significant negative environmental impacts. An environmental impact is an estimate or judgment of the significance and value of environmental effects on physical, biological, social or economic environment. Low, medium and high representing impact or level of importance associated with a factor. The impact level depends on duration, reversibility, magnitude, benefit, significance, etc.

The project will have the following proposed approach for addressing environmental social issues and will include the following safeguard instruments:

- This Environmental and Social Management Framework (ESMF) prepared prior to appraisal and approval of the Project/Programme, presents the overall

environmental and social approach and will serve as basis to follow up overall environmental performance of the Project/Programme;

- An initial screening of proposed sub-projects (for first year and subsequent years of project implementation) is done in line with specific overall sub project eligibility criteria. These criteria also include environmental and social specific criteria. The projects that do not meet the environmental and social screening criteria, will not be considered for financing.
- As soon as the preliminary designs for the proposed sub project are drafted, ADF will review the documents and advise what type of environmental and social due diligence documents or procedures are required - scoping (if Site Specific Environmental and Social Management Plans or ESIA's are needed and in which scope based on the World Bank OP 4.01 and; Albanian environmental Legislation requirements). ADF and the designer will advise beneficiary if consultation with the Ministry of Environment and Tourism is required.
- Specific environmental and social due diligence documents will be prepared by ADF or ADF engaged consultant or designer, in coordination with local government units (Municipalities), including Environmental and Social Impact Assessments (ESIAs), Resettlement Action Plans (RAPs) site specific ESMPs or ESMP Checklists for all sub projects, once the preliminary designs are completed and technical details are available during project implementation following the guidance established in this ESMF;
- The ESMP that will build on ESIA, stand-alone ESMP or ESMP Checklists will be essential instruments to manage all construction related impacts and will be an appendix to the works contract.

4.1.3. DEFINITION OF PROGRAMME ACTIVITY CATEGORY

Programme activities are expected to be at the level of category B, according to the Albanian Law on EIA and WB policies. Each project activity category will be decided based on the magnitude of the impact, sensitivity of the site and the impact significance level.

Potential negative environmental impacts may include but are not limited to: (i) temporary construction -related effects on noise, dust, and air quality; (ii) temporary localized water quality impacts resulting from possible drainage and sewage pollution; and (iii) temporary changes in access to, and the use of, public spaces during construction.

Environmental Screening is the first step in the environmental due diligence process of reviewing the sub- projects. Its purpose is to determine the environment risk associated with the proposed sub-borrower/sub-project, reject applications which are unacceptable due to the nature of the proposed activities, classify acceptable applications by environmental categories and identify the type of EA that will be required. Results of the Environmental Screening shall be reflected in the environmental screening form (Annex 5), completed by beneficiary and submitted to ADF. Based on screening form, ADF environmental specialist will assign the category to the sub projects and define further steps required and type of environmental

due diligence. ADF environmental specialist will support and guide beneficiaries in preparation of screening forms if needed. World Bank will provide required support to ADF when needed.

Environmental Screening Categories

Depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts, the proposed sub-project should be classified into one of four categories.

Category A

Category A activities will not be financed through the sub-lending scheme

A proposed sub-project is classified in this category, if it is likely to have highly significant, diverse, and/or long-term adverse impacts on human health and natural environment the magnitude of which is difficult to determine at the sub-project identification stage. These impacts may also affect an area broader than the sub-project sites. Measures for mitigating such environmental risks may be complex and costly.

An full scope (profound) Environmental Impact Assessment (EIA) is therefore required to identify and assess the future environmental impacts associated with the proposed project, identify potential environmental improvement opportunities and recommended any measures needed to prevent, minimize and mitigate adverse impacts.

For the category A projects environmental impact study is prescribed by the laws of the Republic of Albania, Law 10,440 “On Environmental Impact Assessment”. The mentioned regulation identifies project for which according to the Albanian standards profound EIA is mandatory. The activities identified in annex 1 of the Law on EIA Nr. 10440 would not be supported by the project.

Any sub-project located in or near the critical habitat (for example strict natural reserves) will not be supported.

Category B

A proposed project is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas are less adverse than those of Category A projects. These impacts are site-specific; few if any of them are irreversible; and in most cases mitigation measures can be designed more readily than for Category A projects. The scope of EA for a Category B project may vary from sub project to sub project like Category A EA; it examines the project's potential negative and positive environmental

impacts and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. All sub project financed under Project for Rehabilitation of Regional and Local Roads fall under category B.

Eligible investments include:

- a) Reconstruction or rehabilitation of roads on existing right of way. Allowed in the protected areas, but not critical habitats.
- b) Only one or two lane roads would be permissible under the project.
- c) New construction however solely if part of improvement of the existing road or a logical continuation. New construction would be allowed just in cases where segments are missing or alignment of a section that is currently particularly difficult or dangerous.
- d) In nature protected sites, or important natural habitats, only rehabilitation of the existing roads would be allowed with no widening and no new construction.

	Criteria	Due diligence documents
Cat B1	Sub projects in nature protected sites, or important natural habitats, only rehabilitation of the roads would be allowed with no widening and no new construction.	ESIA (and ESMP required Preliminary EIA according to the Albanian legislation cleared by the Agency for Protected areas (or relevant Environmental Authorities)
Cat B2	New construction however solely if part of improvement of the existing road or logical continuation or connection. New construction would be allowed just in cases where segments are missing or alignment of a section that is currently particularly difficult of dangerous. New construction cannot take place in the protected areas.	ESIA (preliminary according to Albanian legislation) ESMP
Cat B3	Reconstruction or rehabilitation of roads on existing right of way in form of only one or two lane roads	Preliminary ESIA ESMP Request MoET opinion if preliminary ESIA is required

Category B1

For category B1 projects, the beneficiary (or designer) is responsible for preparing a preliminary ESIA (simpler form of ESIA) that includes, as necessary, elements of the other instruments which may simply require specifying well-defined mitigating measures and adopting accepted operating practices. This ESIA will be prepared to comply with both Albanian legislation and WB OP 4.01.and OP 4.04. ESMP will be prepared by ADF or ADF engaged consultant/designer, in coordination with the local government units. Consent and opinion on this ESIA will be requested from Agency for Protected Areas or relevant environmental authority. If profound ESIA would be required according to national legislation, project would not be financed.

Category B2

Category B2 projects require a Preliminary ESIA to assess any potential future environmental impacts associated with the proposed project, identify potential environmental improvement opportunities and recommended any measures needed to prevent, minimize and mitigate adverse impacts. The preliminary ESIA would be prepared by the beneficiary/designer together with ESMP. The scope of ESMP is defined in Annex 3.

Category B3

Environmental impacts of Category B3 are less adverse than those of Category B1 and B2 projects considering their nature, size and location, as well as the characteristics of the potential environmental impacts. Category B3 would include reconstruction or rehabilitation of roads on existing right of way in form of only one or two lane roads. In this case, preliminary ESIA with ESMP will be prepared to comply with both Albanian legislation and WB OP 4.01.and OP 4.04. ESMP will be prepared by ADF or ADF engaged consultant/designer, in coordination with the local government units.

4.2.Environmental Impacts Management Guidelines and Procedures

General impacts, related mitigation measures and monitoring requirements for the potential project activities are presented in Annex 4: Mitigation Plan and Monitoring Plan respectively. The tables will be used as a guidance tool and further revised once the programme activities will be specifically known based on technical details, outcomes of preliminary designs and will be reflected in environmental due diligence documents. Monitoring of key parameters will ensure proper identification of issues in order to flag actions from relevant agencies.

Site-specific mitigation will be developed once the technical parameters and feasibility studies are prepared for the infrastructure investments during project implementation.

4.2.1. ENVIRONMENTAL REVIEW PROCESS

The following steps indicate how the process preparation of environmental due diligence documents will flow

Step 1: Screening: The beneficiary (Municipality or designer company) prepares sub-project concept (this might include preliminary design). Following informal discussion with the ADF environmental specialist, in which the ADF alerts the beneficiary of its environmental assessment requirements, ADF assists beneficiary or designer in finalizing the environmental screening form based on which ADF environmental specialist concludes if project is eligible for financing according to ESMF.

Step 2: Scoping: Based on the approved environmental screening form, ADF environmental specialists assigns environmental category to sub project (B1, B2, B3), fills in the Screening Report and informs beneficiary on required due diligence. However, the beneficiary does not prepare the environmental due diligence document, but it is a part of design contract with the ADF, however, the preparation is coordinated with the beneficiary (local government unit). Within this contract, the ADF may need to prepare following: preliminary ESIA and ESMP, or request MoET opinion if preliminary ESIA is required. It will be the responsibility of the beneficiary to obtain the appropriate permits and licenses as required by national law in order to facilitate the clearance process with the MoET or other relevant authorities. These requirements are considered separate, but parallel, to those presented here (as part of the OP 4.01 and other triggered policies) and complying with those is the responsibility of the beneficiary.

Step 3: Preparation of Environmental and Social Impact Assessment Reports/Environmental and Social Management Plans: Drafting Environmental and Social Impact Assessment Reports will be a part of each ADF design contract and will be prepared in line with national legislative requirements for receiving an environmental permit/authorization. ESIA will be prepared by a licensed expert on Environmental Impact Assessment (including NLC licence and NRC extract). The preliminary ESIAs will also comply with World Bank OP 4.01, OP 4.04 and Environmental, Health and Safety guidelines. In case of B3, the beneficiary will in timely manner request MoET opinion if preliminary ESIA is required and inform ADF on decision. The ADF or ADF consultant will proceed with preparation of preliminary ESIA.

For any ESIA required, the MoET shall inspect the ESIA report and the data presented and shall consult with its experts and other appropriate bodies, e.g. cultural heritage, Agency of Protected Areas, etc. It will then prepare, in writing, a recommended decision in favor of approval or refusal of the sub-project, with justification(s). In the case of approval of the

application it shall also propose any environmental conditions, monitoring requirements, etc., to be included in the approval.

An integral part of the Environmental and Social Impact Assessment Reports will be the Environmental and Social Management Plan and Environmental Monitoring Plan, prepared according to this ESMF (see annex 3). The ESMPs must be reviewed/cleared by ADF, prior to being sent for clearance to the World Bank.

Step 3: Clearances: The World Bank Environmental Specialist will priory review all B1 and first several B2 until it is assured that quality of review is adequate in ADF. Majority of B3 sub projects will be post reviewed.

Step 4: Public disclosure and consultation: The beneficiary and ADF (including designer) will carry out public disclosure and consultation (meeting) for ESIA and/or ESMP, prior to bidding of works (and after the approval from the MoE for ESIAs). The documents will be disclosed on the website of ADF as well on the municipality website. Upon finalization, the designer will send finalized documents to ADF, for re-disclosure, with the minutes of consultation. Finalized ESIA will be re-disclosed at both sites.

Step 5: Application for the Environmental Permit/Authorization: Upon clearance from WB and public consultation, yet prior to publication of the Bid Notification, an Investment Agreement will be signed with the beneficiary of the subproject. ESIA and/or ESMP is an integral part of sub-project bidding and contracting documentation.

Depending on the type of ESIA required (or none at all), the beneficiary will pay the tariff for environmental permit/authorization to the Ministry of Environment and Tourism/National Environmental Agency, as well as apply for receiving the environmental permit²⁷. The environmental permit must be issued before the works contract signing²⁸. Any required modifications/improvements required by the permitting authority, will be the responsibility of the design contractor to reflect.

²⁷ The process might take up to 6 weeks to be approved.

²⁸ Issuance of the environmental permit may be subject to review and resubmission, therefore postponing the works.

4.3. Social Screening Process and Impacts Management Guidelines and Procedures

4.3.1. PRINCIPLES ON SOCIAL IMPACTS MANAGEMENT

The programme will include key principles in compliance with international good practices for resettlement and World Bank Resettlement Policy:

- i. **Consultation and participation of affected communities:** Throughout the process of the development and implementation of the project and its specific activities, consultation with affected communities and relevant stakeholders is an essential element in citizens' engagement which is basic to public support, stakeholder input, and a positive outcome of a given activity. Where land acquisition impacts are a factor in a given activity, consultations on land acquisition compensation procedures, and related impacts are to be undertaken and documented in the resettlement instruments for each specific activity; (Resettlement Action Plan (RAP) or Abbreviated RAP for impacts on less than 200 people (ARAP). Participation of PAPs in the RAP's preparation and implementation is essential for a transparent and effective resettlement.
- ii. **Minimization of resettlement:** It is fundamental to demonstrate that the designs and configurations of specific project activities to be supported by the project have minimized any physical and economic impacts on households and communities.
- iii. **Ensure and guarantee the provision of any necessary compensation or other entitlements in advance of taking land or restriction of access to land.**
- iv. **Transparency of factors determining compensation:** A consensus must be reached with those who will be affected so that fair and equitable compensation is made for land, structures, trees, and other affected assets. Compensation is determined on the basis of replacement value, including materials, labor, and transport, for structures and fixed assets. Land is compensated at the prevailing markets rates in the area. Where land is an important economic resource, provision of replacement land (land-for-land) is the first option.
- v. **Resettlement must take place to ensure PAPs benefit:** those who are affected will be given priority in employment opportunities that arise from the project.
- vi. In case of any event during the implementation of the project any unpredicted impact will be handled using the same arrangements as for the previous impact management. If using an NGO to monitor and oversight is the chosen option, specific tasks of an NGO are an additional helpful item. RAPs will document alternatives considered and selected in this regard. The same resettlement policy framework will be applied if there are unanticipated impacts on people, later during project implementation.
- vii. **Establishment of resettlement baseline data:** The following activities will be successfully completed in order to have an inventory of the affected properties. Activities undertaken:
 - *An Inventory of affected assets and land*, its use and size, needed to help determine fair and reasonable compensation levels or other mitigation measures agreed by the affected person(s).

- **A census – socio-economic baseline survey which provides details of household demographics, health status,** income levels and employment. The baseline census data will be used in combination with the land and assets survey to facilitate identification of agreed and appropriate mitigation and entitlements to affected persons or parties.
- viii. Establishment of a **computerized data-base** which will facilitate implementation, enable monitoring and adaptive management, and provide adequate data to carry out a final evaluation with the aim of reaching closure on any outstanding issues.
- ix. **Considerations on vulnerable social groups:** These are groups that include people from the population with minimal assets, illiterate, and/or aged (those PAPs of more than 65 years). These are often physically weaker, and usually need special help in the relocation/disturbance phase. Gender differences will be monitored as female-headed households may lose out to more powerful households.
- x. **Resettlement upfront project cost:** Mitigation costs estimated in the RAP are to be considered in the overall project budget as up-front costs. These costs must be disbursed, either to beneficiaries as entitlements or in the form of another appropriate mitigation measure agreed with the affected person or party.
- xi. **An independent monitoring and grievance procedure:** In addition to setting up of monitoring mechanism, an independent Team comprising local administration, Project Coordination, friendly NGO officials and the locals will play key roles in monitoring of the RAP implementation. A grievance mechanism needed to solve problems and manage unforeseen issues which may arise during implementation will be organized in such a way that they are accessible to all, with particular concern for the situation of vulnerable groups. Monitoring will be a joint undertaking under the ADF direction to measure and assess change in household status of project-affected communities.
- xii. **Potential Social Safeguard Risks and Mitigation Measures:**
 - The authorities will verify at the time of project implementation, if any of the residents has ownership claims on the property in case where this is a public land. If someone has such ownership claims, the authorities must assist them to obtain property titles and compensate them for the expropriated property.
 - To include an expropriation reserve fund of 10% of the total compensation amount, for any unexpected claim on land compensation from PAPs, who may require additional compensation and win the case at the Court.
 - A pre –disclosure phase is recommended in case when PAPs are not identified as they did no longer reside in the expropriated areas (migrated in another region of the country or emigrated abroad). The notification will be done by the authorities through publication of PAPs name at the city/village, and at least in two newspapers with a nationwide and local distribution for a period of one month (every Sunday).
 - A special provision will be taken prior to the disclosure phase on publication of the names and contacts of the land owners to be expropriated. Based on the Albanian legislation “On personal data” privacy will be maintained for PAPs names and contact during disclosure of RAP. On this regards, the authorities will maintain continuous contacts with PAPs and ask them in advance if they accept to have their full name published in the newspaper.
- xiii. **World Bank’s operational procedure on involuntary resettlement:** The World Bank’s operational policy 4.12 on involuntary resettlement requires that involuntary resettlement

is avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement activities will be conceived and executed as *sustainable development programs*, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons will be *meaningfully consulted* and will have *opportunities to participate* in planning and implementing resettlement programs. They will *also be assisted in their efforts to improve their livelihoods* and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is higher.

- xiv. **Where relocation or loss of shelter occurs**, the policy requires for measures to assist the displaced persons to be implemented in accordance with the resettlement and compensation plan of action (entitlement matrix).

4.3.2. SCREENING PROCESS IN LAND ACQUISITION AND RESETTLEMENT

A social impact is an estimate of the value and relevance of the possible losses that the community has in the framework of the project implementation. The activities of the programme may require land acquisition, leading to people's denial or restriction of access to land resources, services and social amenities. In this case, resettlement action plans, consistent with OP 4.12 must be prepared in accordance with this Resettlement Policy Framework. The first stage in the process of preparing the individual resettlement and compensation plans is the screening process to identify the land/areas that are being impacted. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the screening process. This section sets out a "harmonized" step by step process that the project will take to determine whether the sub-components will result in physical or economic displacements, and therefore whether a resettlement action plan (RAP) is required and of so, how to prepare and implement one. Specifically, the affected persons must be informed about the intentions to use the earmarked sites. The affected persons must be made aware of their options and rights pertaining to resettlement and compensation, specific technically and economically feasible options and alternatives for resettlement sites, process of and proposed dates for resettlement and compensation, effective compensation rates at full replacement cost for loss of assets and services, proposed measures and costs to maintain or improve their living standards.

The screening checklist serves to ensure that the process for screening remains simple and concise. A version of the Social Screening Checklist is attached in this document in Annex no 1. Specific questions based on each activity of the programme might be added as seen relevant by experts and the ADF Environment Unit. The list of project activities that have potential resettlement issues will then be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities and the outcome of this process would be documented for each site. The list and the outcome of the consultative process for each site/project activity on the list would then be sent to the respective local government units in the jurisdiction mandated to confirm, approve, disapprove, refer for further consultation and/or take a final decision on each proposed site/ project activities.

Carrying out the screening process in this way is designed to give it the integrity and transparency it needs to allow all stakeholders to have confidence in the process. Once project activities have been approved using this consultative process, the chosen locations will be the subject of a study and the preparation of a document as follows:

- a census of project-affected people and a socio-economic study (this study will include determination of impacts);
- preparation of resettlement action plans (RAPs) per each of the activities.

A flow chart for the steps to be undertaken in a RAP/ARAP procedure is provided in the Resettlement Policy Framework,. The main steps to be undertaken for the finalization of a RAP/ARAP process are presented shortly below.

Step 1: Describe the project activities to be undertaken. The activities have to be approved by the relevant authorities.

Step 2: A discussion and finalization of the distribution within the parties will need to be done, for a clear process of RAP/ARAP writing and implementation.

Step 3: The ADF will finalize the cooperation and agreements with authorities in charge of administration of sites, usually the LGU's.

Step 4: Using participatory methods, the ADF in collaboration with relevant authorities will consult the local communities, within the project area, to identify the required piece of land, using the screening criteria. At this stage, the cut-off date will be established.

Step 5: If the ADF Environment Unit determines that the site is suitable, based on the screening criteria, the allocated land/site would be acceptable. In this case this process may continue at **Step 10**.

Step 6: If the site does not meet the screening criteria, the relevant authorities/LGU will be advised to allocate another piece of land/site that satisfies the screening criteria. If resettlement cannot be avoided as the specific area cannot be changed, the process will continue in line with the World Bank Safeguard Policies.

Step 7: For situations where resettlement cannot be avoided, OP 4.12 and the Expropriation Law will apply. In this case, for each parcel of land, property or assets of potential PAPs, the cut-off date established at Step 4 above will apply.

Step 8: The ADF will carry out a socio economic survey, a census and collect other information about the land area and affected population. This will be done to identify the potential PAPs; focusing on the individual household and vulnerable groups and; to calculate their incomes, as the first step in the preparation of the RAP/ARAP.

Step 9: On completion of the socio-economic study and the baseline census, the ADF will prepare a Resettlement Action Plan (RAP) or abbreviated version of it (ARAP) for the area that is affected by resettlement and compensation. There will be as many RAPs as the activities sites.

The programme belongs to the Category B (mentioned above). A Resettlement Policy Framework (RPF) is prepared as part of the appraisal process. The RPF guides the preparation of RAPs or ARAPs which may be needed to address land acquisition impacts for activities to be undertaken in future years of implementation. The decision to prepare a RAP or ARAP is based on the World Bank Guidelines OP 4.12 Involuntary Resettlement and the World Bank Handbook on the preparation of RAP. The main possible outline and contents of

a RAP and ARAP are explained in the Resettlement Policy Framework,. An Abbreviated Resettlement Action Plan can be prepared if agreed according to the guidelines of the World Bank²⁹.

Step 10: The ADF then will forward the RAP's, to the respective LGUs and/or relevant authorities and the World Bank. All project activities that trigger OP 4.12 and resettlement plans would be subjected to final approval of the World Bank, to ensure compliance with Banks Safeguards. The World Bank must provide final clearance/approval of the RAPs/ARAPs, which will be in compliance with the local laws, institutional requirements as well as the World Bank Policy requirements. This will ensure that land is actually acquired or access to resource is lost, denied, or restricted and that the individual resettlement plans are consistent with the social considerations of this document.

Step A-B: For project activities that do not have any resettlement issues and do not trigger OP 4.12, the provisions of a RPF / social provisions of the ESMF does not apply and the reference is the Environmental Focus of the Environmental and Social Management Framework ESMF.

²⁹ O.P. 4.12. Resettlement Instruments, Article 25: Where impacts on the entire displaced population are minor,²⁶ or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower

4.3.3. POSSIBLE CATEGORIES OF SOCIAL IMPACTS

In the implementation of the programme several social impacts will affect the community and population in the areas of the projects, according to the type of activities to be implemented and social impacts related to each loss category.

Table 5. Categories of losses and their impacts on project affected persons

Loss Category	Social Impacts
Relocation	Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community system and social networks, loss of access to social amenities such as hospitals and schools, water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, emotional stress.
Loss of land but no relocation	Impoverishment, loss of sources of income and means of livelihood, Loss of assets or access to assets, increased time to access resources
Alienation due to neighbors being relocated	Impoverishment, weakening of community systems and social networks, loss of mutual help and community support, loss of traditional authority, Loss of identity and cultural survival, emotional stress
Hosting PAPs	Impoverishment, loss of sources of income, reduced time and access to resources such as hospitals and schools, water, increased time to access resources.

Identification of the affected target group is conducted first on the basis of set criteria if the target group (HH, businesses etc) that are resident or non- resident in project areas, so as directly or not directly affected by the project implementation as a basis for (i) establishing the terms of their eligibility for support, and (ii) better specifying the terms of assistance.

Table 6. General Typologies of Project Affected Groups

General Typology	Definition
Private Property Owners	Are those who have legal title to land, structure and other assets
Unlawful resident	Are those who have illegally (informal settlements) occupied municipality/commune lands for residential, business and or other purposes.
Encroachers	Encroachers are persons who have extended their building, agricultural lands, business premises or work places into municipality/commune lands.
Tenants	Tenants are those persons having tenancy agreements, written or unwritten, with a private property owner with clear property titles, to occupy a structure or land for residence, business or other purposes.
Street Vendors	Street vendors are those persons who have a permit from the municipality to occupy a public structure or land for business purpose
Project-Affected Families	Are defined to include each adult displaced person, his/her spouse, minor children and other dependents who habitually reside in one household.
Project-Affected Persons	Are persons who have economic interests or residences within the project impact corridor who may be adversely affected directly by the project. Project-affected persons include those displaced, those losing commercial or residential structures in whole or part, <i>those losing agricultural land</i> or homesteads in whole or part, and those losing income sources as a result of project action.

Project Affected Groups:	Are groups or communities outside the immediate impact of water supply system to be established, that may be affected by the project with a focus on the more vulnerable or weaker groups in society.
HH living above the Poverty Line	Based on social assistance schemes acquired at the Regional Department of Social Insurances.
Vulnerable groups:	Are those groups such as women-headed households, handicapped/disabled and landless families, who will be dealt with on a case to case basis.

Upon project documents and details of activities to be provided to the experts the list of typologies of affected groups can be identified. In overall the PAPs can fall in the main categories listed in the table above.

2.7.1. CONDITIONS TO BE FOLLOWED IN THE RESETTLEMENTS PROCEDURE

Where displacement of people is unavoidable, the following conditions shall be followed:

- a. The entitlement cut-off date shall be determined and agreed upon in consultation with all stakeholders;
- b. An estimation of the time likely to be needed to restore their living standards, income earning capacity and production levels shall be prepared;
- c. The estimate shall ensure that the condition of the project affected persons shall be maintained to at least the Project Affected Person's pre-project levels condition;
- d. The project affected persons shall be provided with development assistance, in addition to compensation measures described in above. This shall include assistance for land preparation, credit facilities, training, or job opportunities, residential housing, or housing sites; or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors shall be at least equivalent to those of the old site. Assistance to displaced persons during relocation shall also be provided;
- e. Project affected persons who encroach on the project area after the cutoff date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

4.4. Institutional Framework and Arrangements

4.4.1. ENVIRONMENTAL INSTITUTIONAL FRAMEWORK AND ARRANGEMENTS

ADF has adequate capacity to implement and monitor the performance of the ESMF and its provisions, and there are dedicated environment and social safeguard specialists assigned to specific tasks such as: (i) Coordinating preparation of environmental due diligence documents with the beneficiary; (ii) Reviewing the environmental due diligence documents, (iii) Preparing, together with the implementing entities, of annual work programs and budgets linked to ESMPs; (iv) Monitoring project progress as it relates to compliance with the ESMF guidelines and ensuring that overall project implementation proceeds smoothly; (v) Conducting construction site supervision, (vi) Collecting and managing information relevant

to the project and accounts (i.e., environmental and social monitoring and reports, environmental and social screening); and (vii) Organizing and providing training sessions.

The ADF implementation unit will include an Environmental Specialist, a Citizen Engagement Specialist and a Social specialist, with a minimum 5 years' experience with relevant issues. In addition, the ADF may hire or make available supporting staff and consultants who will work on an on-call basis, depending on the specific needs of project activities.

The main responsible institution for environmental issues is the Ministry of Environment and Tourism (MOET), established for the first time in 2001. MoET aims to develop and propose policies, strategies and action plans for environmental protection in view of sustainable development.

Table 7. Laws and implementing Agencies

No	Law, Directive etc.	Institutional Framework for the implementation
1	Law No 10 440, dated July 7, 2011 "on Environmental Impact Assessment"	Ministry of Environment, National Environment Agency
2	Law No. 10119/09 "On Territory Planning," amended by Law No. 10258, dated 21.04.2010 and Law No. 10315 dated 16.09.2010	Ministry of Urban Development, Ministry of Environment, Ministry of Agriculture, Rural Development and Water Management, Ministry of Industry and Energy, National Agency of Natural Resources
3	Law No. 9700, dated 26.03.2007 "On environmental protection from trans-boundary impacts;"	Ministry of Environment, Ministry of Foreign Affairs
4	Law No. 8897, dated 16.05.2002 "On air protection" as amended by Law No. 10266, dated 15.04.2010;	Ministry of Environment, National Environment Agency, Public Health Institute
5	Law No. 9010, dated 13.2.2003 "For environmental administration of solid wastes" as amended by Law No. 10137, dated 11.05.2009 "On Some Changes in Legislation in Force for Licences, Permits and Authorizations in the Republic of Albania;"	Ministry of Environment, National Environment, Agency, Local government (the municipalities)
6	Law No. 9115, dated 24.07.2003 "On the administration of polluted waters" (amended by Law No. 10448/11 "On Environmental Permits"	Ministry of Environment, National Environment Agency, Local government (the municipalities)
7	Law No. 8906, dated 06.06.2002 "On protected areas" as amended by Law No. 9868, dated 04.02.2008;	Ministry of Environment, National Agency of Protected Areas, State Inspectorate of Environment, Forestry and Water
8	Law No. 10463, dated 22.09.2011 "On Integrated Waste Management."	Ministry of Environment, National Environment Agency, Local government (the municipalities)
9	Law No. 9048, dated 07.04.2003 "On Cultural Heritage;" as amended by Law No. 9592, dated 27.07.2006;	Ministry of Tourism, Culture, Youth and Sports, National Council of Archaeology, Institute of Monuments, Centre of Registration of Cultural Property.
10	DCM No. 676, dated 20.12.2002 "On declaring the Albanian Nature Monuments as Protection Zones;"	Ministry of Environment, National Agency of Protected Areas, State Inspectorate of Environment, Forestry and Water, Local government

The National Environment Agency (NEA) was established was established in 2014 in implementation of the Law No. 10431, dated 09.06.2011 "on Environmental Protection". The

National Environment Agency is a central public institution, independent in decision making and exercising its jurisdiction in the entire territory of the Republic of Albania. The National Environment Agency is financed from the state budget and its own resources as well as independence in decision making and carrying out its functions as provided by law³⁰.

As seen from the table above other institutions are included in the environmental issues and institutional responsibilities:

Ministries:	Agencies and entities that have legal responsibility for the environment in Albania
<ul style="list-style-type: none"> · Ministry of Agriculture, Rural Development and Water Management · Ministry of Urban Development · Ministry of Industry and Energy · Ministry of Health 	<ul style="list-style-type: none"> · National Agency of Protected Areas · Regional Environmental Departments · Forest Service Regional Departments · State Inspectorate of Environment, Forestry and Water · National Agency of Natural Resources · Public Health Institute

4.4.2. Institutional Arrangements for the Land Acquisition and Resettlement Process Implementation

The Council of Ministers has ultimate responsibility for resettlement procedures under Albanian Law. ADF and a committee composed of PAP-Project Authorities will be constituted to be responsible for overseeing the implementation of the Resettlement Procedure in accordance with World Bank guidelines. The ADF will cooperate with all local institutions to provide a successful implementation of the Resettlement Procedure (RAP/ARAP). The LGUs (Municipalities, Administrative Units) or other institutions that have jurisdiction over project sites, are the final beneficiaries of the project implementation. From these institutions is required continuous assistance and presence during all the progress of the project.

Immovable Property Registration Offices for each District in the Project area, under the authority of the Central Registration Office, are responsible for identifying and verifying property boundaries and ownership. Land Administration and Protection Offices (formerly Cadaster Offices) under the Region, which will clarify land allotment certificates for agricultural land that has not been formally registered and transferred to the Immovable Property Registration Offices. The Regions and the Municipalities will be responsible for the coordination of the implementing procedures and execution of the compensation.

In the Resettlement Policy Framework, a table with the respective institutional arrangement is presented. The table describes in detail the Steps of a Resettlement Action Plan to be implemented.

³⁰ <http://www.akm.gov.al>

4.4.3. CAPACITY BUILDING AND TRAINING PLAN

In order to ensure that there is adequate capacity to implement and monitor the performance of this ESMF and its provisions, the project will appoint environmental and social specialists/expertise as part of the PIU. PIU will undergo additional environmental training if needed. The staff will also participate in next World Bank organized environmental and social training.

The implementation of the program requires specific knowledge for beneficiaries and operators engaged in the different phases of the project implementation.

Special trainings will be organized by WB staff, ADF environmental and social specialist or outsourced consultants for the beneficiaries due to the low capacity. The trainings will focus on environmental screening and environmental management; land acquisition and involuntary resettlement safeguard policies as well as Albanian environmental management requirements. The training will also focus on specific issues like environmental supervision and monitoring for beneficiary staff who will conduct site supervision and compliance assessment.

A tentative capacity building and training plan is presented below.

Table 8. Proposed Capacity Building Plan for safeguard issues

Capacity Building Activity	Proposed Content of	Participants in the Training	Level
Training on Safeguard Policies	<ul style="list-style-type: none"> – Community mobilization/participation and social inclusion – Grievance Redress Mechanism/Social Accountability – Cultural Heritage – Social Safeguards (Land/asset acquisition) – WB Environmental Safeguards policies and procedures – Project environmental management and documentation 	ADF Staff, LGUs Staff, relevant authorities, all levels engineers in these institutions	National
Training on ESMF Implementation	<ul style="list-style-type: none"> – Basic Concepts of ESMF – Basic Concepts on Resettlement and Participation Framework – Provisions of Resettlement and Participation Framework – Profile of PAPs and identification of eligible PAPs – Roles and Responsibilities – Monitoring Mechanisms – Identification of Social and Environmental Concerns – Redressal Mechanisms – Methodology for compensation or land transfer and respective disbursement – Institutional Setup 	LGUs Staff, relevant authorities, all levels engineers in these institutions, contractors staff, etc.	National

	– Reporting Requirements		
Training on environmental supervision	<ul style="list-style-type: none"> – Environmental Management and Monitoring measures. – Supervision roles, responsibilities and procedures. – Compliance and corrective actions. – Reporting. 	LGU, ADF	Project
Awareness Raising	– Through public consultation and print media etc.		National
Training plan for health and safety issues	<ul style="list-style-type: none"> – - Health and safety requirements of National Law and World Bank Policies – Grievance redress mechanism and how to use it to address environmental health and safety issues 		Local communities

PUBLIC CONSULTATION AND DISCLOSURE

The results of the Project environmental and social due diligence will be available to the public, thus all the involved parties will be consulted on project safeguard documents at least once (for category B projects) during the process. This is in line with World Bank Access to Information Policy and Environmental Assessment OP 4.01.

The Public Consultation is required to take place for the documents related to the due diligence of the overall project, in this case the ESMF, as well as site specific ESMPs or ESIAs that will be prepared for each activity (sub-project) during project implementation.

The electronic version of the ESMF will be disclosed on the ADF website on _____ and major municipalities participating in a project (paper or electronic). In the same time the paper copy of ESMF will be made available for public at ADF reception. Both will remain accessible to public for at least 14 days. The ESMF disclosure will be followed by the call for comments and participation in organized public consultations meeting. The Public Consultation meeting of the ESMF is scheduled to take place on _____ in ADF premises in Tirana Albania. In addition to the general public call, the government and relevant non-governmental organizations are invited through official invitations sent out by the ADF. The public consultation meeting call will be published on ADF website, but also other electronic and printed media are used to ensure wide participation of stakeholders, including local newspapers, ADF official website, email, etc.

The objectives of the public consultations are:

1. To inform the public and stakeholders about the objectives and project developments and the expected of environmental and social effects.
2. To collect information and data from the public and/or the communities that will be affected by the project.
3. To amend the project and ESMF accordingly.
4. To ensure participation of the public and local communities in process and support for the project.

ESMF will be found final when the relevant comments, submitted during the consultation period, will be (i) addressed in the ESMF and (ii) incorporated as minutes of the public consultations in a separate chapter or annex. Once finalized, ESMF will be re-disclosed at ADF site.

5.1. Consultation of ESIAs and/or ESMPs

Environmental due diligence will be carried out for each sub-project as defined in the ESMF. In line with World Bank environmental and access to information policies, the resulting documents - preliminary ESIA and site specific ESMP, must be publicly consulted. As a part of public consultations, the ESIAs and/or ESMPs will be disclosed on the ADF and beneficiary's (LGUs) web site for 14 days. The paper copy will also be accessible, in the same timeframe, at receptions of ADF and the particular local authority.

Along with the disclosure, the beneficiary and ADF will publish a call for comments. The call will include contact details for sending comments, suggestions and post questions as well as details of public consultation meetings. Upon the 14 day disclosure period, the LGUs in cooperation with the ADF will hold public consultations meeting to discuss the ESIA and ESMP with the interested public. ESIA and/or ESMP will become final only when all comments, suggestions and questions are addressed and reflected in the document, including minutes presented in the separate chapter or annex. The public consultations for ESIA/ESMP can be carried out jointly with social due diligence public consultations (e.g. consulting RAP). As per Albanian legislation ESIA might be consulted separately from ESMP.

5.2.Expropriation Consultation with Affected Populations

To ensure effective engagement of citizens and ensure the interests of the affected persons are fully included in the process, the consultant will engage in meaningful consultations with the affected persons, representatives of any affected group, any interested groups or stakeholders and the various administrative and government departments in the project area. It is essential to engage with PAPs at the household or business venues to invite them to participate in the public consultations. Communication with the affected persons, as well as with other community members who will express interest in the project, will be maintained throughout the process from project design, implementation to closure. The community will be informed of grievance management arrangements and given contacts of persons assigned to manage issues and grievances.

5.2.1. MECHANISMS FOR EXPROPRIATION CONSULTATIONS

In addition to documenting the expropriation procedures indicated above, once the tentative arrangement of the civil works is identified, for each project activity, including project Environmental and Social Management Plans, the beneficiary (LGUs) in cooperation with the ADF will hold public consultations to discuss the expropriation and its implications. All those whose ownership or occupation of land that will be affected by the expropriation will be invited to these consultations, in which they will be offered choices about their options and rights pertaining to compensation, and resettlement – if required, and provided with technically and economically feasible alternatives.

The aim of public consultations at this stage would be to:

- Disseminate concepts for proposed projects with the aim to bring communities interest on the project, and allay fears about what might happen when the project is under way.
- Determine communities' willingness to contribute in kind towards the implementation of the project, and formulate resettlement options that address the affected people's needs.
- Determine community willingness to contribute towards long term maintenance, when and if required.

In order to ensure transparency and constructive cooperation from the PAPs on the project activities, including the evaluation of losses and mitigation of other impacts, project-affected

people will be provided with contact specifics for project personnel designated to respond to any grievances, questions or problems which may arise in RAP implementation. A continuous approach to stakeholder participation and consultations will be used. The RAP implementation team will ensure that all interactions with PAPs are documented in implementation reports.

5.2.2. GRIEVANCE REDRESS MECHANISMS

A grievance redress mechanism for the project will be established for addressing legitimate concerns of PAPs. . This mechanism will serve as a tool to collect feedback also from other project stakeholders on the implementation of the ESMP and work related issues.

The mechanism will include the following:

- a) Informing PAPs of the project's grievance management arrangements and the names and contacts of designated contact personnel, (such as project office locations, telephone or email contacts) where problems or grievances can be registered.
- b) a recording and implementation reporting system, including grievances filed both verbally and in writing;
- c) staff with responsibility at various levels of governments, and
- d) a maximum two-week time frame to respond to grievances;
- e) Maintain a tracking system and progress reporting in addressing and resolving grievances.

The functioning of the grievance redress mechanism (GRM) must be maintained and monitored by the ADF Environment and Social Unit during project implementation. This information is essential to ensure the quality and effectiveness of citizen engagement, ensure adverse impacts are fully mitigated in a timely way, sustain public support, and provide sufficient information needed for project closure. ADF will ensure monitoring data is up-to-date in routine reporting. The GRM will be free of cost, easily accessible, and is intended to resolve issues quickly precluding the need of PAPs or affected stakeholders to seek redress through formal channels, which may be costly, time-consuming, and slow progress in the implementation of project activities. The GRM will work with the aid of a Local Grievance Committee (LGC), The role of this ad hoc committee is to help resolve grievances or issues in a timely, fair and direct manner. The GRM will serve PAPs in the below ways:

- a) Assist affected people by the construction activities and other project activities effects;
- b) Assist the PAPs once the demand for expropriation has been declared to help them find and confirm their names and registered data, as well as assist them to submit any complaints related to the determination of values or prices, surface areas, type or quantity of assets or effects on income streams as established in this RPF and its entitlement matrix. To the Expropriation Commission established in the Responsible Ministry, based on the WB Policies and this RPF. Overall, the LGC will provide relevant information to the PAPs during the expropriation procedures on complain procedures (if any) addressed to the Expropriation Commission, which is entitled to issue such complaints.
- c) Also, the LGC will help the PAPs even after the decision of the Council of Ministers is published, for those who potentially might not agree with the Decision and would like to appeal it in the Court.

An established Grievance Mechanism, that will help to avoid the need to proceed to formal official authorities, would be formed by the ADF and include one of the PAPs, one representative from the beneficiary (Respective Municipality), which will be assigned when the responsibilities, nominations and coverage of the Local Districts will be decided). The creation of this committee *sui generis* is considered to facilitate considerably any issues that arise with the projects and reduce their administrative costs considering that the affected areas are away from Tirana and all proceedings of their complaints are held in Tirana. *This committee must be composed of these members:*

(1) One representatives from the Beneficiary, Respective Municipality
(2) One representative from the PAPs;
(3) One individual representative from the ADF

The latter will chair the committee and will assist with determination of redress for grievances that cannot be resolved by the project representatives. The committee will maintain a record of grievances received and the result of attempts to resolve the grievances and include this information in the monitoring and evaluation report. The Expropriation Law provides for an appeals process against the proposed award for compensation. In addition, the Urban Planning and Construction Police laws allow for administrative appeals against a decision for demolitions of illegal construction. Further appeals can be made to the district courts. The Office of the Ombudsman in Tirana receives complaints from citizens against government actions that affect their rights. The project staff will also play a role in resolving grievances. Albania has passed a transition period in its local government, due to the changes coming from the Administrative-Territorial Reform, which brought radical changes to the functioning of the LGUs. Considering the changes of the local government and the steps explained above, the grievance committee will be created within the Relevant Municipality or any other chosen local institution.

ARRANGEMENTS FOR PROJECT ENVIRONMENTAL AND SOCIAL MONITORING AND EVALUATION

In the framework of the monitoring and evaluation in the annexes of this document two main tables are presented: the Environmental Monitoring Plan (Annex 4) and Monitoring Indicators on the Social Impacts (Resettlement Policy Framework). The ADF is responsible for record-keeping, management and internal monitoring of the GRM as the committee will report directly to the Head of ADF or to an assigned specialist.

6.1. Social monitoring

The ADF will be charged with the task of monitoring and evaluation of the PAPs, procedures related to their needs and grievance. As mentioned above, ADF will be final responsible for 2 procedures:

- Monitoring the Grievance Committee
- Overall Internal Monitoring of RAPS or ARAPS for project activities.

The internal monitoring procedures are related to:

- Public consultation meetings;
- Census, assets inventories, assessments and socio-economic studies completed;
- Grievances filed and their status;
- Compensation payments disbursed; and
- Monitoring report submitted.

Internal Monitoring Actions are not limited and they can include participation in the processes etc. Reports of internal monitoring will be prepared and submitted to ADF representative and shared with other specialists and partners in order to serve for the possible RAP Implementation Report.

6.2. Environmental monitoring

Environmental monitoring will be responsibility of the beneficiary (LGUs), but also an integral part of the ADF's supervisory work in the course of the project implementation. The LGU and ADF staff will be responsible to ensure that on-site works contractors are familiar with ESMPs and instruct workers/personnel on the compliance with these ESMPs. LGUs will demand from works contractors timely submission of environmental permits for the operation of asphalt/concrete plants (if owned, or from the supplier); licenses for the extraction of rock, gravel, and sand (if operating quarries or from the supplier); licenses form the landfills that will be used during Project implementation, written agreements with local authorities on the disposal of waste and other defined in the ESIA/ESMP. The LGUs and ADF designated responsible person will conduct regular monthly on- site monitoring of civil works to verify contractors' adherence to the requirements set out in ESMPs, to identify any outstanding environmental issues or risks, and to ensure proper application of the prescribed remedial actions. In case of recorded incompliance with ESMPs, the ADF will instruct contractors on the corrective measures and closely monitor their further progress.

A project specific environmental safeguards and management training will be created and delivered to municipality's personnel (including designated person for the environment) by the World Bank and ADF. The ADF's in-house capacity to carry out the above described supervisory functions may be supplemented by a hired international construction supervision company. Oversight on the environmental, cultural, and social aspects of construction works will be an integral part of the terms of reference for such supervision company.

The municipalities will also monitor that the environmental conditionality during implementation are met, based on the legislative requirements arising from the environmental permit. They will need to report to the Ministry of Environment and Tourism/National Environmental Agency as requested in the permit as well to ADF.

The World Bank teams will oversee the implementation of the environmental and social safeguards for the overall project and each subproject. They will perform periodic monitoring missions as well as ad-hoc site visits as necessary.

The World Bank teams will approve Environmental and Social Management Plan and follow up on its implementation as per ESMF.

The Ministry of Environment and Tourism's role as the national authority partnering this project with regards to environmental issues will be to monitor the implementation of the environmental permit for each subproject when it is needed.

In cases when the project is located with a protected area, the Ministry of Environment and Tourism will monitor the implementation of the works that will maintain upon completion.

6.3.Reporting

LGU will regularly report to ADF on sub-project's environmental compliance, in agreed frequency (at least quarterly). If deem needed, ADF can carry out additional supervision (site visits) of the sub-project ESMP compliance. Prior to any disbursements within the civil works contract, the ADF Environmental Unit clearance memo will be issued to ensure that environmental conditions are met. Such clearances will enable ADF to manage implementation more effectively.

The periodic reports submitted to the World Bank Group will contain a separate section on environmental and social risk monitoring. This section of the reports will be prepared based on the findings of the ADF environmental and social staff and the weekly reports of the supervisor. In addition to regular reporting, ADF will produce ESMP Implementation Report for WB Environmental Specialist on quarterly basis. The ESMP Implementation Report will be common for all sub-projects.

Annexes

Annex 1. Social Screening Process

Probable Involuntary Resettlement Impacts Table

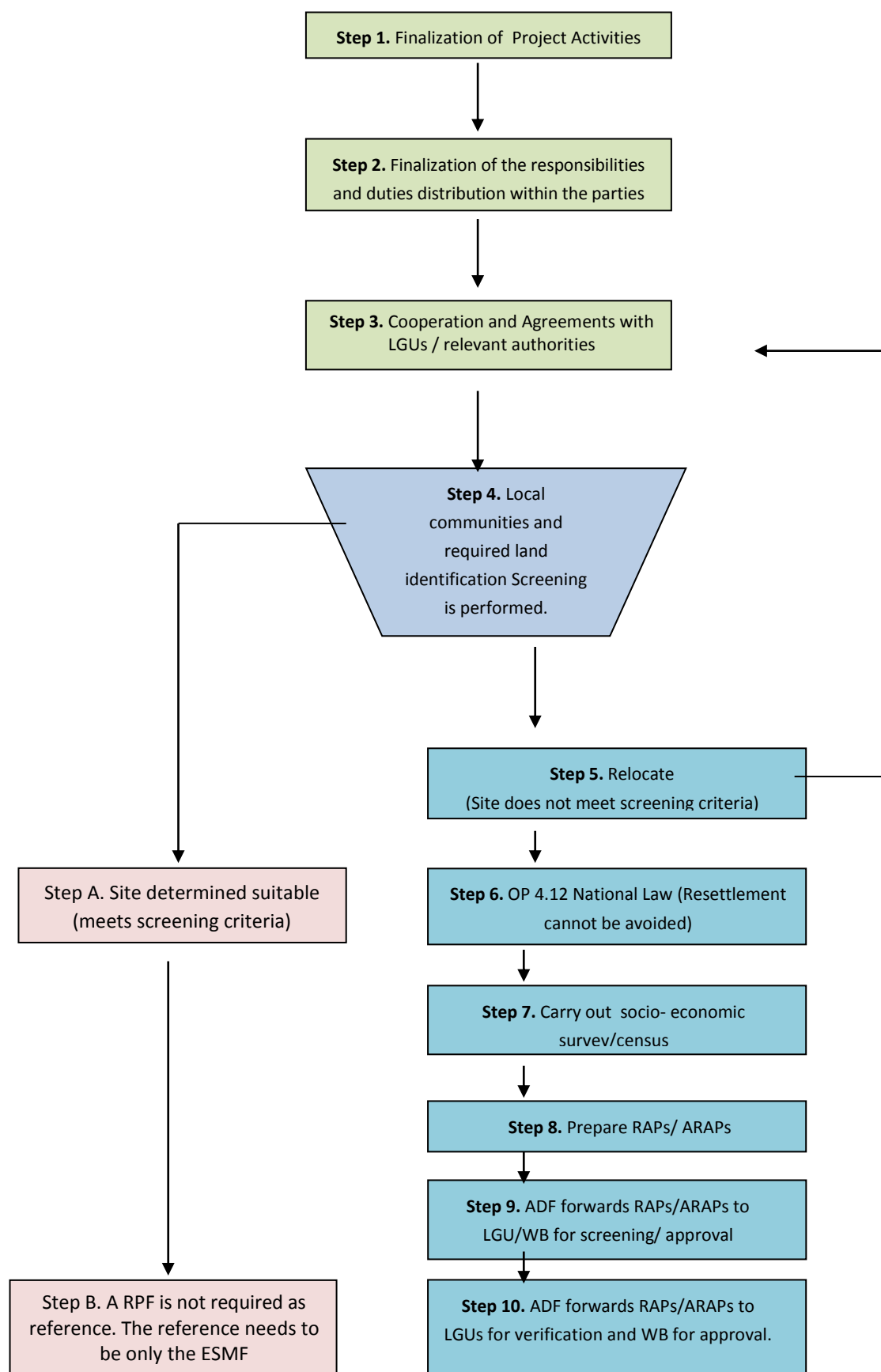
No	Involuntary Resettlement Impacts Questions	Yes/No	Not Known	Details/Notes
1	Will the intervention include new physical construction work?			
2	Does the intervention include upgrading or rehabilitation of existing physical facilities?			
3	Is the intervention likely to cause any permanent damage to or loss of housing, other assets, resource use?			
4	Is the site chosen for this work free from encumbrances and is in possession of the government/community land?			
5	Is this sub project intervention requiring private land acquisitions?			
6	If the site is privately owned, can this land be purchased through negotiated settlement?			
7	If the land parcel has to be acquired, is the actual plot size and ownership status known?			
8	Are these land owners willing to voluntarily donate the required land for this sub-project?			
9	Whether the affected land owners likely to lose more than 20% of their land/structure area because of donation?			
10	Is land for material mobilization or transport for the civil work available within the existing plot (Right of Way)?			
11	Are there any non-titled people who are living/doing business on the proposed site/project locations that use for civil work? Is any temporary impact likely?			
12	Is there any possibility to move out, close of business/commercial/livelihood activities of persons during constructions?			
13	Is there any physical displacement of persons due to constructions? Does this project involve resettlement of any persons? If yes, give details.			
14	Will there be loss of /damage to agricultural lands, standing crops, trees?			
15	Will there be loss of incomes and livelihoods?			
16	Will people permanently or temporarily lose access to facilities, services, or natural resources?			
17	Are there any previous land acquisitions happened and the identified land has been already acquired?			

Summary Table of Involuntary Resettlement Impacts

No	Measures of Impact	Activity 1
1	Private land required In Sq. m.	
2	No of Land owners losing more than 20% of Land Area	
3	Governmental land required in Sq. m.	
4	Forestland required in Sq. m.	

5	No of houses affected	
6	No of shops affected	
7	No of other structures affected	

Annex 2. Steps Leading to Preparation of the Resettlement Action Plan



Annex 3. Example of an « Environmental and Social Mitigation Plan »

The required content for ESMP:

1. Project background (information on the umbrella project including drivers for development, objective, scope, stakeholders, main activities)
2. Project description (objective and scope of the subproject, general location information)
3. Current status (description of situation prior to works)
4. Review of proposed works (stakeholders, activities, technical summary)
5. Policies, legal and administrative framework (relevant WB, national, regional, local)
6. Environmental aspects and potential impacts
7. Environmental measures and guidelines
8. Environmental management plan
9. Environmental monitoring plan

Environmental and Social Management Plan template:

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
<u>Pre-construction</u>	<i>Cleaning up of the work site from inert materials, dirt;</i>	Prepare Waste Management Plan In consultation with the Municipality, provide an appropriate method for recycling construction materials and scrap metal materials.	NA		ADF/Municipality	Contractor	As provided in BOQ
<u>Pre-Construction</u>	<i>Materials supplied from illegal or unauthorized sites may exert pressure on the natural resources</i>	Use existing and licensed stones quarries; Requirement for official approval or valid operating license; Producer of asphalt, concrete and the stone aggregate quarry has to present a proof of conformity with all national environmental and H&S legislation.	NA	NA	stone quarry	Contractor to obtain all permits	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
<u>Pre-Construction</u>	<i>Working in line with national regulation</i>	<p>Obtaining operating, construction and other licenses required by the national, regional or local regulation.</p> <p>Ensure all workers have been educated and trained appropriately to their working positions and working tasks.</p> <p>Safe organization of bypassing traffic.</p> <p>Contractor and subcontractors have valid operating licenses. The local construction and environment inspectorates and communities have been notified of upcoming activities.</p> <p>All legally required permits have been acquired for construction and/or rehabilitation and are kept on site.</p>	Included to project cost	Included to project cost	Contractor	Contractor	
<u>Pre-Construction</u>	<i>Working in line with national regulation, prevent injuries and accidents</i>	Provide appropriate Health and Safety (H&S) and fire protection training and equipment in sufficient quantity.	Included to project cost	Included to project cost	Contractor	Contractor	
<u>Pre-Construction</u>	<i>Deterioration of habitats and fragmentation of land</i>	<p>Use existing infrastructure and routes as much as possible.</p> <p>No new construction in protected and areas with sensitive habitats.</p>	Included to project cost	Included to project cost	Contractor	Contractor	
<u>Pre-Construction</u>	<i>Water pollution in sensitive areas. Negative impact to aquatic life.</i>	In the areas near the water bodies (coastal and riparian areas, water bodies, significant drinking water catchment, etc.) the design takes into account need for management	Included to project cost	Included to project cost	Contractor	Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		<p>of contaminated surface runoff from road surfaces – these waters should be captured and treated in the grease and oil separator (at minimum). The water will not enter natural recipient untreated.</p> <p>Precautionary measures designed and in place to prevent a wash off of bituminous materials (primer or primer binder);</p>					
<u>Construction</u>	<i>Dust generated during transport of stone or aggregate materials</i>	Wet or covered truck load.	NA	70/month	Construction Contractor	Construction Contractor	
<u>Construction</u>	<i>Dust generated during construction works</i>	<p>Water construction site and material storage sites as appropriate.</p> <p>Use of water with all land clearing, grubbing, scraping, excavation, land levelling, grading, cut and fill and demolition activities which may cause dusting and particles emissions.</p> <p>Apply wind fences/shields/protection whenever appropriate.</p> <p>Apply time and quantity management to dust-prone materials. Do not keep large quantities on the site, or for a long period of time.</p> <p>Limit equipment/machinery and transportation vehicles operation</p>	NA	Included to project cost	Construction Contractor	Construction Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		speed at site (to 40 km/h).					
<u>Construction</u>	<i>Depletion of non-renewable resources</i> - Apply supply chain management	Use existing licensed asphalt plants and stone quarries.	NA	Included to project cost	Construction Contractor	Construction Contractor	
<u>Construction</u>	<i>Odors and fumes</i>	When transporting asphalt, the truck load must be covered.	NA	Included to project cost	Construction Contractor	Construction Contractor	
<u>Construction</u>	<i>Air pollution and noise</i> from machinery on site, transport and combustion on site	Do not allow vehicles or machinery to idle on site. Use attested and proper equipment. No open burning or combustion of any sort allowed on site	Minimal	Minimal	Construction Contractor	Construction Contractor	
<u>Construction</u>	<i>Air pollution</i>	Ensure all transportation vehicles and machinery have been equipped with appropriate emission control equipment, regularly maintained and attested. Ensure all vehicles and machinery use petrol from official sources (licensed gas stations) and on fuel determined by the machinery and vehicles producer.	Included to project cost	Included to project cost	Construction Contractor	Construction Contractor	
<u>Construction</u>	<i>Noise disturbance</i> to humans and animals	Check that noise emitted during rehabilitation of the pedestrian road does not exceed the national norms set out in regulations (85 dB for urban environment, outside) Working hours are between 6 h and 19 h. In the case for need for night work necessary permits need to be obtained. In the protected and sensitive areas the nature protection competent authority must be consulted (and permit	minimal	50/month	Construction Contractor	Construction Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		obtained).					
<u>Construction</u>	<i>Risk of biodiversity depletion, disturbance of wildlife</i>	<p>For works in the protected areas: nature protection expert must be engaged. The expert must approve work plan (keeping in mind sensitive seasons e.g. nesting).</p> <p>Permits form competent authorities must be obtained in line with the national legislation.</p> <p>The site should be inspected for wildlife before commencement and recommencement of works. For all findings (dens, young, nests, and similar) the works should stop/be limited not to cause damage and nature protection expert must be consulted.</p> <p>Poaching, disturbance of animals, plant and forest products collection, capturing animals is strictly prohibited.</p> <p>Open fire on the site is prohibited. The work site should take only space necessary.</p>	Included to project cost	Included to project cost	Municipality, ADF	Municipality, ADF	
<u>Construction</u>	<i>Traffic that may create noise, vehicle exhaust, road congestion on and around the site</i>	Arrange for material transport at hours of minimum traffic. Use alternative routes to minimize traffic congestion. Works to be performed alternatively on half of the road length in order to allow pedestrians to pass	NA	minimal	Construction Contractor: Transport manager and Truck operator	Construction Contractor: Transport manager and Truck operator	
<u>Construction</u>	<i>Accidental situations</i>	Develop emergency plan and procedures. All workers are acquainted with					

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		<p>emergency/accidental situation procedures. Procedures are easily available at the site.</p> <p>Firefighting equipment is available at the site and employees are trained to use it.</p> <p>First aid kit is available at the site.</p>					
<u>Construction</u>	<i>Soil and water pollution from improper management of chemicals and hazardous materials</i>	<p>Temporarily storage on site of all hazardous or toxic substances will be in safe containers labelled with details of composition, properties and handling information. Only authorised and trained personnel can handle the hazardous substances.</p> <p>The containers with hazardous substances should be kept in a leak-proof container to prevent spillage and leaking. This container should possess secondary containment system such as bunds (e.g. bunded-container), double walls, or similar. Secondary containment system must be free of cracks, able to contain the spill, and be emptied quickly.</p> <p>The containers with hazardous substances must be kept closed, except when adding or removing materials/waste. They must not be handled, opened, or stored in a manner that may cause them to leak.</p>	Minimal	Minimal	Construction Contractor	Construction Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		<p>The containers holding ignitable, hazardous or reactive wastes must be located at least 15 meters from the facility's property line and at least 30 meters from the water line.</p> <p>The wastes are transported by specially licensed carriers and disposed in a licensed facility. Paints with toxic ingredients or solvents or lead-based paints will not be used.</p>					
<u>Construction</u>	<i>Traffic disruption during construction activity</i>	Traffic management plan with appropriate measures to redirect traffic and is easy to follow; in cooperation with the local authorities, include traffic police	as specified in bidding documents	minimal	Construction Contractor	Construction Contractor	Measures to be included in the Traffic management Plan (Bid documents)
<u>Construction</u>	<i>Vehicle and pedestrian safety</i>	<p>Appropriate lighting and well defined safety signs. Timely announcement in the media when construction will take place.</p> <p>Safe pedestrian passages are available.</p>	as specified in bidding documents	minimal	Construction Contractor	Construction Contractor	
<u>Construction</u>	<i>Generation of waste</i>	<p>Waste collection and disposal pathways and licensed sites will be identified for all major waste types expected from site cleanup, demolition and construction activities.</p> <p>All waste will be collected and disposed properly by licensed collectors and on the licensed landfills. Various types of wastes (recyclables, construction,</p>					

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		<p>hazardous, special types of wastes, packaging, electronics, etc.) will be collected separately.</p> <p>The records of waste disposal will be regularly updated and kept as proof for proper management, as designed.</p> <p>Existing waste from the location should be removed prior to the construction works start</p> <p>Containers for each identified waste category are provided in sufficient quantities and positioned conveniently.</p> <p>Mineral (natural) construction and demolition wastes will be separated from general refuse, organic, liquid and chemical wastes by on-site sorting and temporarily stored in appropriate containers. Depending of its origin and content, mineral waste will be reapplied to its original location or reused.</p> <p>Whenever feasible the contractor will reuse and recycle appropriate and viable materials.</p>					
<u>Construction</u>	<i>Water and soil pollution</i> from improper material storage, management and usage of construction machines	Organize and cover material storage areas; isolate wash down areas of concrete and other equipment from watercourse by selecting areas for washing that are not free draining directly or indirectly into watercourse;	as specified in bid documents	50 / month	Construction Contractor	Construction Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		<p>Install leak control equipment (secondary containment system, e.g. double walled or bunded containers).</p> <p>Isolate concrete, asphalt and other works from watercourses.</p> <p>Wash trucks, other vehicles and machinery only in predefined suitable areas with water management and treatment (minimally oil and grease separators followed by the sedimentation or retention tank).</p> <p>Machinery and vehicles can be parked only on asphalted or concrete surfaces with surface runoff water collecting system. This water can then be either collected to retention basins and transported to a proper water treatment facility, or the water collecting system has to include oil separator and sedimentation tank.</p> <p>Polluted water should be collected to retention basins and transported to a proper water treatment.</p> <p>Ensure proper handling of lubricants, fuel and solvents by secured storage and following MSDS.</p>					

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
<u>Construction</u>	<i>Water and soil pollution</i> from improper disposal of waste materials	<p>Ensure proper waste management on site in order to prevent pollution. Have a leak control mechanism in place and emergency interventions to control spills.</p> <p>Dispose waste material at containers that are sufficiently provided at the site. Waste types are collected separately. Waste is disposed at approved and licensed landfill. Temporary waste storage is protected from runoff..</p> <p>For temporary, short storage of wastes, select an area on impermeable surface, away from any potential leaking into the watercourse.</p> <p>Collect and adequately manage all wastes in a timely manner..</p> <p>Discarding any kind of waste (including organic waste) or waste water to the surrounding (especially to the sea and river) is strictly forbidden.</p> <p>The containers with hazardous liquid waste should be kept in a leak-proof container to prevent spillage and leaking. This container should possess secondary containment system such as bunds (e.g. bunded-container), double walls, or similar. Secondary containment system must be free of cracks and able to detain the spill.</p>	minimal	100/month	Construction Contractor	Construction Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
<u>Construction</u>	<i>Potential contamination of soil and water from improper maintenance and fueling of equipment</i>	<p>Proper handling of lubricants, fuel and solvents by secured storage; ensure proper loading of fuel and maintenance of equipment; collect all waste and dispose to permitted waste recovery facility. In the case of leakage the contaminated soil should be collected and as hazardous waste disposed. This waste should be collected in separate containers.</p> <p>Have a leak control mechanism in place and emergency interventions to control spills Prevent hazardous spillage coming from tanks (mandatory secondary containment system, e.g. double walled or bunded containers), construction equipment and vehicles (regular maintenance and check-ups of oil and gas tanks.</p> <p>Parking site has to be respected following the defined place.</p>	minimal	minimal	Construction Contractor	Construction Contractor	The municipality must provide a written permission for an appropriate waste disposal site before the construction works may commence
<u>Construction</u>	<i>Potential contamination of soil and water from earthworks</i>	<p>Protect and restore non-construction areas. Design slopes and retaining structures to minimize risk, provide appropriate drainage and vegetation cover.</p> <p>Carry out surface drainage works to divert the rainwater that would erode the soil.</p> <p>Apply storm water management to minimize erosion and offsite sediment delivery to receiving waters.</p>	NA	Included in project cost	Contractor	Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		Erosion protection measures are applied at the suspected sites such as hey-bales geotextile and other. Landslide prevention, approved by the geotechnical study, is applied where necessary.					
<u>Construction</u>	<i>Potential contamination of soil and water from asphalt laying</i>	<p>Use of antifreeze and/or accelerator compounds is not allowed.</p> <p>Asphalt and bitumen emulsion application will take into account metrological data and conditions when planned and carried out (raining periods, overcast, cooler and wet weather, etc.)</p> <p>Positioning of the emulsion sprayer should be such so spaying beyond the area to be primed or primer sealed.</p> <p>Ensure that emulsion sprayers are well maintained, operated by trained crew and spray nozzles are operating correctly.</p> <p>Avoid windy conditions when spraying.</p> <p>Equipment should be cleaned in areas where there will be no impact to the environment or danger of surface run-off (e.g. areas where water is collected to retention basins and transported to proper water treatment, and waste is separated and appropriately</p>	NA	Included in project cost	Contractor	Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
		disposed).					
<u>Construction</u>	Interruption of surface and underground drainage patterns during construction, creating of standing water.	In line with approved design, maintain natural drainage pattern.	minimal	minimal	Construction Contractor	Construction Contractor	
<u>Construction</u>	Workers health and occupational safety	<p>Provide workers with safety instructions and protective equipment (glasses, masks, helmets, boots, etc.) in sufficient quantities; safe organization of bypassing traffic; medical kit present at the site</p> <p>All work will be carried out in a safe and disciplined manner designed to minimize impacts on neighboring residents and environment.</p> <p>The site will be clearly marked and fenced off.</p> <p>Workers' personal protective equipment will comply with international good practice (obligatory wearing of hardhats at all times, masks and safety glasses as needed and prescribed, harnesses and safety boots).</p> <p>Appropriate signposting of the sites will inform workers of key rules and regulations to follow.</p>		minimal	Construction Contractor	Construction Contractor	

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
<u>Construction</u>	Impacts on vegetation, trees, meadows, etc.	<p>The clearing of vegetation shall be kept to a minimum, with replacement planting planned and conducted, and shall be done in coordination with the additional measures for protection of sensitive habitats and river banks.</p> <p>In general, tree felling is prohibited. Individual trees can be removed only with the approval of Forestry Directorate.</p> <p>Rehabilitation planting will be done with native species only.</p>	NA	According to the national environmental regulations, for 1 tree that is cut, 3 must be planted	Construction Contractor; Forestry Directorate,		
<u>Construction</u>	Chance finds items of cultural/historical interest.	In case of any chance finds during excavation and general works, the works will cease immediately, the area will be secured and the relevant authorities will be informed within 24 hours of said finds. The instructions received from the authorities and national law will be followed.	NA	In case of chance finds, the project owner will pay for all required investigations	Construction Contractor, ADF, municipality		Albanian legislation details necessary actions in case of chance find items.

Phase	Issue	Mitigating measure	Cost (in EUR)		Institutional responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
<u>Construction</u>	Labour and working conditions	a) Preventative health examinations for workers, training on disease prevention, provision of education/ information and health related to reduce sexually related disease.	As specified in BOQ	minimal	Contractor, ADF	Contractor	It is a legal requirement to provide protective equipment for safety at work
	a) Disease prevention and health examinations b) Creation of additional workplaces c) Workforce accommodation d) Workers safety on site	b) Informing of local population on vacancies. Maximum possible involvement of local labour c) Accommodation needs will be assessed in all worker camps. Ensure standard for accommodation d) provide workers with safety instructions and protective equipment (glasses, masks, helmets, boots, etc); b) Provision of construction workers training c) Grievance mechanism for workers to raise reasonable workplace concerns (comments or complaints) Install appropriate traffic signs, posts, equipment (signaling, convex mirrors, etc.) and speed limits Install appropriate warning signs (animal or pedestrian crossing, etc.)					

Phase	What activity/impact is to be monitored?	Where will be monitored?	How is to be monitored?/ type of monitoring equipment	When is to be monitored? (frequency of measurement or continuous)	Why is the parameter to be monitored? (optional)	Indicators	Cost		Responsibility
							Install	Operate	
Pre-Construction	Possession of official approval or valid operating licenses and Environmental and H&S conformity proof for stone quarries and other material supply subjects (asphalt plants, concrete producers, etc.)	on location of stone quarry	inspection of all necessary documents	before work begins	to ensure sustainable use of materials	possession of official approval or valid operating license	NA	NA	LGU, ADF
Pre-Construction	Obtaining working, construction and other licenses required by the national, regional or local regulation. Contractor and subcontractors have valid operating licenses.	Working location, contractor's headquarters	inspection of all necessary documents	before work begins	Ensure compliance and quality of works	possession of official approval or valid operating license	NA	NA	LGU, ADF

Annex 4: Example of an Environmental and Social Monitoring Plan

Regional and Local Roads Connectivity Project - RLRCP

Construction	Covering or wetting down transported and stored materials that can generate dust, such as stone, sand or gravel. Dust prone materials (sand, gravel, stone, cement) are stored in minimal quantities and for minimal amount of time. Speed of motorized vehicles at the site is limited to 40kmph.	at site	Supervision, visual	continuously	ensure minimal disruption to air quality	Covered truck load Report from the supervising engineer Speed limit signage	NA	minimal	ADF Supervision Contractor, ADFADF
Construction	Congestion on site, disruptions to traffic patterns, complaints on traffic management	On the site	Visual supervision	regularly by supervision	To ensure minimal disruptions to the local traffic	Number of complaints received		minimal	LGU, ADF Supervision Contractor
Construction, design	Damage to soil structure, landslides and slips, embankments, erosion	job site	Supervision	unannounced inspections during work, after heavy raining	To ensure minimal impacts on soil	land slips, erosion, damaged embankments	NA	minimal	LGU, ADF
Construction	Noise disturbance to human and animal population, and workers on site	job site; nearest homes	noise meter and analyzer, inspection	once for each machine and equipment when works start and on complaint	b- assure compliance of performance with environment, health and	Nr of grievances recorded	minimal	minimal	ADF Supervision Contractor, LGU
Construction	Air pollution- dust	At and near job site	Visual	Regularly	To ensure no excessive dust emissions during works		Included	Included	Municipality, ADF, Supervision Contractor
Construction	Air pollution parameters of dust, particulate matter	At and near job site	Sampling by authorized agency	Upon complaint or negative inspection finding	To ensure no excessive emissions during works	Nr of grievances recorded, reports of REA	minimal	100/mont h	ADF, LGU, Supervision Contractor

Regional and Local Roads Connectivity Project - RLRCP

Construction	<p>Vehicles/machinery/equipment are have been attested and equipped with emissions control equipment and use prescribed fuel.</p> <p>Fuel is purchased at licensed gas stations</p>	At site	Visual, documentation check	Regularly	To ensure no excessive air and noise emissions during works		NA	NA	ADF, LGU, Supervision Contractor
Construction	<p>Use of antifreeze and/or accelerator compounds.</p> <p>Asphalt and bitumen emulsion application only at favourable weather.</p> <p>No spaying beyond the area to be primed or primer sealed.</p> <p>Emulsion sprayers are well maintained, operated by trained crew and spray nozzles are operating correctly.</p> <p>No equipment cleaning at site.</p>	At site	Visual, documentation check	Regularly	To ensure no excessive air and noise emissions during works		NA	NA	ADF, LGU, Supervision Contractor
Construction	Water and soil quality (suspended solids, oil, and grease, BOD, COD).	At and near job site (upstream and downstream)	Sampling by authorized agency Visual inspection of leaks or runoff	Upon complaint or spill/leak into the river or surrounding area	To ensure no excessive emissions during works	Nr of grievances recorded, reports of REA	minimal	minimal	ADF, LGU, Supervision Contractor

Regional and Local Roads Connectivity Project - RLRCP

Construction	Trucks are parked, washed or repaired only at sites with impermeable floors and equipped with surface runoff collecting system and oil and grease separators. Watercourses are protected from works.	At the site	Visual	Regularly	To manage soil and water pollution risk		included	included	ADF, Supervision Contractor, LGU
Construction	Safety signage in place	At and near job site	Visually by supervisor	Regularly	To ensure clear posting of safety signs	Number of signs	minimal	ADF	Supervision Contractor , LGU, ADF
Construction Waste	Separate collection of waste. Transport and disposal of waste materials (including hazardous) at authorized site.	On site for timely collection and disposal on final disposal site	Through official designation of the commune, visually, documentation check, including licenses , waste manifests	Before start of works and regularly	To ensure proper waste management	Designation from municipality, amounts of waste removed	minimal	ADF	LGU, ADF, Supervision Contractor
Construction / Workers safety	Protective equipment (glasses, masks, helmets, boots, et) are available at site and in sufficient quantities; organization of bypassing traffic. Fire-protecting equipment is available at site and personnel is trained to use it. No burning of waste took place at site.	job site	Inspection, training records	unannounced inspections during work		number of on-job accidents recorded	NA	minimal	LGU, ADF, Supervision Contractor

Regional and Local Roads Connectivity Project - RLRCP

Construction/ <i>Destruction of crops, trees meadows etc</i>	Loss of/impact on vegetation. Rehabilitation of site using native species only.	job site	Supervision, photographic reports	during material delivery and construction		Reports of frequent visits on site by the Env. Expert	NA NA	minimal minimal	Supervision Contractor, ADF, LGU
Construction/ <i>Chance find items</i>	<i>Cultural properties</i> – if there were chance findings and the competent authorities were informed and procedures obeyed.	Job site	Expert visits from Institute for Cultural Monuments, regular supervision, documentation check	continuous		Catalogue of items found, including photographic and textual documentation	Should be part of the regularly scheduled activities	minimal	Supervision Contractor, Cultural Directorate, ADF, LGU
Construction <i>Nature protection</i>	The nature protection expert is engaged for supervision of works in the protected areas. Permits for works in protected areas obtained. Recommendations and measures made by the nature protection expert have been implemented. For works in the protected or sensitive areas: timeframe and working plan has been approved by the nature protection expert. The working site and operating site is minimal.	At the site	Expert visit, regular supervision, documented approvals, visual inspection	Regular		Documented communication and reports.	Included in the project cost	Included in the project cost	ADF

Regional and Local Roads Connectivity Project - RLRCP

Construction <i>a)Disease prevention and health examinations</i> <i>b)Creation of additional workplaces</i> <i>c)Workforce accommodation</i> <i>d)Workers safety on site</i>	1) Health examinations for workers, 2) training on disease prevention, including STD 1)Informing of local population on vacancies 2)Involvement of local labour 1)Accommodation needs will be assessed 2)standard for accomodation 1)safety instructions and protective equipment (glasses, masks, helmets, boots, etc); adequate training and education (certificates) for working opsitons and working scope; safe 2)organization of bypassing traffic. 3)Availability of grievance mechanism and grievance focal point	At or near job site	visits on site and communication with workers and community	Once a week by ADF	To ensure proper implementation of health and safety requirements	Knowledgeable workforce on procedures, Equipped with safety equipment	Should be part of the regularly scheduled activities	Minimal	ADF, contractor supervisor, contractor, LGU
Operation <i>Vehicle and pedestrian safety when there is no construction activity</i>	Visibility and appropriateness, safe pedestrian passages established	at and near job site	Observation	Once before the works, once per week in the evening		Number of warning signs installed, number of accidents recorded	minimal	minimal	LGU, maintenance contractor

Operation <i>Increase of domestic solid waste due to increased number of visitors to the site</i>	Visual impact, no littering is present, no burning of waste took place	At or near job site	visits on site and communication with local authorities	Once per every two days by the LGU for maintenance reasons	For aesthetical reasons	Lack of waste on the ground, empty waste bins	Should be part of the regularly scheduled activities by the LGU		LGU
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Annex 5. Environmental Screening Criteria (Form)

Screening Checklist (to be filled in by the Local Governing Unit)

No.	Screening Questionnaire					Additional Clarifications
		Yes	No	Not	Not	

				known	applicable	
1	Will the intervention include new construction? (How much in length for (i) each segment, (ii) in total?)					
2	Is the project taking place in the protected or sensitive area?					
3	Is the environmental permit needed for the works?					
4	Is the environmental permit obtained for the works?					
5	Is the project taking place in the site protected or rich with archeological, cultural heritage or religious features?					
6	Is the construction/rehabilitation taking place in one or two lane roads?					
7	Does the construction/rehabilitation of roads include culverts,					
8	Is the project taking place near water-bodies such as rivers, lakes, sea, etc.?					
9	Is the project taking place near or at international waters?					
10	Is the blasting (of stone or other materials) foreseen?					
		No impact	Minor	Moderate	Major	
11	Is the project taking place near the protected or sensitive area?					
12	Will the project affect endangered flora or fauna?					
13	Will the project impact archeological or cultural heritage sites?					
14	Will the project potentially cause landslides or erosion?					
15	Will the project impact coastal areas, marshes?					
16	Will the project impact water bodies such as rivers, lakes, streams, wells, etc.?					
17	Will the project impact international waters?					
18	Will the project produce emissions to air (e.g. of ozone depleting substances, air pollutants, green-house-gases emissions, dust, etc.)?					
19	Will the project involve use of pesticides?					
20	Will the project generate quantities of non-hazardous wastes?					
21	Will the project generate hazardous wastes?					
22	Will the project activities produce excessive noise and					

	vibrations?					
23	Will the project produce negative impact to soil (erosion, contamination, etc.)?					

Screening Report (to be filled in by ADF)

Sub-project title:
Beneficiary (Local Governing Unit):
Environmental impact risk category <ul style="list-style-type: none"> <input type="radio"/> B3 <input type="radio"/> B2 <input type="radio"/> B1 <input type="radio"/> Unacceptable (A)
Necessary due diligence related to environmental protection <i>(Please indicate necessary due diligence depending on the environmental impact risk category)</i> <p>For a project of category C</p> <ul style="list-style-type: none"> <input type="radio"/> no additional activities <input type="radio"/> relevant permits: _____ <input type="radio"/> other: _____ <p>For a project of category B3</p> <ul style="list-style-type: none"> <input type="radio"/> Environment and Social Management Plan (ESMP) other: _____ <p>For a project of category B2</p> <ul style="list-style-type: none"> <input type="radio"/> Preliminary ESIA (ESMP included) <input type="radio"/> other: _____ <p>For a project of category B1</p> <ul style="list-style-type: none"> <input type="radio"/> Preliminary ESIA (ESMP included) <input type="radio"/> Clearance from the Agency for Protected Areas <input type="radio"/> other: _____

<p>Obligation of disclosure <i>(Please mark the obligation of disclosure of above indicated documents depending on the project category)</i></p> <p>For a project of category C no obligation of reporting to the public</p> <p>For a project of category B3 disclose the document on Beneficiary's and ADF web page hard copy should be available for the public (at premises of ADF and Beneficiary) a process for stakeholders and general public, to be able to submit comments, should be established – through mail, website and through other means</p> <p>For a project of category B2,B1 disclose the document on Beneficiary's and ADF web page the public should be included in the procedure of environmental impact assessment through the public consultation meeting (organised near the potentially affected persons) document disclosed on the web pages of Ministry and Agency for Protected Areas (for B1) hard copy should be available for the public a process for stakeholders to be able to submit comments should be established – through mail, website and through other means</p>
<p>First name, last name and signature of responsible person completing the questionnaire:</p>
<p>Environmental impacts identified (short description and note on significance)</p>
<p>Social impacts and cultural heritage impacts</p>
<p>Additional comments:</p>
<p>Date:</p>

Annex 6: Guidelines for herbicide use/pest management in road management

Herbicides are used as a form of vegetation control in roads and railway maintenance operations. In the case of roads, herbicides are mostly applied at roadsides (but also around service buildings and parking lots) to prevent growth and spreading of weed, but also shrubs and other vegetation. Due to their toxicity and the fact they can cause harm to nature and human health, herbicides must be used in a considerable manner.

Use of herbicides can impact the health of workforce performing maintenance, insects (bees especially) and other fauna, local population and vulnerable ones (children), sensitive habitats and plants that can be endemic, endangered or vulnerable. Improper use of pesticides can also cause long term effects on water and soil. There are other hazards that are present in the application of herbicides on roads related to safety from traffic (especially at motorways), leakage and spillage of hazardous liquids.

In addition to the purpose, the choice of herbicide must take location features into account, such as proximity of watercourses or water-protected areas (water supply), location of ponds or wells for cattle, frequency and type of use of location (e.g. for picnic, sports or other events, agriculture), seasonality features (flooding), presence of endemic, rare or vulnerable plants, habitats and fauna in the area.

The following criteria apply to the selection and use of pesticides in Bank-financed projects:

- (a) They must have negligible adverse human health effects.
- (b) They must be shown to be effective against the target species.
- (c) They must have minimal effect on nontarget species and the natural environment. The methods, timing, and frequency of pesticide application are aimed to minimize damage to natural enemies. Pesticides used in public health programs must be demonstrated to be safe for inhabitants and domestic animals in the treated areas, as well as for personnel applying them.
- (d) Their use must take into account the need to prevent the development of resistance in pests

Over the years, based on experience as well as scientific findings, good practice in use of herbicides in road maintenance was developed. It includes, but is not limited to:

- Development of an integrated roadside vegetation management plan that include and organize activities such as mowing, use of herbicides, living snow fences, sustainable planting, etc.
- Development of a public relations plan to inform public of the potentially hazardous activities and temporary limitations in use of space as well as new traffic regulation avoiding congestions.
- Development operating procedures for mowing, use of herbicides, snow fences, health and safety, traffic regulation, etc. E.g. safety of traffic measures – the employees must wear visible protective clothes with reflective markings. The operating site must be marked with sign postage or other means of warning. During application of herbicides on the road curbs, the traffic must be regulated.
- Establishment of Sustainable Vegetation Management. Vegetation around the road is not only pest: well-planned vegetation can be used as snow fences. On the other hand, planting particular plant sorts can curb development and spreading of more noxious weeds.

- Spraying around service stations, parking lots and other frequently used areas is to be carried out when closed or, if this is not attainable, when the traffic is low.
- Products must be carefully selected in line with the use and location features, e.g. when used near the streams and reviews or around other water bodies, the used herbicide should be harmless to aquatic life. Products must be applied in concentrations and manner defined in the product label/use instructions and not in the way that would cause adverse effects to human health, agricultural products, livestock, wildlife and aquatic organisms.
- There should be no spraying beyond predefined boundaries and the drift should be minimized (e.g. by using nozzles at low pressures). Over-spraying is to be avoided.
- Spraying in the protected areas should be avoided. If this is not possible, the areas for spraying should be inspected and approved by a nature protection specialist (a botanist). Spraying herbicides to protected and endangered species is to be avoided as well as spraying ferns and other important native plants and habitats. To achieve that, spot-spraying, rather than blanket-spraying should be applied.
- Right personal protective equipment is to be used. Very rough terrain should be avoided for personal safety.