

## **Terms of Reference**

**for**

**“Design of Construction of Road Prekal – Qafa e Shoshit –  
Lotaj and Lekbibaj – Qafa e Agrit – Nderlyhaj”**

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# **1. GENERAL OVERVIEW**

## **1.1 Beneficiary Municipality**

Shkodra Region, Shkodra Municipality, Shale Administrative Unit.

## **1.2 Contracting Authority**

The Albanian Development Fund (ADF) is the contracting authority for this contract. The ADF is an agency whose mission is to promote sustainable economic and social development, a balanced level and regional and local cohesion. The ADF was established in early 1993, based on an agreement between the Albanian Government and the World Bank. The legal framework for the establishment and functioning of the ADF consists of Law no. 10130, dated 11.5.2009, "On the Albanian Development Fund". ADF implements projects funded by International Donors and the Albanian Government in the field of local and regional development.

## **1.3 Geographical location and existing condition of the road**

The road Prekal - Qafa e Shoshajt - Lotaj is a road which connects the villages in the North - East of the city of Shkodra with the villages along Shala River. This segment starts in the village of Prekal where along 2 km it passes on the trail of the existing road and then from there it will pass on a new route with a length of 8 km to Qafa e Majes se Shoshit. From Q.M Shoshi the segment continues on an existing route along the villages Cuke, Nicaj - Shosh, Gurra, Celaj, Ndrejaj, Pepaj, Pylaj, Bibgjon to Lotaj with a length of 16.6 Km. There have been no previous investments in this segment and the condition of the existing road is bad, where only a 2-2.5 m wide road trail can be seen and without any element of road infrastructure. The part of the new road from Prekal - Q.M Shoshi significantly reduces this distance as the existing road that connects these two areas has a length of about 19 km.

The road Lekbibaj - Qafa e Agrit - Nderlysaj will connect the villages in the North of the country such as Curraj i Eperm, Curraj, Querec-Mulaj, Vrana e Madhe, Brashtha, Nikaj Mertur, Peraj, Gjonpepaj, Tetaj etc., with the villages of Theth, Grunas, Prace etj. This road passes an area with mountainous relief which is characterized by places with beautiful landscapes that would give the surrounding villages a development by mountain tourism. The segment from Lekbibaj - Qafa e Agrit partially crosses the existing road tracks and the rest will be built new. The segment along the existing road up to the vicinity of the village of Perja has a route with a width of 2.5-3 unpaved and without any element of road infrastructure. The part of the road which will be realized has a length of 7 km to Qafen e Agrit. Then the segment from Qafa e Agrit to Bob will continue according to a new route that will be built of 5 km and from Bob - Vuksanaj with a length of 3 km. From Vuksanaj to Lotaj there is a trail of the existing road with a length of 2.5 km but it is in poor condition as there have been no investments from the area authorities. The segment from Vuksanaj to Nderlysaj passes through the villages of Pjolla, Nicaj-Shales, Dednikaj, Rrethi, Palna e Trasit. This segment passes along the existing route with a length of 9.5km which has a width of 2-3.5 m unpaved and without any element of road infrastructure.



Fig. 1 Trace of road segments “Prekal – Qafa e Shoshit - Lotaj dhe Lekbibaj – Qafa e Agrit - Nderlysj”

Photo of the existing condition:



Fig. 1



Fig. 2





Fig. 3



Fig. 4



Fig. 5



Fig. 6

## 2. SCOPE OF SERVICES

### 2.1 Objective

The main objective of the project: **"Inner Ring Of the Alps , Construction of the road Prekal - Qafa e Shoshajt - Lotaj and Lekbibaj - Qafa e Agrit - Nderlysj"** is to improve regional connectivity and facilitate accessibility to the tourist potentials of the North-East areas of the city of Shkodra and the Zones of the Tropoja District, bringing the expansion of the region's tourist offer and increasing the opportunity for sustainable regional economic development. The construction project of these segments will aim to improve the quality and safety of road traffic by preserving the existing road route in some areas and by building new routes where necessary.

### 2.2 Purpose

The purpose of this project is to prepare the detailed design project for these road segments.

### 2.3 Services required

The required services will be in accordance with **VKM 354, dated 11.05.2016.**

The design of the project must be carried out in accordance with the requirements of the design task.

### 2.3.1. Proposed interventions

Proposed interventions in the project will be:

- Construction of asphalt layers of the existing road segment, with asphalt width up to 4 m with shoulders 0.5 m.
- Construction of all road layers.
- Construction of canals on the side of the road, road drainage solution.
- Construction of retaining and bearing walls.
- Construction of culverts and hydraulic structures on the road.
- Vertical and horizontal signage.
- Electrical and optical fibers works;
- Engineering protective measures.
- Etc.

### 2.3.2. Design Costs

Cost estimation table:

No.	Name of the Area/ Project	Estimation of investment cost, in US\$ (excluding VAT)
1	Construction of Road Prekal – Qafa e Shoshit – Lotaj and Lekbibaj – Qafa e Agrit – Nderlysaj	29,000,000 US\$

### 2.3.3. Project elements

The required services will be the preparation and submission of phases I-VI of the project, in accordance with **VKM no. 354, dated 11.05.2016**<sup>1</sup>

The project elements are below:

- I. Analysis of the existing situation;
- II. Preliminary Draft Design
- III. Final Draft Design
- IV. The design for the approval of the construction permit
- V. Detailed Design and the bill of quantity
- VI. The report on the environmental impact assessment must be in accordance with **Law No.10440, date 07.07.2011**, VKM 686 date 29.07.2015 and relevant bylaws ( for permit renewal) and Environmental and Social Policy of World Bank.
- VII. Expropriations Report (if it needs) and RAP according to RPF (Resettlement Policy Framework)
- VIII. Economic Analysis Report

## 2.4. Elements of Design Products

### Phase I. Analysis of the design task / terms of reference and determination of the project basis

- Collection of data for the existing situation of the road
- Analyzing the existing situation and identifying issues that affect the design

<sup>1</sup> It refers to the design stages only.

- Work planning and resources for quality design

### **Phase II. Preliminary Draft Design**

Preliminary Draft Design should minimally contain:

- Solution study and graphical presentation
- Preliminary Cost estimation
- Preliminary Report
- Make a presentation of the preliminary design to the Beneficiary and the Contracting Authority

### **Phase III. Final Draft Design**

Final Draft Design should minimally contain:

- Drawings of the final solution according to design standards
- Technical report, including calculations, studies etc
- Bill of Quantity;
- Make a presentation of the project to the Beneficiary and the Contracting Authority;

### **Phase IV. IV. The design for the approval of the construction permit**

- Processing and submission of documents for the necessary legal procedures to approve the construction permit.

### **Phase V+VI. V. Detailed Design and the bill of quantity**

Detailed Design must contain:

- Drawings
- Final Technical Report
- Bill of Quantity (with and without prices)
- Technical Specifications
- Time Schedule
- Expropriations Report (if it needs)
- EIA Report and ESMP (Environmental and Social Management Plan).

### **Drawings**

Drawings should contain at least the following sheets:

- Horography;
- Planview of the existing road (where all infrastructure and underground infrastructure are presented)
- Survey planview;
- Planview of reconstructed/proposed road;
- Longitudinal Profile;
- Typical Section and Details;
- Cross sections for each section. Excavation – fill volumes. Layer details;
- Drawings and details of hydraulic structures, etc;
- Horizontal and vertical signage planview, etc. ;
- Electrical project, lighting and fiber optic network. Relevant Details;
- Greenery Project;
- Storm water and sanitary sewer systems project (KUSH and KUZ)
- Layers details and data for enrichment of the detailed design.

### **Technical Report**

The technical report includes all information about the project. It describes the analysis performed by the designers on the condition and the exact design proposed, provides accurate data, based on tests for the existing condition, provides traffic calculations, layer calculations, calculation of hydraulic structures, engineering measures that are provided to be taken, computer model of calculations, volumes, etc. The technical report will include the final report of topographic study, geological study, geotechnical study and investigation of materials, hydrological and hydraulic report, etc.

### **Technical Specifications**

The designer must prepare the technical specifications for each of the materials to be used. For each item included in the bill of quantity must be given:

- Description of the work performed, materials to be used, their quality, etc
- Work carrying out method
- Required quality of works
- Allowed formats
- Recommended color
- Unit of measurement
- Etc.

The consultant should keep in mind that for all specifications of materials should not specify the name of the company that produces them.

### **Bill of Quantity**

- Bill of Quantity for detailed design (based on VKM No.2. date 08.05.2003. "On the classification and structure of construction costs");
- Technical price analysis for all works estimated in the bill of quantity **VKM nr 627, datë 15.7.2015. " For the approval of the technical manuals of the prices of the construction works and their technical analysis "**.
- Items of works that are not included in the technical price manual in power, must be accompanied by price breakdown (relevant analysis) and attached to the assessment.
- The value of the final Bill of quantity should not exceed the estimated value of the investment (above: Cost estimation table)
- The bill of quantity should be accompanied with volume tables

### **Time schedule**

The time schedule should be based on the items of works and technology of works expressed in the Bill of Quantity.

### **Expropriation plan**

The expropriation plan should include a planview with cadastral zones, as well as a list confirmed by ASHK with the list of owners and relevant area (if any). Calculation of the value of expropriation according to the VKM of expropriations in power. Specifically the expropriation plan will contain the following:

1. Trace of the project on the orthophoto of the area
2. Application in State Agency of Cadaster for plashets (cadastral map) where the project trace passes
3. Tracing the project on the cadastral map of the area
4. Application to State Agency of Cadaster for Immovable Property Certificates and Indicative Registration Maps of any property affected by the project.
5. Preparation of expropriation plans for each property affected by the project, where to indicate the total area of the property and the corresponding area for expropriation



6. Conducting public consultations in cooperation with State Agency of Cadaster , beneficiary LGUs
7. Assessment of assets by a licensed expert for property valuation.
8. Preparation of the expropriation table based on the property certificates and other information obtained from State Agency of Cadaster (name, father, surname, cadastral zone, Property no., Vol, Fq, Type of property; total area, area for expropriation, property valuation, comments, etc.)
9. Preparation of the final expropriation report.

Resettlement Action Plan, will be prepared in line with Resettlement Policy Framework Document comprising:

- Methodology for the Valuation and compensation
- Identification of Stakeholders and Project Affected People
- Public Consultations and feedback
- Final Inventory of Affected Assets and People
- Resettlement matrix

Environmental Impact Assessment Report and PMMS to be prepared according to the legislation in force and ESIA will be prepared in line with the following Operation Manual and in line with ESMF Environmental and Social Management Framework:

OP 4.01 - Environmental Assessment;

OP 4.04 - Natural Habitats;

OP 4.11 – Physical Cultural Resources

OP 4.12 - Involuntary Resettlement

The draft Social and Environmental Impact Assessment reports for each project will be made available to the public and will be consulted with stakeholders, after obtaining approval from the Environment and Social Unit. Opinions received through public consultations will be reflected in reports and in the project, if necessary. Special attention will be paid to natural habitats and protected areas at national and international level.

The consultant proposes low-cost alternatives, including opportunities for modern technology, with as few environmental impacts as possible. The project should mainly present cost effective solutions. Therefore, the Consultant must present the necessary technical and economic arguments to support the final alternative it recommends to be adopted to meet the proposed purpose

The EIA report must be prepared by a licensed environmental impact assessment expert (including the license obtained from the NLC and the extract from the NBC).

Annex to ToR:

IBRD-RLRCP-Resettlement Policy Framework

IBRD-RLRCP-Environmental and Social Management Framework

IBRD-RLRCP-Environmental and Social Management Plan

#### **Technical report for removal from the forest fund**

In any case, if necessary, the Technical Report should be drafted according to VKM 1353 dated 10.10.2008 (updated with VKM 434 dated 08.06.2016) "On the Rules for Submitting the Request, Maintaining and Completing the Technical Documentation, Criteria and Procedures

for Reducing the Area and Volume of the Forest Fund”, then accompanied by the Rehabilitation Project if necessary.

### **Economic Analysis Report**

The consultant should also assess the economic feasibility and justification of the proposed project implementation using HDM-4 software, and then prepare and submit the Economic Analysis Report. The Consultant must provide the Client with all documents created with the HDM-4 software (object.dat and object.idx) that the Consultant has created for the purposes of economic analysis.

### **Organization of works plan**

The plan for the organization of works on the construction site according to the legislation in.

### **2.4.3. Design Standards**

The designer is responsible for ensuring accuracy and compliance with all relevant standards and applicable legislation. The project must implement all approved norms for people with disabilities (blind, etc.). The project must provide the necessary infrastructure for this category. In designing and presenting project documentation, the designer should use the appropriate computer software, and is encouraged to use new software that ensures readability and accuracy in the project.

## **2.4 Method of procurement and Standard Contract**

The selected procurement method of the service will be based on the World Bank's Procurement Regulations for IPF Borrowers, July, 2016 as amended.

A Consultant will be selected in accordance with the Consultant's Qualifications Based Selection (CQS) method set out in the Procurement Regulations.

The standard form of the Contract will be a Lump - Sum Contract.

## **3. TEAM COMPOSITION & QUALIFICATION REQUIREMENTS FOR THE KEY EXPERTS**

The Consultant shall provide a team with experience in the design of construction works.

### **3.1 Consultant Profile:**

The Consultant shall simultaneously comply with the following minimum criterion:

- a) The Consultant shall have similar previous experience in design of highway construction and road infrastructure with value of services not less than 200,000 USD net of VAT, performed during the five years, in a role of sole consultant or member of Joint Venture

In case of "Eols" submitting by a JVCA, the selection criteria will be applied to the Joint Venture/Consortium as a whole.

The shortlisting criteria are:

<b>No.</b>	<b>Shortlisting Criterion</b>	<b>Points</b>
1.	The Consultant general overall experience in design	10 points
2.	The Consultant similar previous experience in design of highway and road infrastructure construction	70 points
3.	The Consultant's previous experience in design of the similar projects in Albania.	10 points
4.	Availability of staff within the firm to perform the assignment	10 points
<b>TOTAL</b>		<b>100 points</b>

### 3.2 Team Composition

The working language of the project is English language. All the team members assigned by the Consultant must possess proficiency in English language. Day-to-day communication language with the employees of municipalities, water, electrical, telecom and other utilities and local authorities (if needed) will be either English or Albanian language.

#### 3.2.1 Key experts

<b>Key experts</b>	<b>Minimum Working Man/Days input</b>
<b>KE1 Project Manager/Team Leader:</b> <ul style="list-style-type: none"> <li>- M.Sc. degree in Civil Engineering or similar</li> <li>- Preferably 10 years' experience in road engineering</li> <li>- Preferably 8 years as project director/manager or team leader for similar projects</li> </ul>	120
<b>KE2 Road Designer:</b> <ul style="list-style-type: none"> <li>- M.Sc., Civil Engineer or similar and relevant to the tasks to be carried out</li> <li>- Preferably 10 years' experience in Road infrastructure for similar projects.</li> <li>- Expert should demonstrate sound knowledge of English and Local language would be considered an advantage</li> </ul>	120
<b>KE3 Structural Designer:</b> <ul style="list-style-type: none"> <li>- M.Sc., Civil Engineer</li> <li>- Preferably 10 years' experience for similar projects.</li> <li>- Expert should demonstrate sound knowledge of English and Local language would be considered an advantage</li> </ul>	90
<b>KE4 Electrical expert:</b> <ul style="list-style-type: none"> <li>- M.Sc. degree in Electrical Engineering or similar</li> <li>- Preferably 10 years of experience in design, construction and operation of electrical equipment</li> <li>- Expert should demonstrate sound knowledge of English</li> </ul>	30
<b>KE5 Topographical Expert:</b> <ul style="list-style-type: none"> <li>- Minimum B.Sc. degree in geodetic or topographical science</li> <li>- Preferably 10 years' experience topographical surveying</li> <li>- Preferably experience as topographical surveyor on at least 2 projects of similar nature and volume</li> </ul>	60
<b>KE6 Geological Expert:</b> <ul style="list-style-type: none"> <li>- Minimum B.Sc. degree geology science</li> <li>- Preferably 10 years' experience in design</li> </ul>	30

- Preferably experience as topographical surveyor on at least 3 projects of similar nature and volume	
<b>KE7 Hydraulic Engineer:</b> - Minimum B.Sc. degree in Hydraulic Engineering - Preferably 10 years of experience in design, construction and operation of electrical equipment for wastewater - Expert should demonstrate sound knowledge of English	90
<b>KE8 Environmental Expert:</b> - Minimum B.Sc. degree in Enviromental Engineering - Preferably 10 years of experience in design, construction and operation of electrical equipment for wastewater - Expert should demonstrate sound knowledge of English	60

### 3.2.2 Short-term experts (estimation 4)

Short-term experts (STEs) will support and supplement the above core KEs team in their respective tasks. Their CVs are not evaluated individually.

The Consultant must select and hire other experts as required according to the profiles identified in the Organisation & Methodology and/or these Terms of Reference.

All experts must be independent and free from conflicts of interest in the responsibilities they take on.

The expected expertise of the short-term staff shall be in the following areas, but not limited to:

- Hydraulic engineer;
- Environment and Social;
- Electrical engineering;
- Structural / Infrastructure engineering;
- Topographical Surveying

*Indicative profiles identified of STEs for this contract are as follows:*

- University degree in a field related to the tasks to be conducted or equivalent. Minimum 5 years, of relevant work experience with similar tasks and studies for the same sector and similar projects. Proficiency in oral and written English and working knowledge in the Albanian language.

## 3 DURATION AND DELIVERY OF PRODUCTS

### 3.1 Duration

The duration of the services will be 4 months from the start date.

### 3.2 Technical documentation, language, deadlines and number of copies.

The documents to be submitted and the deadlines are:

Documentation	Number of copies		Deadline
	Printed Copies	CD	
Existing Situation Analysis and Preliminary Draft Design (along with accompanying documentation)	1(one) in english and 4 (four) in albanian	2	<b>1 Month</b> after signing the contract *
Final Draft Design (along with accompanying documentation)	1(one) in english and 4 (four) in albanian	2	<b>3 Months</b> after signing the contract *
Implementation project (along with the accompanying documentation:technical report,technical specifications, bill of quantity with and whithout prices,time schedule)	1(one) in english and 4 (four) in albanian	2	<b>4 Months</b> after signing the contract *
EIA + ESMP	1(one) in english and 4 (four) in albanian		
Expropriation plan and RAP	1(one) in english and 4 (four) in albanian		

- \* The deadlines include 1 week for client comments and 1 week for corrections by the consultant.
- \* Drawings and reports must be printed in 5 (five) original copies, 1 (one) copy in English and 4 (four) in Albanian, 1 (one) CD with all materials in the relevant editable formats (acad, word, exel , avi, etc.) etc., etc.) and 1 (one) CD in PDF signed with electronic seal.
- \* The submission of documentation will be done in an official way accompanied by an inventory sheet. All printed documents must be signed and signed in the original by all designers.



**Annex 1**

**IBRD-RLRCP-Resettlement Policy Framework**

**Annex 2**

**IBRD-RLRCP-Environmental and Social Management Framework**

**Annex 3**

**IBRD-RLRCP-Environmental and Social Management Plan**

**RESETTLEMENT POLICY FRAMEWORK**

**Regional and Local Roads Connectivity Project**

**DECEMBER, 2017**

## **LIST OF ACRONYMS**

ADF	Albanian Development Fund
DCM	Decision of the Council of Ministers
EIA	Environmental Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IoCM	Institute of the Cultural Monuments
IPRO	Immovable Properties Registration Office
LGC	Local Grievance Committee
LGU	Local Government Unit
OMP	Operational Management Plan
OP 4.12	Operation Policy 4.12
PAP	Project Affected Persons
PCU	Project Coordination Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
WB	World Bank

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## 1. Definitions

<b><i>Project in Brief</i></b>	<b>Definitions</b>
<i>Application file</i>	Set of documents prepared to support the request for expropriation submitted to the Responsible Ministry/LGU
<i>Case file</i>	Set of documents that the Expropriation Commission finalizes in support of proposal for expropriation to the Council of Ministers
<i>Census</i>	A field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.
<i>Compensation</i>	Compensation is the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets, as well as other impacts resulting from project activities.
<i>Cut-off date</i>	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
<i>Expropriation Commission</i>	Special commission for application of the expropriation procedure in case of the sub activities.
<i>Expropriation Law</i>	Law No.8561/22/12/1999 ‘On Expropriation and Taking on Temporary Use of Private Property for Public Interest’
<i>Full replacement cost</i>	Method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets should not be taken into account. 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 costs of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes
<i>Land</i>	It refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
<i>Land acquisition</i>	It means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.
<i>Local Grievances Committee</i>	Local committee composed of three representatives: PAPs, Project; neutral expert to handle all grievances procedures in the affected areas and address PAPs concerns.
<i>Local Government Unit</i>	The LGUs include Municipalities and Administrative Units as per the new territorial division in force since June 2015.
<i>Project</i>	Regional and Local Roads Connectivity Project
<i>Project Affected Person (s) (PAPs)</i>	PAPs are persons affected by land use or acquisition needs of the RAP in the framework of the project. These person(s) are affected



	because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.
<i>Region</i>	Country
<i>Replacement cost</i>	It means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Albanian law for sale of land or property. In terms of land, this may be categorized as follows: (a) “Replacement cost for agriculture land” means the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.
<i>Resettlement Action Plan (RAP), Abbreviated Resettlement Action Plan (ARAP) or “Resettlement Plan”</i>	It is a resettlement instrument (document) prepared when projects locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAP is prepared by the party (Potential Developer) impacting on the people and their livelihoods. RAP contains specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. RAP is a site specific report for the current known impacts and is prepared in conformity with the provisions of this RPF with the views of the PAPs.
<i>The Resettlement Policy Framework (RPF)</i>	It is an instrument to be used throughout the implementation of project activities as guidance tool. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.

## 2. Introduction

### 2.1. Project Description

Regional and Local Roads Connectivity Program represents another important step in the Albania's efforts to address the unsatisfactory road conditions which on their turn represent the biggest hindrance for transport of people and goods, international investments, development of tourism, access to social services, employment opportunities especially for people in rural areas.

In 2016, the Secondary and Local Roads Program, which started in 2008 and co-financed by the World Bank, OFID and CEB at an estimated amount of \$ 368 million, was evaluated as "Highly Satisfactory" by the Implementation and Completion Report (WB). Its primary results are improved living conditions and reduced travel time towards local markets and cultural and health care centers, for inhabitants in the rural areas all over the country.

This new project builds on these results and experience. It will be oriented toward a more strategic approach, enabling the development of tourism and agriculture sectors by improvement of road infrastructure that provides direct access to touristic and agriculture potential, and offers alternative connections with the existing road system. The Regional and local roads program will also promote sustainable regional development through improvement of road infrastructure in the support of development of the tourism sector and agriculture.

Tourism is one of most important sectors in Albania recently, which impacts directly in the social and economic development and generates employment and incomes, especially for the population in rural areas. Tourism is well linked with other economy sectors, including agro tourism, entrepreneurship development and has a huge impact in agriculture as well.

Agriculture has also been an important sector whose development has been a key indicator in the elaborated prioritization process that has preceded the work for the implementation.

The selection and prioritization of investment is result of the merging of the findings of the national level data gathering process has combined with the objectives and the facts of National Territorial Plan, National strategy for tourism, General Local Plans, Strategic Plans, Operational Plans.

### 2.2. Purpose and Principles of the Resettlement Policy Framework

The purpose of this RPF is to provide policy and legal framework and procedures to mitigate unavoidable resettlement impacts. These procedures are in conformity to the World Bank OP 4.12 on Involuntary Resettlement, as well as the applicable Laws and Regulations of GoA. Subproject resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see OP 4.12, para. 29).

Resettlement procedures should consider some main principles in order to respect the best practices and achieve to its best the purpose of the project without damaging citizens and more specifically projected affected people.

The Regional and Local Roads Connectivity Project will include in its activities the below listed principles in compliance with international practices for resettlement and World Bank Resettlement Policy principles:

- i. **Consultation and participation of affected communities:** Throughout the process of the project implementation, the consultation with the affected community is an elicit right that they have and is crucial to the positive proceedings of the project. Their consultation on the different situations brought up by the preliminary evaluations and/or mainly on the resettlement procedures, compensation procedures etc., are to be included in the Resettlement Action Plan (RAP) or in the Abbreviated version of the RAP (ARAP). Participation of PAPs in the RAP's preparation and implementation is essential for a transparent and effective resettlement.
- ii. **Minimization of resettlement:** It should be a focus of the project to ensure that the project design has minimized land acquisition and physical displacement of households and communities.
- iii. **Ensure and guarantee the provision of any necessary compensation on time** for people who are affected by the resettlement procedure (loss of assets). This need to consider principally the Word Bank policies and guidelines, despite discrepancies.
- iv. **Negotiated compensation options:** A consensus must be reached with those who will be affected so that a fair and equitable compensation made for land, houses and trees etc., that are disturbed and paid according to the prevailing market rates of the local areas.
- v. **Resettlement must take place to ensure PAPs benefit:** those who are affected should be given priority in employment opportunities that arise from the project.
- vi. In case of unexpected events during the implementation of the project the related impact will be monitored, evaluated and documented, in order to present alternative solutions in the site-specific RAPs. Preparation of the site-specific RAPs will be based on the same RPF
- vii. **Establishment of resettlement baseline data:** The following activities should 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 should be monitored as female-headed households may lose out to more powerful households.
- x. **Resettlement upfront project cost:** it is critical that mitigation costs estimated in the RAP 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 monitoring mechanism, an independent Team comprising local administration, friendly NGO officials and the locals will play key roles in monitoring the RAP implementation. A grievance mechanism needed to solve problems and manage unforeseen issues which may arise during implementation. The mechanism will be organized in such a way that they are accessible to all, with particular concern for vulnerable groups. Monitoring will be a joint undertaking under NGO direction to measure and assess change in household status of project-affected communities.
- xii. **Potential Social Safeguard Risks and Mitigation Measures:**
  - If population and residents in the project impacted areas claims the his/her ownership on a public land, ADF will collect the necessary information from the Immovable Property Registration Office, and any other reference/evidence, and include these in the site-specific RAP..
  - A contingency/dedicated fund for expropriation, at the amount of 10% of the total estimated funds for compensations and expropriation, will be established in the ADF accounts annually. This contingency will be used to compensate and address unexpected claims of PAPs on the expropriation area, or the amount of compensation from PAPs, as well as cases that a related court decision results in higher amounts of compensation
  - In case when PAPs are not identified as they are no longer reside in the expropriated areas (migrated in another region of the country or emigrated abroad), the respective LGU will publish a notification with the PAPs names at the respective city/village, 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 in advance to publish the names and contacts of the land owners that are affected and/or their land will be be expropriated. Based on the Albanian legislation “On personal data” privacy should be maintained for PAPs names and contact during disclosure of RAP. In this regard, the ADF 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 should 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 should be *meaningfully consulted* and should have *opportunities to participate* in planning and implementing resettlement

programs. They should *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 compensated in accordance with the resettlement and compensation plan of action (entitlement matrix).



## 3. Property Administration, Impacts and Categories of Affected Persons

### 3.1. Jurisdiction of the Framework

In implementing this framework, the following will apply:

- a. In case of any gaps or misalignments between the Albanian legal framework and World Bank policies, in accordance to the Law No.10 428, dated 2.6.2011, “On the Private International Law” (article 2)<sup>1</sup>, the The World Bank Operation Policy will prevail the Albanian legislative framework; known also as the supremacy of international agreements.
- b. 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.
- c. Where land whose owner has freely contributed but is not seeking compensation, the assessment for compensation shall only include assets thereon and not land.
- d. Compensation shall be limited to valuations made after the cut-off date. Valuations shall be made immediately after the cut-off date and then again at the time of impact. The higher value of the two shall be used for compensation payment
- e. 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 benefiting municipality of the project Where this is not possible, courts of law shall be consulted.

### 3.2. Legal Property Framework and Property Evaluation Criteria

On Article 41/4 of the Albanian Constitution<sup>2</sup> 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 1<sup>3</sup>: *“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 spirit it’s in power Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”<sup>4</sup>. 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.

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<sup>1</sup> 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](http://www.pp.gov.al/web/ligji_drejte_nderkombetare_private_1_571.pdf)

<sup>2</sup> Albanian Constitution, Article 41/4, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

<sup>3</sup> European Convention on Human Rights, Article 1 “Right to property”,

[http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>4</sup> Law No. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, [http://www.energjia.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energjia.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

Anyway, an international agreement ratified by law has priority on application in front of a common law. (Art. 116 of the Albanian Constitution<sup>5</sup>) Furthermore, if a law creates a conflict with an international agreement ratified by law, the international agreement will be applied. 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...")<sup>6</sup>;
- The beneficiary subject in the expropriation process will be *the relevant Municipality of each city* (Art. 9 of the Law "On Expropriation...")<sup>7</sup>
- 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 Institute of Cultural Monuments, in this case (with the structure of actual government);
- 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***<sup>8</sup>

The right of compensation is applicable and ADF will respond accordingly, in cases when, although there is no land take, the PAP's land, plantations, access to his/her plot are impacted (land is devaluated) by the project and his livelihood is not as before the project. In addition, PAPs will be eligible for 100% compensation when, even if only part of the land is expropriated, the remaining is not of any use to him/her.

– ***The provisional taken on possession of the property***<sup>9</sup>

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 is taken someone's land temporarily and than reversed it, but with payment of rent. The request to take on provisional possession a property needs to be addressed to the Ministry of Urban Development, describing

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<sup>5</sup> Albanian Constitution, Article 116, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

<sup>6</sup> 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](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>7</sup> 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](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>8</sup> 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](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>9</sup> 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](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

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.

### 3.3. Possible Categories of Impacts and Affected Persons

In the implementation of Regional and Local Roads Connectivity Project several social impacts could affect the community and population in the areas of the projects, according to the type of sub project to be implemented and social impacts related to each loss category.

**Table 1. 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 of the target group (HH, businesses etc.) that could be 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. Upon project documents and details of sub projects provided to the experts were identified the list of typologies of affected groups.

**Table 2. General Typologies of Project Affected Groups**

General Typology	Definition
<b>Private Property Owners</b>	Are those who have legal title to land, structure and other assets
<b>Unlawful resident</b>	Are those who have illegally (informal settlements) occupied municipality/commune lands for residential, business and or other purposes.
<b>Encroachers</b>	Encroachers are persons who have extended their building, agricultural lands, business premises or work places into municipality/commune lands.
<b>Tenants</b>	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.
<b>Street Vendors</b>	Street vendors are those persons who have a permit from the municipality to occupy a public structure or land for business purpose
<b>Project-Affected Families</b>	Are defined to include each adult displaced person, his/her spouse, minor children and other dependents who habitually reside in one household.
<b>Project-Affected Persons</b>	Are persons who have economic interests or residence within the project impact corridor and 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.
<b>Project Affected Groups:</b>	Are groups or communities outside the immediate impact of road to be rehabilitated, that may be affected by the project with a focus on the more vulnerable groups in society.
<b>HH living be the Poverty Line</b>	Based on social assistance schemes acquired at the Regional Department of Social Insurances.
<b>Vulnerable groups:</b>	Are those groups such as women-headed households, older , /disabled and landless families, who will be dealt with on a case to case basis.

### 3.4. Screening Process in Land Acquisition and Resettlement

Implementation of the project activities will focus on the improvement of road infrastructure. This activity 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 if 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. The list of sub components 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/sub-component 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/sub-project. 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 sub-components 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 socio-economic study (this study will include determination of impacts);
- preparation of resettlement action plans (RAPs) per each of the sub projects.

When the list of areas to be included in the project, has been finalized, the process for land acquisition and resettlement must. After the screening process is carried the establishment of the cut-off date needs to be done. During screening and indeed during all the other

planning and preparatory activities, there must be adequate consultation and involvement of the local communities and the affected persons.

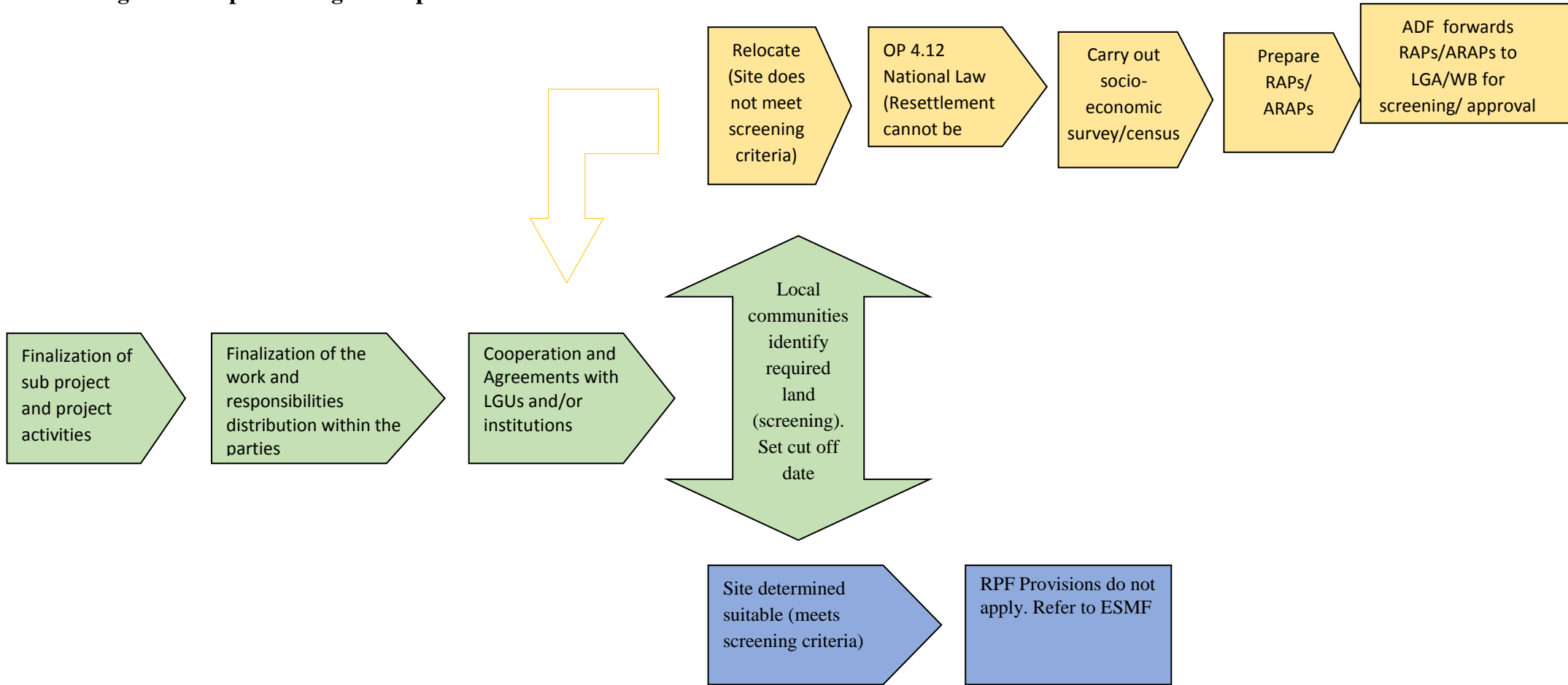
The decision to prepare a RAP or ARAP is based on the World Bank Guidelines OP 4.12 Involuntary Resettlement and the World Bank Handbook on the preparation of RAP. A flow chart for the steps to be undertaken in a RAP/ARAP procedure is provided in the figure presented below. The main possible outline and contents of a RAP is explained in Appendix 1. Possible Outline and Contents for the RAP, while the possible outline and content of an ARAP is briefly presented in Appendix 2 - Contents for Abbreviated Resettlement Action Plan. An Abbreviated Resettlement Action Plan can be prepared if agreed according to the guidelines of the World Bank<sup>10</sup>.

Based in the description of the project for the Regional and Local Roads Connectivity Project belongs to the Category B (mentioned above). Therefore a RPF needs to be prepared. All project sub-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. Thus ensuring that land is actually acquired or access to resource is lost, denied, or restricted and that the individual resettlement plans are consistent with this RPF. For project activities that do not have any resettlement issues and do not trigger OP 4.12, the provisions of this RPF do not apply and the reference is the Environmental and Social Management Framework ESMF.

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<sup>10</sup> O.P. 4.12. Resettlement Instruments, Article 25: Where impacts on the entire displaced population are minor,<sup>26</sup> or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower

**Figure 1 Steps Leading to Preparation of the Resettlement Action Plan**



## 4. Criteria and Conditions for Resettlement of Project Affected Persons

### 4.1. Entitlements for Compensation

**Table 3. Properties type and compensation<sup>11</sup>**

Appropriated Assets	Type of Impact	Owner	The right of compensation
<b>LAND</b>	Agriculture Land: Affected from the project less than 80% of the total land The rest of the land remains economically usable.	Owner/Holder of the property title	Compensation in Cash for affected land equivalent to the market value of the property, enough to replace lost assets and cover transaction costs. Compensation in Cash for lost assets and assistance for rehabilitation, including employment or job training to persons affected. Rehabilitation assistance for renting alternative land / property for relocation of activities such as grazing. Other assistance: For people with disabilities, will be given assistance in communication with the relevant authorities, which will be provided by the Local Complaints Committee to facilitate the procedure of expropriation.
	Affected from the project more than 80% of the total land The rest of the land remains economically unusable	Owner/Holder of the property title	Compensation in Cash for affected land equivalent to the market value of the property, enough to replace lost assets and cover transaction costs. Compensation in Cash for lost assets and rehabilitation assistance, including employment or job training to affected people. Rehabilitation assistance for renting alternative land / property for relocation of activities such as grazing.
<b>BUILDINGS</b>	Fully/partially affected structures.	Owner/Holder of the property title	Compensation in cash (Cash) for structures partially or completely affected and other material assets depreciation. The right to preserve materials without deduction from compensation. Rehabilitation assistance if required (assistance for employment, training).
<b>AGRICULTURAL CROPS</b>	Agricultural crops affected by the permanent/temporary land appropriation.	Owner/Holder of the property title	Compensation in cash (Cash) equal to the fair market value of the affected crops. (Vineyards, Olives, Wheat, Corn)
<b>TREES</b>	Cut Trees	Owner/Holder of the property title	Compensation in cash (Cash) based on the type, age and production value of affected trees. (Cherry trees, Plum trees)

<sup>11</sup> The application of the right of compensation as listed in the table will be subject to further evaluation in each of the Resettlement Action Plan prepared for the specific subprojects.

<b>TEMPORARY ACQUISITION</b>	Temporary Acquisition	Owner/Holder of the property title	Replacement of affected assets (eg destroyed boundary walls, damaged trees, etc.) in case of any event after the field survey.
<b>LOSS OF RENTAL ACCOMMODATION</b>		Residential Tenant: Business Tenant	Replacement costs for non-movables if installation was agreed with owner.
<b>LOSS OF BUSINESS</b>		Owner/Holder of the business	For loss of business, payment of lost income at an agreed rate (say payment of six months of past year average turnover)
<b>BUSINESS / EMPLOYMENT</b>	Temporary or permanent loss of business or employment	Business Owner; Employees	Business owner: (i) Cash compensation equal to one year income, if loss is permanent; (ii) cash compensation for the period of business interruption, if loss is temporary. Worker/employees: Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.
<b>RELOCATION</b>	Transport and transitional livelihood costs	Owner/Holder of the property title affected by relocation	Provision of sufficient allowance to cover transport expenses and livelihood expenses for one month.
<b>VULNERABLE PAPS LIVELIHOOD</b>		PAP below poverty line	Subsistence grants to displace poor /vulnerable families. Employment priority in project-related jobs.
<b>UNFORESEEN / UNANTICIPATED IMPACTS</b>			Any unforeseen/ unanticipated impacts due to the sub-projects will be documented and mitigated based on the spirit of the principle agreed upon in this framework
<b>PUBLIC FACILITIES</b>		Community	Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent. Land replacement at new site, plus land clearing by the project Waste facilities, connection to utilities and provision of access roads For loss of business, payment of lost income Provision of alternative temporary facilities during construction, where appropriate.
<b>SOCIO-ECONOMIC AND CULTURAL IDENTITY</b>			Disturbance assistance, shifting and relocation costs Rehabilitation assistance, skills training and other development activities to be provided in coordination with other government agencies; if the present means of livelihood is no longer viable and if the PAP/DP will have to engage in a new unfamiliar income generating activity Arrange for assistance from host communities



## 5. LEGAL CRITERIA ON THE COMPENSATION AND EVALUATION OF PROPERTIES<sup>12</sup>

The Council of Ministers Decision No. 138 dated 23. 3. 2000<sup>13</sup> 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 town and administrative unit properties according to the prices approved by Council of Ministers Decision deriving from Law No. 9235, dated 29.7.2004 “On restitution and compensation of private properties”<sup>14</sup>.
- **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 (m<sup>2</sup> 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.<sup>15</sup>
- **Crops:** For crops the estimated value is calculated based on the expected yield and market unit price.<sup>16</sup>
- **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 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"<sup>17</sup>; in case the illegal building (or additional works

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<sup>12</sup> As per Albanian Legislation in force.

<sup>13</sup> 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](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>14</sup> 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](http://www.nchb.al/wp-content/uploads/2014/12/LIGJI_KTHIMIN_KOMPENSIMIN_E_PRONES.pdf)

<sup>15</sup> 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](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>16</sup> 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](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>17</sup> 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\\_nderitimeve\\_pa\\_leje,%20i%20ndryshuar\\_1.pdf](http://www.planifikimi.gov.al/sites/default/files/Ligji_nr.9482_per_legalizimin,_urbanizimin_dhe_integrimin_e_nderitimeve_pa_leje,%20i%20ndryshuar_1.pdf)

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"<sup>18</sup>; in case when the owners of the property are in the process of taking a legalization permit, etc.

## 5.1. World Bank Criteria for Determining Eligibility for Compensation

### *Eligibility Criteria for Compensation*

According to OP 4.12 of the World Bank<sup>19</sup>, 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 date<sup>20</sup>.

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

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<sup>18</sup> For more, please refer to: <http://www.aluizni.gov.al/vendim-nr-438-per-percaktimin-e-kritereve-te-procedurave-dhe-dokumentacionit-te-zbatueshem-per-te-kualifikuar-objektet-ne-ndertim-qe-legalizohen-ose-jo/>

<sup>19</sup> 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>

<sup>20</sup> OP 4.12 of the World Bank

### *World Bank Criteria in the Evaluation of Properties*

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). 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 as per 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”,<sup>21</sup> any international agreement ratified by law prevail over the provisions of this law, when its provisions do not agree with them<sup>22</sup>.

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<sup>21</sup> Law no.10 428, dated 2.6.2011, “On the private international law” (article 2), [http://www.pp.gov.al/web/ligji\\_drejtjen\\_nderkombetare\\_private\\_1\\_571.pdf](http://www.pp.gov.al/web/ligji_drejtjen_nderkombetare_private_1_571.pdf)

<sup>22</sup> 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.

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

Category	ALBANIAN LEGISLATION	WORLD BANK POLICY	RECOMMENDATIONS TO BRIDGE GAPS
<p><b>A. Loss of Land</b></p> <p>Families, households</p>	<p>– Compensation with the price defined before for urban land and agriculture land</p>	<p>Compensation at full replacement cost.</p> <ul style="list-style-type: none"> <li>– For agriculture land pre-project or pre displacement, whichever is higher, market value of land of equal productive potential within the same vicinity;</li> <li>– For urban land, pre-displacement market value of land of equal size and use, with similar facilities and sources within the same vicinity;</li> <li>– Replacement land of equivalent productive potential.</li> </ul>	<ul style="list-style-type: none"> <li>– Full compensation with the market prices;</li> </ul>
<p><b>A. Loss of Land</b></p> <p>Non –title holder</p>	<p>– No compensation provided</p>	<ul style="list-style-type: none"> <li>– 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.</li> </ul>	<ul style="list-style-type: none"> <li>– 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.</li> <li>– Encroachers will not be entitled to any compensation for their affected unauthorized/illegal extensions over public land.</li> <li>– Encroachers with economic losses are entitled to assistance for livelihood restoration.</li> </ul>
<p><b>B. Loss of Homes, Structures</b></p> <p>Families, households, Structure owners</p>	<ul style="list-style-type: none"> <li>– Compensation at the prices referred by the Register of Real Estate Office;</li> <li>– Compensation for the structure without title with the condition to have applied before for legalization at the Legalization Agency;</li> </ul>	<ul style="list-style-type: none"> <li>– Compensation at full replacement cost.</li> <li>– For houses and structures the market cost of the materials and labor to build a replacement structure of a similar quality or better than the affected structure.</li> </ul>	<ul style="list-style-type: none"> <li>– Law provides the same standard with WB, meaning that nobody will be denied of any further opportunity to be compensated.</li> </ul>

<b>C. Loss of Economic Assets</b> <i>Families, households</i>	<ul style="list-style-type: none"> <li>– Compensation with the cost method of evaluation of object.</li> </ul>	<ul style="list-style-type: none"> <li>– Compensation at full replacement cost</li> </ul>	<ul style="list-style-type: none"> <li>– Law provides the same standard with WB, meaning that nobody will be denied of any further opportunity to be compensated.</li> </ul>
<b>D. Loss of Income</b>	<ul style="list-style-type: none"> <li>– No provisions</li> </ul>	<ul style="list-style-type: none"> <li>– Measure to assist affected people in improving their former living standards, income earning capacity, and production levels, or at least restoring them</li> </ul>	<ul style="list-style-type: none"> <li>– Rehabilitation assistance for lost or diminished livelihoods.</li> <li>– In the case of landless families who suffer partial or total loss of livelihood, provide income generating options and support mechanisms.</li> </ul>
<b>E. Loss of Community Resources</b>	<ul style="list-style-type: none"> <li>– Compensation by the Government with market value.</li> </ul>	<ul style="list-style-type: none"> <li>– Measures to assist impacted communities to re-establish or re-develop lost Community resources.</li> </ul>	<ul style="list-style-type: none"> <li>– Compensation for re-establishing or reconstructing lost community resources such as religious and cultural structures, irrigation structures.</li> <li>– Restore partially affected structures.</li> </ul>
<b>F. Consultations</b>	<ul style="list-style-type: none"> <li>– The Environment Impact Assessment Act features some consultative activities to be carried out with impacted populations</li> </ul>	<ul style="list-style-type: none"> <li>– Systems for comprehensive consultations, full documentation and grievance redressed mechanisms to be in place</li> </ul>	<ul style="list-style-type: none"> <li>– Comprehensive consultations with full documentation and grievance redressed mechanisms to be in place.</li> </ul>
<b>G. Grievance procedure</b>	<ul style="list-style-type: none"> <li>– Grievance procedures as stipulated in WB OP4.12 are not addressed in the laws.</li> <li>– In the Law on ‘Expropriations’ is cited that the owners of expropriated assets that have been depreciated, have the right to appeal to the court on the compensation amount within 30 days from the receipt of notice.</li> </ul>	<ul style="list-style-type: none"> <li>– An adequate grievance redress mechanism for affected entities is required as early as possible.</li> </ul>	<ul style="list-style-type: none"> <li>– A grievance redress mechanism and procedures should be established to address concerns of the affected entities promptly and effectively, using an understandable and transparent process that is culturally appropriate and readily accessible at no cost and without retribution.</li> </ul>

## 5.2. 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.

### 5.3. Notification, Valuation Procedures and Entitlements

#### *Notification of Land Acquisition/Resettlement*

The competent authorities by public notice to be published in the Daily Newspapers (for one month), should inform the public of its intention to land acquisition for the sub projects. A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable.

The notice shall clearly state the below mentioned information:

- Government’s proposal to acquire the land;
- The public purpose for which the land is requested;
- That the proposal or plan may be inspected at the central authorities or in the Office of the LGUs/ADF Project Unit, during working hours;
- That any person affected may, by written notice, object to the transaction of expropriation, land acquisition or resettlement giving reasons for doing so.

### 5.4. Possible Mechanisms of Valuation

#### *General Financial (Cash) Compensation*

The compensation method, as per Albanian legislation in force to be applied for this expropriation procedure is cash compensation. The option “land-for-land” is not provided<sup>23</sup> by the Albanian legislation to private owners. Cash compensation need to be fully sufficient to compensate the acquired land/property and should consider some main criteria:

- Compensation rates should be calculated in consultation with representatives of affected populations to ensure that rates are fair and adequate;
- Compensation for land should be sufficient to enable affected people to restore their standard of living after the expropriation;
- All compensations should be included in the RAP. In case of any event, after the time of RAP preparation, it must cover full replacement cost *exclusive of depreciation* and inclusive of all fees such as construction permits and title charges and labor costs;
- Compensation payments must be made before any acquisition of assets or physical expropriation takes place unless those payments are staggered to enable affected people to begin preparation of new sites;
- Compensation for dismantled infrastructure or disrupted services must be paid to affected communities, or to local institutions as appropriate, at full replacement cost, before civil works begin;
- Compensation for lost earnings must be paid to proprietors and employees for the duration of work stoppages resulting from the relocation of enterprises.

**Land Compensation:** The evaluation method for estimating the compensation should consider all the available sources of information in order for the proposed value for

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<sup>23</sup> The only case when “land for land” compensation method could be applied, is when the affected entity is the commune itself and a communal property is being expropriated. The Council of Ministers gives another property in compensation to the affected commune. In every other case, as per basic principle, for expropriation is provided a fair compensation (constitutional principle) in Cash and not in kind. However, this is a practice which is not yet implemented by the GoA.



compensation to reflect the market value / replacement value of the land. Main assumptions to be taken into consideration in the methodology frame could be related with the current regulatory framework for land expropriation and its recent amendments; financial analysis on net income stream on the sites and its neighborhoods; eventual transactions (sales and leasing) on the region. Below you can find the auxiliary overview tables to be used in the phase of compensation.

**Table 5. Template table calculation of prices for financial compensation of the land**

No.	Commune/Municipality	Min Price (ALL)/m2	Max Price (ALL)/m2	Average Price (ALL)/m2
1.	The prices for the agricultural lands/areas as by the price list of the GoA <sup>24</sup>			
2.	The prices for the previous land expropriation			
3.	The prices for the agricultural lands/areas as by the price list of the informal transactions on wells area			
The recommend price for the expropriation area:				

**Agricultural Crops and Trees Compensation:** The evaluation method for estimating this compensation is based on the Directive No. 1, dated 10.05.2000, “On the technical criteria for calculating the value of fruit trees that are expropriated for public interest in cases where purchasing indicators are missing”<sup>25</sup>. The technical criteria in this directive are used in case of lack of transaction indicators declared by the Office of Immovable Property Registration Office (IPRO).

By destination fruit trees plants are:

- Fruit trees plants cultivated for their fruit production;
- "Parent" fruit trees plants cultivated to get materials to increase their multiplication;
- Genetic valued fruit trees plants registered as such in the Gene Bank at the State Institute of Seeds and Seedlings or/and at the Institute of Arboriculture;
- Fruit trees plants cultivated in order to produce their fruits and improve the resident or business activity environment;
- Seed plot with all planting and multiplying materials and structures of fruit trees.

The calculation of the value of fruit trees and crops as by the “replacement cost” method for investments and activity costs done, taking into account the values of living labor, instruments and materials that are at the time of evaluation. A template table on the noted for the evaluation of trees and plants is presented below.

<sup>24</sup> As by DCM 514, Date 31.07.2014 "On the approval of property values per each district of the Republic of Albania" Official Bulletin No.118, Year 2014. [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/118-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/118-2014.pdf) (page 3-150) This documents changes every year through a DCM and is issued in the Official Gazette/Bulletin.

<sup>25</sup> Directive No. 1, dated 10.05.2000, “On the technical criteria for calculating the value of fruit trees that are expropriated for public interest in cases where purchasing indicators are missing”, <http://www.qbz.gov.al/doc.jsp?doc=docs/Udhezim%20Nr%201%20Dat%C3%AB%2005-10-2000.htm>



**Table 6. Table for Prices Used to Compensate for Loss of Trees**

Type of plant or	Age of Tree/Year of Production of			Additional Losses	Total
	New/Small	Medium	Large		
Orange Tree					
Lemon Tree					
... etc.					

The World Bank applies as well the "Replacement cost" valuation method of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. What differs from the above mentioned technique is that the WB uses the current market price of the plants and production as per fair substitution and as does not take into consideration the depreciation of structures and assets<sup>26</sup>. That is why; the considered values should be calculated without deducting depreciation of any structure or asset. For crops the estimated value is calculated based on the expected yield and market unit price, considering also the investment costs for initiation, land usage etc.

#### *Procedures for Payment of Compensation*

Compensation payments should be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites. The overall responsibility for payments on expropriation claims for the Project is under the Council of Ministers. The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required. The land acquisition transfer must be fully completed, and payment made, before any Works can be executed on the expropriated property. Each PAP will receive the compensation payable into a bank account opened by the owner for purposes of the expropriation. Such sums will be approved by a DCM and the funds will be passed to the bank account of each PAP(s), according to the banking documentation provided by them. The PAPs should be individually informed by the bank within upon the transfer of compensation into the account. Any cost associated with account opening and maintenance will be covered by will be covered by the Ministry and the banking service will be offered free of costs to each PAPs.

The transfer of payment will be made after the publication in the Official Gazette of the Decision of Expropriation. The Decision of the Council of Ministers for expropriation is effective (enter into power) immediately and is published in the Official Gazette. In the event of an appeal in the Court, when no agreement is reached, if the compensation payable is not agreed upon between the government and the land owner, such compensation shall be determined by the Court. In these conditions the person gets the money from the bank, but depending on judicial decision he is entitled to receive an additional benefit.

<sup>26</sup> OP 4.12 - Involuntary Resettlement, Required Measures Dec 2001 (Revised April 2003)

## 5.5. Consultation with Affected Populations

To ensure the interests of the affected persons are fully included in the RAP process and income restoration, the consultant adopted a thorough consultation with the affected persons, representatives of any affected group, any interested group and the various administrative and government departments all through the project area. Some of the meetings could be done visiting the owners in their households and then 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, should be maintained throughout the implementation to closure phase.

### *Mechanisms for consultations*

In addition to documenting the expropriation procedures indicated above, once the tentative arrangement of the civil works is identified, each sub-project 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.

Continuous consultations should follow up in order to ensure cooperation from the PAPs and transparency on the project activities and on the evaluation of the PAPs losses.

### *Grievance Redress mechanisms*

Grievances are a common phenomenon in involuntary resettlement which, if not friendly and timely resolved, invariably gives rise to local resistance, political tension and unnecessary delays in executing the project. A grievance redress mechanism for the project has to be established for addressing potential legitimate concerns of PAPs who may consider themselves deprived of appropriate treatment under the project. The mechanism should include the following main tasks:

- a) a recording and reporting system, including grievances filed both verbally and in writing,
- b) staff with responsibility at various levels of governments, and
- c) a time frame to address the filed grievances.

The functioning of the grievance redress mechanism must be regularly monitored and evaluated by the ADF Environment Unit during project implementation and will be also subject to internal monitoring. In principle the creation of the grievance mechanism it's an easier approach, without costs, which includes people from the community, the project and

specific authorities, to manage and solve issues before they pass in formal channels which require time and have costs.

With regard to this ad hoc committee role, it should be considered as an intermediate actor to help citizens in *two moments*:

- a) 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 potential complain related to the estimated price, surface, etc to the Expropriation Commission established in the responsible Ministry. Overall, the LGC should 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.
- b) Also, the LGC should 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 could help to avoid the need to proceed to formal official authorities, would be formed by the ADF Environment Unit and include one of the PAPs, one representative from the beneficiary (Respective Municipality), and one representative considered as neutral from the affected area (local government or district official, 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 independent individual recognized as a neutral party from the District/Local Authorities

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 LG. Considering the changes of the local government and the steps explained above, in a forecast the grievance committee can be created immediately after RAP Approval, within the Relevant Municipality or any other chosen local institution.

## 5.6. Budgetary Implications and Funding

In general, the cost burden of compensation will be borne by the executing agencies such as government ministries, NGO's and the private service providers as may be appropriate. Costs for the implementation of the RAP include three categories: (a) technical support, (b) expropriation procedure, and (c) land acquisition.

- a) *Technical assistance* of the RAP implementation cover the monitoring and preparation of the expropriation case application file. For the implementation of these projects will be used World Bank loans to cover the costs of technical assistance.
- b) The overall responsibility for *resettlement and expropriation* for the Project is under the Council of Ministers.
- c) The financial responsibility for the expropriation procedures, including the compensation to be paid, resettlement costs, etc., lies with the Albanian Government, based on the ratification of the **Loan Agreement signed between the IBRD and the Government of Albania**. This agreement stands above the law on expropriations and will be implemented using adequate national legislation.
- d) Costs for the expropriation procedures are managed by the government budget for the functioning of the special expropriation commission for covering the costs of any fees for the registration of new ownership titles and issuing of Certificates of Ownership for all PAPs.
- e) The *land acquisition* will be financed by the GoA budget. The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required, which will be delivered to owners as soon as the CoM Decision publishes in the Official Gazette. The land acquisition transfer must be fully completed, and payment made, before any Works can be executed on the expropriated property.

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs and local chiefs, will made through the relevant District Administration.

## 6. Institutional and Implementation Arrangements

### 6.1. Institutional responsibility for project implementation

The Albanian Development Fund has ultimate responsibility for the implementation of all project components. A committee composed of PAP-Project Authorities will be constituted to be responsible for overseeing the implementation of the RAP. The ADF will prepare the RAP/ARAP based on data received from the LGU and other institutions. The ADF will also cooperate with all local institutions to provide a successful implementation of the RAP. The RAP will be submitted to the WBG for clearance prior to implementation. A property evaluation study, an integral part of the design, will serve as the basis for the preparation of the RAP/ARAP.

The LGUs (Municipalities, Administrative Units) are the final beneficiaries of the project implementation. From the institution it is required continuous assistance and presence during all the progress of the project.

Immovable Property Registration Office for each District in the Project area, under the authority of the Central Registration Office, which are responsible for identifying and verifying property boundaries and ownership.

Land Administration and Protection Offices (formerly Cadastre 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.

## 6.2. Institutional Arrangements for the Land Acquisition and Resettlement Process Implementation

Table 7. Institutional Arrangements for Implementation

Steps	Institution	Description of responsibilities	Timing	Remarks
<b>RAP Planning</b>				
<b>Step I</b>	ADF / LGU (or Consultant on behalf of ADF)	Identification of PAPs, calculation of RAP value conform the WB OP 4.12	During project design phase	Information on project effects, needs for RAP/ARAP, evaluation and verification of PAPs
<b>Step II</b>	ADF / LGU (or Consultant on behalf of ADF)	PAP Consultation	Project design, prior to final design preparation	Explanation on assets to be affected, identification of the best way for compensation, explanation of time of compensation, main actors on implementation process, procedures to be undertaken and the rights for Grievance. The information must have been available to PAPs 20 days prior to the meeting.
<b>Step III</b>	ADF	Grievance Committee Creation		The Grievance Committee needs to be formalized and specific contacts need to be given to the PAPs.
<b>Step IV</b>	ADF / LGU /or Consultant on behalf of ADF	Preparation of draft RAP report	During project design	Preparation of draft RAP/ARAP Report compliant with OP 4.12
<b>Step V</b>	ADF/LGU/or Consultant on behalf of ADF	Consultation of draft RAP with PAP	During project design	Consultation of draft RAP/ARAP with affected communities and allowing time for receiving grievances
<b>Step VI</b>	ADF / LGU /or Consultant on behalf of ADF	Preparation of final RAP report	Prior to start of works	Preparation of final RAP/ARAP Report considering comments of WB
<b>Step VII</b>	WBG	Approval of final RAP/ARAP report	Prior to start of works	The WBG must provide No Objection to the RAP prior to initiation of its formalization process
<b>Step VIII</b>	LGU/Responsible ministry	Request for expropriation for public interest	Prior to start of works	Fulfill of criteria provided by law, especially the necessary documents that prove the expropriation needs
<b>Step IX</b>	Responsible ministry	Expropriation Commission at Responsible ministry has to examine the request and	Prior to start of works	Setting up of Expropriation Commission, verification of documentation on proprieties, calculation and verification of compensation value

		documents		
		If the legal criteria are fulfilled the Responsible ministry starts the expropriation procedures.		
		If not, the request will be rejected.		
<b>Step X</b>	Local authority/ADF/ Responsible ministry /PAPs	Compile the agreement considering pretends of any parts and legislation	Prior to start of works	Give solution and incite agreements supporting PAPs requests upon legislation
<b>Step XI</b>	Responsible ministry /Council of Ministers	Formalization and execution of RAP/ARAP to enable compensation of PAP's	Prior to start of works	A decision of the Council of Ministers for compensation will be issued, in line with the Resettlement Policy Framework and WB Operation Programme 4.12, based on the approved RAP/ARAP
<b>Step XII</b>	Council of Ministers	Approve the decision of the expropriation for public interest;	Prior to start of works	DCM shall be implemented 1 month after declaiming on official newspaper
<b>Step XIII</b>	ADF / Grievance Committee	Ensure that the Expropriation Commission decisions are based in Albanian Legislation and WB guidelines and considers PAPs requests	Prior to start of works	Evaluation of compliance between interested part requests
<b>Step XIV</b>	Responsible ministry /LGU	Agreement with PAP's about expropriation.	Prior to start of works	Important: the fair evaluation of the properties
		Publication of the notice for the expropriation - Declamation		The procedure must be followed carefully and respecting the right of the third persons to prevent the complaint to the Court
		Examine the suggestions and the complaints of persons affected by the		The expropriation it will be done for the persons who will accept to be compensated with the conditions published.



		process		
		Prepare the draft decision for Council of Ministers.		Preparation of DCM on PAP compensation
		Or		
		Reject the proposal to Responsible ministry with the suggestion to review, if it is not in conformity with the law. Pay the compensation to persons affected by the project		
<b>Step XV</b>	ADF (or Consultant on behalf of ADF)/Grievance Committee	Assistance on relationship between PAPs and Local and Governmental authorities, verifications, and supervision of RAP implementation	Prior to start of works	Verification of compatibility of the agreement between interested parts.
<b>Step XVI</b>	ADF	Issuing of clearance memo	Prior to start of works	ADF provides a clearance memo for start of works that ensures that compensation / mitigation measures are implemented before any impacts related to land acquisition take place
<b>RAP Implementation</b>				
<b>Step XVII</b>	ADF (or Consultant on behalf of ADF)/Grievance Committee	If needed, assistance of PAPs on grievance procedures for administrative bodies, RAP procedures, compensation values etc and support PAPs grievances on the Court	Prior to start of works	If PAPs will have grievances
<b>Step XVIII</b>	PAPs	Opening a Bank Account and reporting it at the Responsible ministry	Prior to start of works	Institutional support of the compensation process

<b>Step XIX</b>	Responsible ministry	Pay the compensation to persons affected by the expropriation before the civil works begin	Prior to start of works	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties and before starting the project implementation
<b>Step XX</b>	ADF	Oversee RAP Implementation in accordance with WB guidelines, loan agreement and national legislation	Prior to start of works	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties
<b>Step XXI</b>	ADF	Prepare the final report on RAP implementation	Prior to start of works	Considering that compensations should be finished before starting the project implementation.
<b>Step XXII</b>	Responsible ministry, PAP, ADF	Assignment of the disclosure process according the interested parties demands and in respect of DCM	Prior to start of works	Ensure a signed document that shows the RAP is finished and the compensation is done.
			Prior to start of works	This document also will verify that in the future the expropriate lands are ownership of Responsible ministry

## 7. Monitoring Program

### *Arrangements for monitoring and evaluation*

The arrangements for monitoring and evaluation are shared between the ADF and the Municipalities.

The ADF Environment Unit is responsible of monitoring the Grievance Committee as the committee will report directly to the Head of ADF Environment Unit or to an assigned specialist. It is also ADF responsibility to undertake the below explained internal monitoring. The responsible ADF Environment Unit representative for Grievance Committee reporting should be different from the one responsible of Internal Monitoring.

#### • *Internal monitoring*

It is recommended that ADF 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

The internal monitoring procedures are related to:

- Public consultation meetings held;
- 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 should be prepared and submitted to ADF and shared with other specialists and partners in order to serve for the possible RAP Implementation Report.

### 7.1. Proposed Indicators for Resettlement Monitoring Plan

**Table 8. Activities and Indicators of the Monitoring Plan<sup>27</sup>**

No	Issues / activities to be monitored	Indicators
1	General success/acceptability of the compensation/resettlement process	Outstanding (unsigned) individual compensations/resettlement contracts as a percentage of total compensation/resettlement contracts
		Ratio of PAPs remaining supportive of the project against

<sup>27</sup> Note: These are only some of the indicators that could be used. Specific indicators will need to be developed taking into account site specific conditions.

		those not supportive
		Level of public consultation measured as ratio of those that acknowledge to have been
		Consulted vs. those that were not consulted. This ratio can be determined by random sampling.
		Actual time of completing resettlement compared to planned time
2	Project acceptance (or not) by the community	Number of complaints as a percentage of total PAPs
		Number of grievances successfully resolved as a percentage of total number of grievances
4	Restoration of areas temporarily disrupted by construction	Area of land restored to cultivation as a percentage of total area of land disrupted
5	Replacement of grazing land permanently displaced by access roads and building construction	Area of new land opened up for cultivation/grazing as a percentage of total original land area cultivated/grazed
6		
7	P	.

## Appendix 1. Possible Outline and Contents for the RAP

A Resettlement Action Plan should include as by the *Handbook for Preparing a Resettlement Action Plan* the below listed chapters and subchapters. Along with the main structure is explained the content needed in each chapter.

### **Introduction**

- Briefly describe the project.
- List project components including associated facilities (if any).
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

### **Minimizing Resettlement**

- Describe efforts made to minimize displacement.
- Describe the results of these efforts.
- Describe mechanisms used to minimize displacement during implementation.

### **Census and Socioeconomic Surveys**

- Provide the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identify all categories of impacts and people affected.
- Summarize consultations on the results of the various surveys with affected people.
- Describe need for updates to census, assets inventories, resource assessments, and socioeconomic surveys, if necessary, as part of RAP monitoring and evaluation.

### **Legal Framework**

- Describe all relevant local laws and customs that apply to resettlement.
- Identify gaps between local laws and World Bank Group policies, and describe project-specific mechanisms to address conflicts.
- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
- Describe method of valuation used for affected structures, land, trees, and other assets.
- Prepare entitlement matrix.

### **Resettlement Sites**

- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed/allocated?
- Does the project involve allocation of agricultural land or pasture/rangeland? Have the individual households that will be allocated lands been involved in identifying potential new sites, and have they explicitly accepted the selected sites?
- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.

- Demonstrate that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs.
- Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

### **Income Restoration**

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation.
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures.
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

### **Institutional Arrangements**

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement policy; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan.
- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
- Describe the external (no project) institutions involved in the process of income restoration (land development, land allocation, credit, training) and the mechanisms to ensure adequate performance of these institutions.
- Discuss institutional capacity for and commitment to resettlement.
- Describe mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion.

### **Implementation Schedule**

- List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepare a month-by-month implementation schedule (using a Gantt chart, for example) of activities to be undertaken as part of resettlement implementation.
- Describe the linkage between resettlement implementation and initiation of civil works for each of the project components.

### **Participation and Consultation**

- Describe the various stakeholders.
- Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describe the process of involving affected populations and other stakeholders in implementation and monitoring.
- Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

### **Grievance Redress**

- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes.
- Describe the mechanism for appeal.
- Describe the provisions for approaching civil courts if other options fail.

### **Monitoring and Evaluation**

- Describe the internal/performance monitoring process.
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Define methodology for external monitoring.
- Define key indicators for external monitoring.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.
- Describe arrangements for final external evaluation.

### **Costs and Budgets**

- Provide a clear statement of financial responsibility and authority.
- List the sources of funds for resettlement and describe the flow of funds.
- Ensure that the budget for resettlement is sufficient and included in the overall project budget.
- Identify resettlement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RAP and the project schedule.
- Prepare an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies.

- Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.
- Describe the provisions to account for physical and price contingencies.
- Describe the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

**Annexes**

- Copies of census and survey instruments, interview formats, and any other research tools
- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees.
- Examples of formats to be used in monitoring and reporting on RAP implementation.



## Appendix 2 - Contents for Abbreviated Resettlement Action Plan

This is a Template for an Abbreviated RAP (**ARAP**):

**1. Census survey of displaced persons and valuation of assets;**

(List of affected people and how they are affected. What are they losing concretely and valuation?)

**2. Description of compensation and other resettlement assistance to be provided;**

(self-explanatory: what is being given and how they are helped)

**3. Consultations with project affected persons (PAP) about acceptable alternatives;**

(report on consultation)

**4. Institutional responsibility for implementation and procedures for grievance redress**

(who does what? and when?)

**5. Arrangements for monitoring and implementation**

**6. Time table and budget**

(timing for each step and the costs)

**7. Simple socio-economic study**

(In addition to the census of the individual PAPs, the survey would list all their assets and livelihood factors in order to be able to assess the magnitude of impact.)

It is important to emphasize that according to OP 4.12 “On Involuntary Resettlement”, Annex A, Article 22<sup>28</sup> an abbreviated plan covers the following minimum elements:

- a. a census survey of displaced persons and valuation of assets;
- b. description of compensation and other resettlement assistance to be provided;
- c. consultations with displaced people about acceptable alternatives;
- d. institutional responsibility for implementation and procedures for grievance redress;
- e. arrangements for monitoring and implementation; and
- f. a timetable and budget.

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<sup>28</sup> OP 4.12, Annex A:

[http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentM  
DK:20066696~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html](http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentM<br/>DK:20066696~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html)



**FONDI SHQIPTAR I ZHVILLIMIT**  
ALBANIAN DEVELOPMENT FUND

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

**Environmental and Social Management Framework**

*Prepared by:*  
*Albanian Development Fund*

**draft**  
**December 2017**

## **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. LRPC 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 municipalities<sup>1</sup> 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.

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<sup>1</sup> 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)<sup>2</sup>, 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, 2011<sup>3</sup>. 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,

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<sup>2</sup> Law no.10 428, dated 2.6.2011, “On the private international law”,  
[http://www.pp.gov.al/web/ligji\\_drejtjen\\_nderkombetare\\_private\\_1\\_571.pdf](http://www.pp.gov.al/web/ligji_drejtjen_nderkombetare_private_1_571.pdf)

<sup>3</sup> 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 environment<sup>4</sup>.

<sup>4</sup> 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"> <li>- Construction of highways and expressways (highway highways).</li> </ul> <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"> <li>- 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.</li> </ul>
Preliminary EIA	<ul style="list-style-type: none"> <li>- Construction of roads, marines and marine installations, including fishing marines (projects not included in appendix 1)</li> <li>- Permanent roads for races and other motor</li> </ul>

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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 policy<sup>5</sup>.

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 (CO<sub>2</sub>).

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

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<sup>5</sup> <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. 9478/2006<sup>6</sup>.

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.

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<sup>6</sup> 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 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.

#### **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 countries cultural richness, during the earthworks chance finds might be possible. For that reason, ESMF will include 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.<sup>7</sup>

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.

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<sup>7</sup> 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 Constitution<sup>8</sup> 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 1<sup>9</sup>: *“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”<sup>10</sup> 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 Constitution<sup>11</sup>) 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...”) <sup>12</sup>;
- The beneficiary subject in the expropriation process will be *the relevant Municipality of each city* (Art. 9 of the Law “On Expropriation...”) <sup>13</sup>

<sup>8</sup> Albanian Constitution, Article 41/4, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

<sup>9</sup> European Convention on Human Rights, Article 1 “Right to property”, [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>10</sup> 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](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>11</sup> Albanian Constitution, Article 116, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

<sup>12</sup> 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](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***<sup>14</sup>

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***<sup>15</sup>

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.

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<sup>13</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 9 , [http://www.energjia.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energjia.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>14</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 18 , [http://www.energjia.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energjia.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>15</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 27-37 , [http://www.energjia.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energjia.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)



### 3.3. Legal Criteria on the Compensation and Evaluation of Properties<sup>16</sup>

The Council of Ministers Decision No. 138 dated 23. 3. 2000<sup>17</sup> 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”<sup>18</sup>.
- **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 (m<sup>2</sup> 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.<sup>19</sup>
- **Crops:** For crops the estimated value is calculated based on the expected yield and market unit price.<sup>20</sup>
- **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

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<sup>16</sup> As per Albanian Legislation in force.

<sup>17</sup> 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](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>18</sup> 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](http://www.nchb.al/wp-content/uploads/2014/12/LIGJI_KTHIMIN_KOMPENSIMIN_E_PRONES.pdf)

<sup>19</sup> 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](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>20</sup> 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](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)"<sup>21</sup>; 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"<sup>22</sup>; 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 Bank<sup>23</sup>, 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 date<sup>24</sup>. 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

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<sup>21</sup> 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\\_nderitimeve\\_pa\\_leje,%20i%20ndryshuar\\_1.pdf](http://www.planifikimi.gov.al/sites/default/files/Ligji_nr.9482_per_legalizimin,_urbanizimin_dhe_integrimin_e_nderitimeve_pa_leje,%20i%20ndryshuar_1.pdf)

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

<sup>23</sup> 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>

<sup>24</sup> 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”,<sup>25</sup> any international agreement ratified by law prevails over the provisions of this law, when its provisions do not agree with them<sup>26</sup>.

## 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"> <li>– For agriculture land pre-project or pre displacement, whichever is higher, market value of land of equal productive potential within the same vicinity;</li> <li>– For urban land, pre-displacement market value of land of equal size</li> </ul>	<ul style="list-style-type: none"> <li>– Full compensation with the market prices;</li> <li>– No expenses for land registration or other administrative fees will be charged to the owners</li> </ul>

<sup>25</sup> Law no.10 428, dated 2.6.2011, “On the private international law” (article 2), [http://www.pp.gov.al/web/ligji\\_drejten\\_nderkombetare\\_private\\_1\\_571.pdf](http://www.pp.gov.al/web/ligji_drejten_nderkombetare_private_1_571.pdf)

<sup>26</sup> 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.

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

## **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 (ESIA's), 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 ESIA 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 priority 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 ESIA). 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 permit<sup>27</sup>. The environmental permit must be issued before the works contract signing<sup>28</sup>. Any required modifications/improvements required by the permitting authority, will be the responsibility of the design contractor to reflect.

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<sup>27</sup> The process might take up to 6 weeks to be approved.

<sup>28</sup> 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 Bank<sup>29</sup>.

**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.

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<sup>29</sup> O.P. 4.12. Resettlement Instruments, Article 25: Where impacts on the entire displaced population are minor,<sup>26</sup> 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
<b>Private Property Owners</b>	Are those who have legal title to land, structure and other assets
<b>Unlawful resident</b>	Are those who have illegally (informal settlements) occupied municipality/commune lands for residential, business and or other purposes.
<b>Encroachers</b>	Encroachers are persons who have extended their building, agricultural lands, business premises or work places into municipality/commune lands.
<b>Tenants</b>	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.
<b>Street Vendors</b>	Street vendors are those persons who have a permit from the municipality to occupy a public structure or land for business purpose
<b>Project-Affected Families</b>	Are defined to include each adult displaced person, his/her spouse, minor children and other dependents who habitually reside in one household.
<b>Project-Affected Persons</b>	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.

<b>Project Affected Groups:</b>	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.
<b>HH living above the Poverty Line</b>	Based on social assistance schemes acquired at the Regional Department of Social Insurances.
<b>Vulnerable groups:</b>	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 law<sup>30</sup>.

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

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

#### **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.

<sup>30</sup> <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"> <li>- Community mobilization/participation and social inclusion</li> <li>- Grievance Redress Mechanism/Social Accountability</li> <li>- Cultural Heritage</li> <li>- Social Safeguards (Land/asset acquisition)</li> <li>- WB Environmental Safeguards policies and procedures</li> <li>- Project environmental management and documentation</li> </ul>	ADF Staff, LGUs Staff, relevant authorities, all levels engineers in these institutions	National
Training on ESMF Implementation	<ul style="list-style-type: none"> <li>- Basic Concepts of ESMF</li> <li>- Basic Concepts on Resettlement and Participation Framework</li> <li>- Provisions of Resettlement and Participation Framework</li> <li>- Profile of PAPs and identification of eligible PAPs</li> <li>- Roles and Responsibilities</li> <li>- Monitoring Mechanisms</li> <li>- Identification of Social and Environmental Concerns</li> <li>- Redressal Mechanisms</li> <li>- Methodology for compensation or land transfer and respective disbursement</li> <li>- Institutional Setup</li> </ul>	LGUs Staff, relevant authorities, all levels engineers in these institutions, contractors staff, etc.	National

	<ul style="list-style-type: none"> <li>- Reporting Requirements</li> </ul>		
Training on environmental supervision	<ul style="list-style-type: none"> <li>- Environmental Management and Monitoring measures.</li> <li>- Supervision roles, responsibilities and procedures.</li> <li>- Compliance and corrective actions.</li> <li>- Reporting.</li> </ul>	LGU, ADF	Project
Awareness Raising	<ul style="list-style-type: none"> <li>- Through public consultation and print media etc.</li> </ul>		National
Training plan for health and safety issues	<ul style="list-style-type: none"> <li>- - Health and safety requirements of National Law and World Bank Policies</li> <li>- Grievance redress mechanism and how to use it to address environmental health and safety issues</li> </ul>		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 ESIAAs 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 ESIAAs 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 polices, the resulting documents - preliminary ESIA and site specific ESMP, must be publicly consulted. As a part of public consultations, the ESIAAs 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 deemed 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

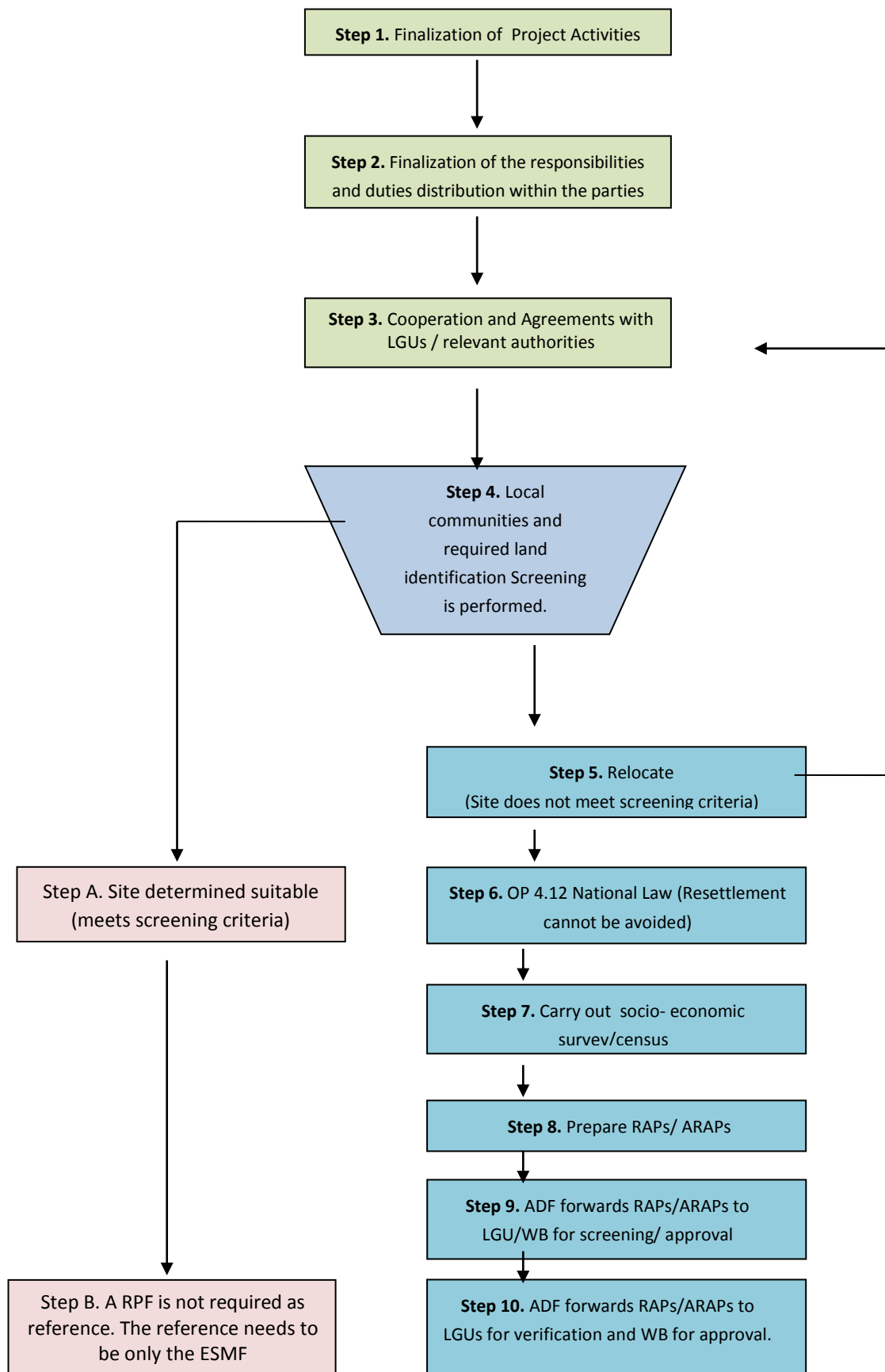
No	Involuntary Resettlement Impacts Questions	Yes/No	Not Known	Details/Notes
1	Will the intervention include new physical construction work?			
2	Does the intervention include upgrading or rehabilitation of existing physical facilities?			
3	Is the intervention likely to cause any permanent damage to 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	
<b>Pre-construction</b>	<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
<b>Pre-Construction</b>	<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	
<b><u>Pre-Construction</u></b>	<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	
<b><u>Pre-Construction</u></b>	<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	
<b><u>Pre-Construction</u></b>	<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	
<b><u>Pre-Construction</u></b>	<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>					
<b><u>Construction</u></b>	<i>Dust generated</i> during transport of stone or aggregate materials	Wet or covered truck load.	NA	70/month	Construction Contractor	Construction Contractor	
<b><u>Construction</u></b>	<i>Dust generated</i> during construction works	<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).					
<b><u>Construction</u></b>	<i>Depletion of non-renewable resources - Apply supply chain management</i>	Use existing licensed asphalt plants and stone quarries.	NA	Included to project cost	Construction Contractor	Construction Contractor	
<b><u>Construction</u></b>	<i>Odors and fumes</i>	When transporting asphalt, the truck load must be covered.	NA	Included to project cost	Construction Contractor	Construction Contractor	
<b><u>Construction</u></b>	<i>Air pollution and noise from machinery on site, transport and combustion on site</i>	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	
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<i>Noise disturbance to humans and animals</i>	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).					
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<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>					
<b><u>Construction</u></b>	<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>					
<b><u>Construction</u></b>	<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)
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<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>					
<b><u>Construction</u></b>	<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. 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	
<b><u>Construction</u></b>	<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. banded-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	
<b><u>Construction</u></b>	<i>Potential contamination of soil and water</i> from improper maintenance and fueling of equipment	<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
<b><u>Construction</u></b>	<i>Potential contamination of soil and water</i> from earthworks	<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.					
<b><u>Construction</u></b>	<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).					
<b><u>Construction</u></b>	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	
<b><u>Construction</u></b>	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. 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	
<b><u>Construction</u></b>	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,		
<b><u>Construction</u></b>	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	
<b><u>Construction</u></b>	<b>Labour and working conditions</b>	<p>a) Preventative health examinations for workers, training on disease prevention, provision of education/ information and health related to reduce sexually related disease.</p> <p>b) Informing of local population on vacancies. Maximum possible involvement of local labour</p> <p>c) Accommodation needs will be assessed in all worker camps. Ensure standard for accommodation</p> <p>d) provide workers with safety instructions and protective equipment (glasses, masks, helmets, boots, etc);</p> <p>b)Provision of construction workers training</p> <p>c) Grievance mechanism for workers to raise reasonable workplace concerns (comments or complaints)</p> <p>Install appropriate traffic signs, posts, equipment (signaling, convex mirrors, etc.) and speed limits</p> <p>Install appropriate warning signs (animal or pedestrian crossing, etc.)</p>	As specified in BOQ	minimal	Contractor, ADF	Contractor	It is a legal requirement to provide protective equipment for safety at work

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	
<b>Pre-Construction</b>	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
<b>Pre-Construction</b>	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

<b>Construction</b>	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
<b>Construction</b>	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
<b>Construction, design</b>	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
<b>Construction</b>	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
<b>Construction</b>	Air pollution- dust	At and near job site	Visual	Regularly	To ensure no excessive dust emissions during works		Included	Included	Municipality, ADF, Supervision Contractor
<b>Construction</b>	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/month	ADF, LGU, Supervision Contractor



Regional and Local Roads Connectivity Project - RLRCP

<b>Construction</b>	<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
<b>Construction</b>	<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
<b>Construction</b>	Water and soil quality (suspended solids, oil, and grease, BOD, COD).	At and near job site (upstream and downstream)	<p>Sampling by authorized agency</p> <p>Visual inspection of leaks or runoff</p>	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

<b>Construction</b>	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
<b>Construction</b>	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
<b>Construction Waste</b>	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
<b>Construction / Workers safety</b>	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

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<p><b>Construction/</b> <i>Destruction of crops, trees meadows etc</i></p>	<p>Loss of/impact on vegetation. Rehabilitation of site using native species only.</p>	<p>job site</p>	<p>Supervision, photographic reports</p>	<p>during material delivery and construction</p>		<p>Reports of frequent visits on site by the Env. Expert</p>	<p>NA NA</p>	<p>minimal minimal</p>	<p>Supervision Contractor, ADF, LGU</p>
<p><b>Construction/</b> <i>Chance find items</i></p>	<p><i>Cultural properties</i> – if there were chance findings and the competent authorities were informed and procedures obeyed.</p>	<p>Job site</p>	<p>Expert visits from Institute for Cultural Monuments, regular supervision, documentation check</p>	<p>continuous</p>		<p>Catalogue of items found, including photographic and textual documentation</p>	<p>Should be part of the regularly scheduled activities</p>	<p>minimal</p>	<p>Supervision Contractor, Cultural Directorate, ADF, LGU</p>
<p><b>Construction</b> <i>Nature protection</i></p>	<p>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.</p>	<p>At the site</p>	<p>Expert visit, regular supervision, documented approvals, visual inspection</p>	<p>Regular</p>		<p>Documented communication and reports.</p>	<p>Included in the project cost</p>	<p>Included in the project cost</p>	<p>ADF</p>

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

<b>Operation</b> <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	

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

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

**Screening Report (to be filled in by ADF)**

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

<p><b>Obligation of disclosure</b> <i>(Please mark the obligation of disclosure of above indicated documents depending on the project category)</i></p> <p>For a project of category <b>C</b> no obligation of reporting to the public</p> <p>For a project of category <b>B3</b> 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 <b>B2,B1</b> 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><b>First name, last name and signature of responsible person completing the questionnaire:</b></p>
<p><b>Environmental impacts identified (short description and note on significance)</b></p>
<p><b>Social impacts and cultural heritage impacts</b></p>
<p><b>Additional comments:</b></p>
<p><b>Date:</b></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.

### 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	
<b>Pre-construction</b>	<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
<b>Pre-Construction</b>	<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	
<b><u>Pre-Construction</u></b>	<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	
<b><u>Pre-Construction</u></b>	<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	
<b><u>Pre-Construction</u></b>	<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	
<b><u>Pre-Construction</u></b>	<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>					
<b><u>Construction</u></b>	<i>Dust generated</i> during transport of stone or aggregate materials	Wet or covered truck load.	NA	70/month	Construction Contractor	Construction Contractor	
<b><u>Construction</u></b>	<i>Dust generated</i> during construction works	<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).					
<b><u>Construction</u></b>	<i>Depletion of non-renewable resources - Apply supply chain management</i>	Use existing licensed asphalt plants and stone quarries.	NA	Included to project cost	Construction Contractor	Construction Contractor	
<b><u>Construction</u></b>	<i>Odors and fumes</i>	When transporting asphalt, the truck load must be covered.	NA	Included to project cost	Construction Contractor	Construction Contractor	
<b><u>Construction</u></b>	<i>Air pollution and noise from machinery on site, transport and combustion on site</i>	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	
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<i>Noise disturbance to humans and animals</i>	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).					
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<i>Traffic that may create noise, vehicle exhaust, road congestion on and around the site</i>	<p>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</p>	NA	minimal	Construction Contractor: Transport manager and Truck operator	Construction Contractor: Transport manager and Truck operator	
<b><u>Construction</u></b>	<i>Accidental situations</i>	<p>Develop emergency plan and procedures. All workers are acquainted with</p>					

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>					
<b><u>Construction</u></b>	<i>Soil and water pollution</i> from improper management of chemicals and hazardous materials	<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>					
<b><u>Construction</u></b>	<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)
<b><u>Construction</u></b>	<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	
<b><u>Construction</u></b>	<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>					
<b><u>Construction</u></b>	<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. 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	
<b><u>Construction</u></b>	<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. banded-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	
<b><u>Construction</u></b>	<i>Potential contamination of soil and water</i> from improper maintenance and fueling of equipment	<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
<b><u>Construction</u></b>	<i>Potential contamination of soil and water</i> from earthworks	<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.					
<b><u>Construction</u></b>	<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).					
<b><u>Construction</u></b>	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	
<b><u>Construction</u></b>	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. 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	
<b><u>Construction</u></b>	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,		
<b><u>Construction</u></b>	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	
<b><u>Construction</u></b>	<b>Labour and working conditions</b>	<p>a) Preventative health examinations for workers, training on disease prevention, provision of education/ information and health related to reduce sexually related disease.</p> <p>b) Informing of local population on vacancies. Maximum possible involvement of local labour</p> <p>c) Accommodation needs will be assessed in all worker camps. Ensure standard for accommodation</p> <p>d) provide workers with safety instructions and protective equipment (glasses, masks, helmets, boots, etc);</p> <p>b) Provision of construction workers training</p> <p>c) Grievance mechanism for workers to raise reasonable workplace concerns (comments or complaints)</p> <p>Install appropriate traffic signs, posts, equipment (signaling, convex mirrors, etc.) and speed limits</p> <p>Install appropriate warning signs (animal or pedestrian crossing, etc.)</p>	As specified in BOQ	minimal	Contractor, ADF	Contractor	It is a legal requirement to provide protective equipment for safety at work

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	
<b>Pre-Construction</b>	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
<b>Pre-Construction</b>	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**

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<b>Construction</b>	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
<b>Construction</b>	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
<b>Construction, design</b>	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
<b>Construction</b>	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
<b>Construction</b>	Air pollution- dust	At and near job site	Visual	Regularly	To ensure no excessive dust emissions during works		Included	Included	Municipality, ADF, Supervision Contractor
<b>Construction</b>	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

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<p><b>Construction</b></p>	<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>	<p>At site</p>	<p>Visual, documentation check</p>	<p>Regularly</p>	<p>To ensure no excessive air and noise emissions during works</p>		<p>NA</p>	<p>NA</p>	<p>ADF, LGU, Supervision Contractor</p>
<p><b>Construction</b></p>	<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>	<p>At site</p>	<p>Visual, documentation check</p>	<p>Regularly</p>	<p>To ensure no excessive air and noise emissions during works</p>		<p>NA</p>	<p>NA</p>	<p>ADF, LGU, Supervision Contractor</p>
<p><b>Construction</b></p>	<p>Water and soil quality (suspended solids, oil, and grease, BOD, COD).</p>	<p>At and near job site (upstream and downstream)</p>	<p>Sampling by authorized agency Visual inspection of leaks or runoff</p>	<p>Upon complaint or spill/leak into the river or surrounding area</p>	<p>To ensure no excessive emissions during works</p>	<p>Nr of grievances recorded, reports of REA</p>	<p>minimal</p>	<p>minimal</p>	<p>ADF, LGU, Supervision Contractor</p>

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<b>Construction</b>	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
<b>Construction</b>	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
<b>Construction Waste</b>	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
<b>Construction / Workers safety</b>	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

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<p><b>Construction/</b> <i>Destruction of crops, trees meadows etc</i></p>	<p>Loss of/impact on vegetation. Rehabilitation of site using native species only.</p>	<p>job site</p>	<p>Supervision, photographic reports</p>	<p>during material delivery and construction</p>		<p>Reports of frequent visits on site by the Env. Expert</p>	<p>NA NA</p>	<p>minimal minimal</p>	<p>Supervision Contractor, ADF, LGU</p>
<p><b>Construction/</b> <i>Chance find items</i></p>	<p><i>Cultural properties</i> – if there were chance findings and the competent authorities were informed and procedures obeyed.</p>	<p>Job site</p>	<p>Expert visits from Institute for Cultural Monuments, regular supervision, documentation check</p>	<p>continuous</p>		<p>Catalogue of items found, including photographic and textual documentation</p>	<p>Should be part of the regularly scheduled activities</p>	<p>minimal</p>	<p>Supervision Contractor, Cultural Directorate, ADF, LGU</p>
<p><b>Construction</b> <i>Nature protection</i></p>	<p>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.</p>	<p>At the site</p>	<p>Expert visit, regular supervision, documented approvals, visual inspection</p>	<p>Regular</p>		<p>Documented communication and reports.</p>	<p>Included in the project cost</p>	<p>Included in the project cost</p>	<p>ADF</p>

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