



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**  
**Qeveria - Vlada - Government**

*Ministria e Mjedisit, Planifikimit Hapësinor dhe Infrastrukturës*  
*Ministarstvo životne sredine, prostornog planiranja i infrastrukture*  
*Ministry of Environment, Spatial Planning and Infrastructure*

*Kabineti i Ministrit/ Kabinet Ministra/ Office of the Minister*

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Prishtina, 19 August 2022

**To:**

Energy Community Secretariat  
Director Artur Lorkowski  
AM Hof 4  
1010 Wien

President of the Advisory Committee of the Energy Community  
Wolfgang Urbantschitsch  
Am Hof 4  
1010 Wien

Honorable Excellency Mr. Artur Lorkowski,  
Honorable Excellency Mr. Wolfgang Urbantschitsch,

I am addressing this letter in order to clarify and respond to the conclusions of the Secretariat of the Energy Community, in the Reasoned Opinion of the case ECS - 05/22, regarding the Draft Law on Environmental Impact Assessment. The Ministry of Economy forwarded your letter dated on 02.08.2022 "Public hearing in the proceedings of the case ECS-5/22" since it is the Ministry of Environment, Spatial Planning and Infrastructure (MESPI) that has the competences to sponsor the drafting of the Law on Environmental Impact Assessment. Therefore, excellencies, please allow me to present the comments of MESPI that address the letter:

Within duties and competences of the MESPI, the working group has drafted the Draft Law on Environmental Impact Assessment in harmonization with the legal framework of the Directive 2014/54/EU. In addition, to ensure fulfillment of the obligations toward the Energy Community, MESPI has kept direct consultations with the official from the Energy Community Secretariat.

After the completion of all procedures as provided by the Government's Work Regulation, No. 09/2011, the Draft Law dated on 03.06.2022 was sent to undergo further procedures for assessment and approval at the Government meeting.

However, on date 15.07.2022, the Draft Law was returned by the Office of the Prime Minister in order to address inclusions of the comments received from the civil society organization "INDEP" even though their comments were received after the public consultations period. In their comments they requested that "the work of the EIA Commission will be open to the public for members of civil society and residents of the areas impacted can participate as observers. Civil society and residents should send a participation request in advance to the office of the Secretary of MESPI".

After assessing the reasonableness of this request and due to our correctness towards the civil society, the working group met again with the representative of the Legal Office of the Prime Minister and examined the comment. The working group concluded that INDEP's comment can be addressed via Article 16 of the Draft Law on Environmental Impact Assessment and in fact the same provision is deemed even more inclusive than the proposal of the civil society. That said, this process contributed on the timeline of the Draft Law approval, however, the Draft Law will now be subject to approval procedures at the next Government meeting, after the return from the annual holidays of the Assembly of Kosovo on 15.09.2022.

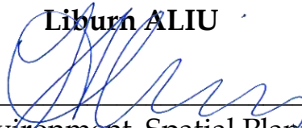
Our main objective remains protection of the environment and addressing sustainable development of industry. We will continue to take actions that are coherent with the

trend of development and legislative progress of the EU, harmonizing our legal framework with EU Directives and obligations to the Energy Community.

Therefore, excellencies, I hope we can reach an agreement that the transposition of the directive will be achieved within the proposed timeline of this year and please take in consideration the challenges we had to address throughout the Draft Law approval procedures. If needed, we can forward you once again the Draft Law for review, as it will proceed for approval after the return of the Assembly of Kosovo.

With respect!

**Liburn ALIU**



Minister of Ministry of Environment, Spatial Planning and Infrastructure