



**Tunisia-Italy Power Interconnector Project**  
**Environmental and Social Impact Assessment (ESIA)**  
**Section 2 – Regulatory and legislative framework**  
*Draft for Consultations*

JV HPC – IDEACONSULT – PROGER – ELARD - PLEXUS

03	2023-02-02	Draft emission for consultations	HPC (M.Pecora) IDEACONSULT (S.Ben Jemia)	HPC (R.Andrighetto)	HPC (A.Cappellini)
02	2023-01-23	Revision after WB's comments			
01	2022-11-30	Revision after Elmed's comments			
01	2022-11-08	First emission	HPC (R.Andrighetto) PROGER (M.Agostinone) IDEACONSULT (M.El Hrizi)		
Rev.	Date	Description	Prepared by	Checked by	Approved by

ELMED

Revision Approved	Approval Date	Approved by

## TABLE OF CONTENTS

1.	INTERNATIONAL LEGISLATION AND CONVENTIONS .....	3
1.1	International borders .....	3
1.2	Environmental protection.....	3
1.3	Energy.....	3
2.	TUNISIAN REGULATIONS.....	4
2.1	National regulations.....	4
2.1.1	Legal Framework .....	4
2.1.2	International Conventions and Treaties .....	11
2.1.3	Institutional Framework .....	13
2.1.4	Territorial context .....	15
2.2	Tunisian permitting process.....	15
3.	INTERNATIONAL STANDARDS .....	17
3.1	World Bank’s Environmental and Social Standards (ESS).....	17
3.2	Other World Bank Requirements.....	19

					<b>ELMED Etudes SARL</b>
Contractor Doc No: ES-02 DRAFT FOR CONSULTATIONS		Date 2023-02-02	Page 3 of 21		

## 1. INTERNATIONAL LEGISLATION AND CONVENTIONS

The following paragraphs list the main acts affecting the project and the ESIA.

### 1.1 International borders

The " Agreement between the Government of the Republic of Tunisia and the Government of the Italian Republic concerning the Delimitation of the Continental shelf between the two countries" signed on August 20<sup>th</sup> 1971, defines the international border between the two countries, stating that: *the boundary line of the continental shelf between the two countries shall be the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of Tunisia and Italy is measured, taking into account islands, islets and uncovered shoals, except Lampione, Lampedusa, Linosa and Pantelleria.*

### 1.2 Environmental protection

The Italian Ministry of Environment and Tunisian Ministries adopted two protocols for protecting the environment. The first was signed on 9<sup>th</sup> February 2017 with the Tunisian Ministry of Energy, Mines and Renewable Energy (MISME), concerning vulnerability to climate change, risk management, adaptation and mitigation. The second protocol was signed on 30<sup>th</sup> May 2018 between the Italian Ministry of Environment and the Tunisian Ministry of Agriculture, Water Resources and Fishing (MARHP). It aims to provide contributions to reach the objectives about the reduction of emissions and adaptation to climate change established by the Tunisian Government (Nationally Determined Contributions – NDCs) through projects implemented in domains such as agriculture, fishing, water resources and ecosystems. The Italian Ministry of Environment aims to co-finance projects and activities for a maximum of 2 million euros. This Protocol does not include financial resources for projects.

### 1.3 Energy

An Intergovernmental Agreement between Italy and Tunisia was signed on April 30<sup>th</sup>, 2019, with the scope of developing an electrical transmission infrastructure for maximizing energy exchange between Europe and North Africa.

The agreement aims to support the construction of electrical interconnection between the two countries, allowing Tunisia to import energy produced in Italy and, subsequently, to export electricity produced from renewable energy sources. Implementing this understanding will improve the integration of markets, reduce electrical balancing problems, integrate new capacity from renewable sources, improve security of supply and sustainability security within an interconnected Euro-Mediterranean system.

In particular, the Agreement provides for the construction of an electrical interconnection via a cable of about 230 kilometers, mainly underwater, to be developed by the operators of transmission systems (TSO) of the Italian and Tunisian electricity grid, i.e. TERNA and STEG, in quality of co-promoters of the project.

The Agreement is thus the founding principle of the project illustrated here.

## 2. TUNISIAN REGULATIONS

### 2.1 National regulations

This section focuses on Tunisia's national institutional and legal framework regarding environment and social requirements relevant to the proposed project.

#### 2.1.1 Legal Framework

This section lists laws and legislations directly related to environmental and social compliance. The national legislation contains several tools and codes linked to principal natural resources and includes preventive and coercive measures against pollution and environmental damages.

The table below lists the key instruments/laws applicable to the proposed project, as well as a reference to the applicable standards (ESS) under the World Bank's Environmental and Social framework (ESF):

Aspect	Tunisian Legal framework	World Bank's standards (ESS)
<b>Environmental and Social, and Natural Resources Protection</b>	<ul style="list-style-type: none"> <li>- Law n°88-91 of 2 August 1988, setting up the National Agency for Environmental Protection (ANPE), amended by law n° 92-115 of 30 November 1992. Article 5 of this law specifies the obligation to perform an EIS and to obtain the approval from this Agency before conducting any activities (industrial, commercial, agricultural, etc.);</li> <li>- Decree n°2005-1991 of 11 July 2005, concerning environmental study and listing the categories of projects subject to an environmental impact study and those that require only specifications. This decree defines the process for evaluating and measuring direct and indirect, short and long-term impacts of the project on the environment components;</li> <li>- Decree n° 91-362 of 13 March 1991 issued by the Prime Minister's Office and published in JORT on 26 March 1993 instituting the conduct of environmental impact assessments;</li> <li>- Law n° 2015-12 of 11 May 2015, defines the legal framework relating to projects for the production and transmission of electricity from renewable energy sources for local use or for exportation. The passage of electricity transmission lines is subject to the instructions of the Decree of 12 October 1987. According to this decree, STEG benefits from the RoW of its transmission lines on unfenced and undeveloped land, without any dispossession and the real owners always keep their land. On the other hand, STEG should repair the damages caused during the construction phase of the project;</li> <li>- Law n° 75-16 of 31 March 1975, related to the Water Code and defining instructions about the protection of public hydraulic domain and forbidden pollution and other infractions. According to the terms of article 109 of this code, it is forbidden to let flow, discharge or throw in the waters of the public hydraulic domain, conceded or not, residual waters as well as waste or substances likely to harm public health or the good use of these waters for any possible use.</li> </ul>	<ul style="list-style-type: none"> <li>- All applicable ESS</li> </ul>

Aspect	Tunisian Legal framework	World Bank's standards (ESS)
	<ul style="list-style-type: none"> <li>- Decree n° 2005-2933 of 1 November 2005 fixing the roles of the Ministry in charge of Environment and showing the necessity to guarantee that the Tunisian Government respects international environmental conventions;</li> <li>- Law n° 83-87 related to the protection of agricultural land from urban extension and showing the modalities and authorizations to change the status of lands. This law classifies the agricultural lands into three categories (restricted areas, safeguard zones, other agricultural lands). The latter classifies agricultural land into three categories: <ul style="list-style-type: none"> <li>o Prohibited areas: these include public irrigated perimeters, forestland under the State Forest Domain and land subject to the forestry regime with the exception of rangelands. The vocation of these zones can only be modified within the framework of the specific laws governing them.</li> <li>o Safeguard zones: these cover land irrigated by hydraulic works carried out by the State or by private individuals or legal entities and not included in the public irrigated perimeters, citrus plantation, oases, olive groves, areas dominated by fruit trees, forests not subject to the forestry regime, managed rangelands, etc. These lands are protected by law because of the effects of a possible change in their vocation on national agricultural production.</li> <li>o Other agricultural land: covers all agricultural land not included in the prohibited and safeguard zones. Any request to change the vocation of these zones must be submitted for the opinion of the regional technical commissions for agricultural land.</li> </ul> </li> <li>- Law N°2001-119 of December 6, 2001 in relation with the felling and removal of olive trees. An authorization from the territorially competent governor is needed for such operations.</li> <li>- Law n° 95-70 of 17 July 1995 related to the conservation of soil and water;</li> <li>- Decree n° 84-386 of 7 April 1984 concerning the composition and operating modalities of the Regional Technical Commissions of Agricultural Lands, modified by Decree n° 2014-23 of 7 January 2014;</li> <li>- Law n° 2003-26 modified by Law n° 2003-26 and completing the Law n°76-85 of 11 August 1976 consolidating the legislation on expropriation for public utility;</li> </ul>	

Aspect	Tunisian Legal framework	World Bank's standards (ESS)
	<ul style="list-style-type: none"> <li>- Law n° 2016-53 of 11 July 2016 related to the expropriation caused by public utility;</li> <li>- Law n° 94-122 of 28 November 1994 enacting the Land Use and Urban Planning Code.</li> <li>- Law n° 2003-78 concerning the Urban and Regional Code.</li> <li>- Law n° 95-73 of July 24, 1995, related to the Maritime Public Domain - MPD (26 articles);</li> <li>- Law n° 95-72 of July 24, 1995 establishing the Tunisian Coastal Zone Protection Agency – APAL;</li> <li>- Law n° 95-73 of 24 July 1995 on public coastlands, which stipulates that environmental protection mainly covers the seaside, beaches, sebkhas (salt flats), sand dunes, islands, cliffs and the various components of coastlands, with the exception of fortresses and other defense facilities;</li> </ul>	
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>- Law n° 2005-13 of 16 January 2005, the Forest Code, constitutes the legal framework for the conservation of the natural environment (forest, reserves, parks, wildlife, wetlands, pasture areas, etc.). An authorization is required for any project/activity to be developed in the areas covered by this code. Among the provisions relating to National Parks, the Forestry Code: Prohibits or restricts all actions likely to hinder the natural development of fauna and flora, notably hunting, advertising and commercial activities, extraction of materials, use of water, public traffic, etc. ;</li> <li>- Order of the Ministry of Agriculture in 23 March 2006 fixing the list of vulnerable and endangered species (fauna and flora);</li> <li>- Law n° 2001-119 of 6 December 2001 prohibiting the filling and uprooting of olive trees unless authorized by local authorities (the Governor);</li> <li>- Law n° 92-72 of 3 August 1992 fixing general provisions for plant protection;</li> <li>- Order of the Ministry of Agriculture of 29 June 2006, controlling temporary occupation of the forest domain (prohibits temporary occupation for any project that will generate negative impact on the environment and natural resources inside the forest domain.</li> </ul>	- ESS6
<b>Pollution (liquid, solid wastes and dangerous products)</b>	<ul style="list-style-type: none"> <li>- Decree n°85-56 of 2 January 1985 stipulating the conditions under which discharges are regulated or prohibited in receiving environments (sea, lake, sebkhas, river, etc.);</li> <li>- Decree n° 2005-2317 of 22 August 2005, creating the National Agency for Waste Management (ANGED). According to article 4, the Agency prepares the specifications and the files of the</li> </ul>	- ESS 2,3,4,6

Aspect	Tunisian Legal framework	World Bank's standards (ESS)
	<p>authorizations relating to the management of waste provided for in the regulations in force and follows their execution.</p> <ul style="list-style-type: none"> <li>- Law n° 96-41 of 10 Jun 1996 on wastes and control of waste management and disposal. The law aims to prevent and reduce waste production at source and to promote recovery and recycling of waste.</li> <li>- Decree N°2005-3395 of December 26, 2005 that sets the conditions and procedures for the collection and management of used batteries.</li> <li>- Decree N°2008-2565 of July 7, 2008 amending the Decree n° 2002-693 of April 1, 2002 fixing conditions and modalities of collecting oils and filters and their management;</li> <li>- Law n° 97-37 of Jun,2 1997 fixing rules/instructions related to the transport of dangerous wastes and products;</li> <li>- Decree n° 2000-2339 of 10 October 2000 establishing the list and classification of hazardous wastes;</li> <li>- Decree N°2005-3079 of November 29, 2005 establishing the list of hazardous materials that are transported by road compulsorily under the control and with the accompaniment of security units.</li> <li>- Tunisian Standard NT109.14 (1988) relating to liquid hydrocarbons (Rules for the Development and Use of Liquid First and Second Class Hydrocarbon Deposits);</li> <li>- Decree n° 82-1355 of 16 October 1982 regulating the recycling of used oils;</li> <li>- Ministerial order of the Ministry of Industry establishing a nomenclature of dangerous buildings.</li> <li>- Order of the Minister for Local Affairs and Environment and the Minister of Industry and small and medium-sized enterprises in the 26 March 2018, setting the limit values for effluent discharges into the receiving environment.</li> </ul>	
<b>Air emission</b>	<ul style="list-style-type: none"> <li>- Decree n°2018-447 of 18 May 2018 related to air emissions and setting limit values and alert thresholds of air pollution. This decree repealed the Order of the Minister of National Economy of December 28, 1994, approving the Tunisian standard.</li> <li>- Law N°2007-34 of June 4, 2007 on air quality;</li> <li>- Decree N°2010-2519 OF September 28, 2010 that sets limit values of air pollutants from stationary sources.</li> </ul>	<ul style="list-style-type: none"> <li>- ESS 2,3,4,6</li> </ul>



Aspect	Tunisian Legal framework	World Bank's standards (ESS)
<b>Noise and Electromagnetic field</b>	<ul style="list-style-type: none"> <li>- Order of the Municipality of Tunis of August 22, 2000 that sets authorized noise limit values within the communal space of the municipality.</li> <li>- Highway Code that establishing provisions for motor vehicles (prohibiting use of multiple or high-pitched sound generators and free-flowing exhaust; setting maximum sound levels for each vehicle type).</li> <li>- Decree n° 84-1556 of 29 December 1984, regulating industrial zones, according to article 26 of this decree, the daytime level of noise generated by a company must not exceed 50 Db (measured at the closest houses from the activity zone);</li> <li>- Ministerial Order of the Ministry of Public Health and Social Affairs of January 10, 1995 concerning noise in the workplace that sets the daily noise exposure level at 85 dB.</li> <li>- Law n° 2006-59 of 5 April 2016, completing and modifying Law n° 2006-59 of 14 August 2006 on breach of hygiene regulations in areas under the responsibility of local authorities;</li> </ul>	<ul style="list-style-type: none"> <li>- ESS 2,3,4,6</li> </ul>
<b>Heritage and Archaeology</b>	<ul style="list-style-type: none"> <li>- Law n° 94-35 of 24 February 1994, the Heritage Code related to the protection of historical, monuments and natural and urban areas and fixing instructions roles for the protection of archaeological, historical, or traditional/cultural heritage. During the construction phase of the project, any remains discoveries must be reported, and the project authority should inform the relevant department of the Ministry in charge of Heritage and must take necessary actions/measures for the conservation of these remains.</li> </ul>	<ul style="list-style-type: none"> <li>- ESS8</li> </ul>
<b>Social aspects (vulnerable groups, gender, etc.)</b>	<ul style="list-style-type: none"> <li>- Decree of 18 August 1958, Code of Personal Status stating equal rights between the sexes regarding divorce, employment, business property and the banking sector: but also prohibiting polygamy, establishing a legal age of marriage at 18 for girls.</li> <li>- Article 21 and 46 of the Tunisian Constitution (January 2014), all citizens have same rights and obligations, and the State guarantees to protect all women's acquired rights; Article 12 "the State acts to ensure social justice, sustainable development and balance between regions, taking into account development indicators and the principle of positive discrimination".</li> <li>- Law 85-68 of 12 July 1985 ratifying the CEDAW convention about discrimination's elimination against women (modified in 17 April 2014); Withdrawal of reservations of the CEDAW convention on April 17, 2014 regarding Labor and Marriage.</li> </ul>	<ul style="list-style-type: none"> <li>- ESS 2,3,4,5,6</li> </ul>



Aspect	Tunisian Legal framework	World Bank's standards (ESS)
	<ul style="list-style-type: none"> <li>- Government Decree N°2016-626 of May 25, 2016 establishing the Peer Council for Equality and Equivalence of Opportunities between Women and Men.</li> <li>- Law n° 2017-58 of 11 August 2017 concerning the elimination of violence against women. The law aims to put all measures to eliminate all forms of violence based on gender discrimination in order to ensure equality and respect for human dignity, according to a comprehensive approach focused on the fight against its different forms, through prevention, prosecution and repression of its perpetrators, and protection and care of victims.</li> <li>- Law N°2018-35 on Corporate Social Responsibility (CSR).</li> </ul>	
<p><b>Health, Safety and work conditions</b></p>	<ul style="list-style-type: none"> <li>- Labor Code established by the Law N°66-27 of April 30, 1966 promulgating the Labor Code and all the texts that have amended or supplemented it, in particular Law N° 96-62 of July 15, 1996 and Law N°2007-19 of April 2, 2007.</li> <li>- Decree N°75-240 of April 24, 1975 amending the Decree N°67-391 of November 6, 1967 related to health, safety and employment of women and children in industrial and professional units/establishments.</li> <li>- Decree N°68-328 of October 22, 1968 setting general hygiene rules inn companies where the Labor Code is applicable. It aims to provide drinking water and to ensure protection against pollution. Special administrative clauses applicable to public works contracts obliges the contractor to comply with laws and standards in relation with the protection of workers;</li> <li>- Decree n° 75-503 of 28 July 1975 regulating measures/rules to protect workers in electrical firms/structures;</li> <li>- Laws N°87-31 of July 6, 1987 ratifying the Arab Labor Convention N°7 in relation with occupational H&amp;S. All H&amp;S provisions must include technical rules necessary to ensure safety and protection.</li> <li>- Law n° 94-28 of 21 February 1994 regarding compensation for damages resulting from work accidents and diseases;</li> <li>- Order of the Ministry of Industry and Energy of November 15, 2005 fixing the nomenclature of dangerous, unhealthy or inconvenient establishments as amended by the Order of the Minister of Industry and Technology of February 23, 2010 and of October 24, 2012.</li> <li>- Decree n° 2006-2687 of 9 October 2006, fixing rules, conditions, procedures and methods for operating dangerous and unhealthy structures;</li> </ul>	<p>- ESS 2</p>

Aspect	Tunisian Legal framework	World Bank's standards (ESS)
	<ul style="list-style-type: none"> <li>- Law n° 2009-11 of 2 March 2009 promulgating the code of Safety, fire prevention, explosion and panic risks in buildings.</li> <li>- Law N°2004-33 of April 19, 2004 on the management of land transport sector. The law aims to organize land transport of people and goods and to set the rules/practices of this sector.</li> </ul>	
<b>Public Consultation and Information Disclosure</b>	<ul style="list-style-type: none"> <li>- Decree n° 328-2018 of 29 March 2018 concerning public consultation.</li> <li>- Decree N°2005-1991 regarding EIA process. To date, there is no obligation for publishing ESIA reports.</li> <li>- Law n° 2011-41 of 26 May 2011, regarding access to administrative documents of public agencies and administrations;</li> <li>- Article 32 of the Tunisian Constitution (2014), the State must guarantee the right of access to information;</li> <li>- Article 139 of the Constitution, local authorities shall adopt all mechanisms of participatory democracy and open governance in order to guarantee the participation of citizens in the preparation of land use planning and development projects.</li> <li>- Organic law n° 2016-22 of 24 March 2016, on the information access right, which defines the access right to any information concerning programs, projects, benefits, financial aspects, owners, etc.;</li> </ul>	- ESS10
<b>Expropriation and Land Acquisition</b>	<ul style="list-style-type: none"> <li>- The decree-law n° 2022-65 of 19 October 2022, amending and supplementing law n° 2016-53 of 11 July 2016 on expropriation for public utility. This article provides the possibility of compensation in kind for all expropriated immovable property and not only compensation for the loss of agricultural land in protection zones. It indicates (article 5) that within the limits of the reserves available to the expropriator, an agreement may be reached with the owner of the property in the form of compensation in kind in accordance with the legislation and regulations in force. This option could reduce the pressure on the public purse as the state could use its land holdings and allocate state land for compensation in kind to owners. Under the article 16 of this decree, a permanent administrative commission was created in each governorate, called the "recognition and conciliation commission", responsible for recognizing the legal and material situation of the properties to be expropriated. It is an administrative commission chaired by a judge, which makes administrative decisions</li> <li>- Law n° 2016-53 of 11 July 2016 on expropriation for public purpose, which amends and supplements Law No. 76-85 of 11</li> </ul>	- ESS5

Aspect	Tunisian Legal framework	World Bank's standards (ESS)
	<p>August 1976 revising the law on expropriation for public purpose. It outlines the rules governing land tenure and State property in Tunisia.</p> <p>STEG choose land under public domain to avoid making a land acquisition from a private owner. In case of crossing private domain, STEG sets up a negotiation process with the owner and in case of conflict between them; it resorts to expropriation procedure fixed by the Law 2016-53.</p> <ul style="list-style-type: none"> <li>- Decree of May 30, 1922 regarding temporary occupation and easement for power transmission projects. It allows these projects to cross private property (including agricultural land or land used for other productive purposes) without the need for land acquisition. There is therefore no transfer of ownership or expropriation to be carried out in connection with the power lines, neither at the line nor at the masts.</li> </ul> <p>Easements are compensable: when they cause damage to the land crossed, compensation must be paid. The passage of a power line is prohibited through any fenced property overhanging existing buildings. Tunisian law thus de facto minimizes the impacts that a proposed line could have on physical movement by prohibiting it.</p> <p>Before the start of the construction phase, STEG concludes a temporary occupation agreement with owners/users of land (farmers) regarding the easement right of way. The same agreement are established for the land occupied for towers installation, but for a much longer period.</p>	

### 2.1.2 International Conventions and Treaties

<b>International Conventions and Treaties</b>	<ul style="list-style-type: none"> <li>- Presidential decree n°125 of 31/10/2016 regarding the ratification of the Paris Agreement on climate for the implementation of the United Nations Framework Convention on climate change.</li> <li>- Convention on Biological Diversity, adopted in New York on 9 May 1992 (ratified by Law n° 93-45 of 3 May 1993);</li> <li>- Convention on the conservation of migratory species of wild animals, adopted in Bonn on 23 Jun 1979 (ratified by Law n° 86-63 of 16 July 1986);</li> <li>- Convention on International Trade in Endangered Species of Wild Fauna and Flora, adopted in Washington on 21 March 1973 (ratified by Law n° 74-11 of 11 May 1974-CITES);</li> <li>- Paris Agreement, ratified on 10 February 2017;</li> <li>- Law n°18-2004 of 15/03/2004 regarding the ratification of the Stockholm Convention on Persistent Organic Pollutants,</li> </ul>
-----------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- Kyoto Protocol to the United Nations Framework Convention on Climate Change, ratified on 20 January 2003;
- Convention for the protection of the world cultural and natural heritage, adopted in Paris between 17 October to 21 November 1972 (ratified by Law n° 74-89 of 11 December 1974);
- Convention on wetlands of international importance especially as waterflow habitat, adopted at RAMSAR on 2 February 1971 (adherence by Law n° 80-9 of 3 March 1980);
- The Hague Convention for the protection of cultural property in the event of armed conflict, the implementing regulations and its protocol adopted at The Hague on 14 May 1954 (adherence of Tunisia by Law n° 80-10 of 15 October 1980, ratified by Law n° 80-69 of 10 November 1980);
- The United Nations Convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, adopted on 17 Jun 1994 (ratified by Law n° 95-52 of 19 Jun 1995);
- International Treaty on plant genetic resources for food and agriculture, adopted in Rome and approved by Law n° 2004-15 of 1 March 2004 and ratified by Decree n° 2004-917 of 13 April 2004;
- Treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof, adopted in Washington, London and Mosco on 11 February 1971 (ratified by Law n° 71-31 of 28 July 1971);
- International Convention on civil liability for oil pollution damage, adopted in Brussel on 29 November 1969 (adherence by Law n° 76-13 of 21 January 1976);
- International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties adopted in Brussel on 29 November 1969 (adherence by Law n° 76-14 of 21 January 1976);
- International Convention for the prevention of pollution from ships, adopted in London on 2 November 1973 (adherence by Law n° 76-15 of 21 January 1976);
- International Convention on the Establishment of an international Fund for Compensation for Oil Pollution Damage, adopted in Brussel on 18 December 1971 (adherence by Law n° 76-16 of 21 January 1976);
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, adopted in London, Mosco, Mexico and Washington on 29 December 1972 (adherence by Law n° 76-17 of 21 January 1976);
- Convention for the Protection of the Mediterranean Sea against Pollution, adopted in Barcelona on 16 February 1976 (ratified by Law n° 77-29 of 25 May 1977 and amended by Law n° 98-15 of 23 February 1998).

### 2.1.3 Institutional Framework

This section focuses on the national institutional framework in Tunisia, regarding environment and social requirements relevant to the proposed project.

In Tunisia, several institutions/agencies are concerned by the aspects related to the management and the protection of the natural and social environment. The main institutions to be directly involved in this project are:

- **Ministry of Industry, Energy and Mining:** energy sector in Tunisia is under the responsibility of this Ministry which is in charge to develop and implement government policies in relation with industry, agroindustry, energy and mining, industrial cooperation, energy and mining security sectors.
- **Tunisian Company for Electricity and Gas (STEG in French):** created in 1962, is the main/exclusive actor for producing, transporting and distributing electricity in Tunisia. It is in charge also to ensure the electrification of urban and rural areas and the development of gas network. STEG ensures the development and the maintenance of electric and gas infrastructure.
- **Industrial land Agency (Agence Foncière Industrielle – AFI):** is a public establishment, created in 1973 and placed under the authority of the Ministry of Industry, to promote the industrial sector and contribute in the economic and social development of Tunisia. The major missions of the AFI agency are: the creation and development of industrial areas equipped with modern infrastructure and Construction of adjustable industrial buildings to be rent or sold to Tunisian and foreign investors. The AFI will be a major actor for the present project as the landfall, and the junction box will be placed within the industrial zone of Menzel Yahia and the Mlaâbi converter substation will be implemented in the proposed industrial zone of Mlaâbi.
- **Ministry of Environment and Sustainable Development:** the structure in charge of environmental policies in the country. Under the supervision of the Ministry of Environment, many agencies and departments implement its strategies at national, regional and local levels in order to enhance the protection of the environment and natural resources. Of these, the following can be mentioned:
  - **National Agency for Environmental Protection (Agence Nationale de Protection de l'Environnement - ANPE):** responsible for ensuring all applications for the environmental assessment preparation, review and approval process in Tunisia. The ANPE is the authority responsible for EIA studies. Environmental impact assessment for development projects must be carried out under the terms of reference fixed by the ANPE agency and in compliance with national rules. The projects subject to an EIA process are classified into three categories and defined in two appendices:
    - Appendix 1: category A includes medium projects with the obligation to carry out an EIA and category B for big project subject to an EIA and
    - Appendix 2: for small projects with low environmental impact.

According to the above two annexes, the present project (underground and overhead transmission lines) are not subject to an ESIA study in Tunisia.

- **National Agency for Waste Management (ANGED):** in charge of developing national waste management programs and strategies and supporting regional authorities and structures, local communities and industrial sector in order to protect the environment. It also operates to promote waste recycling and recovery collection systems and programs.
- **Coastal Protection and Development Agency (Agence de Protection et d'Aménagement du Littoral - APAL):** the principal mission of APAL is to ensure the management of the Maritime Public Domain (DPM in French) and the management and the protection of coastal areas (coastal dunes, sebkhas, marine natural reserves, etc.). Its mission includes also setting an



observatory for coastal ecosystems, the enhancement of natural reserves and sensitive areas. the management and protection of wetlands, coastal forests and islands. With the collaboration of the National Department of Forests (Direction Générale des Forêts – DGF), APAL participates in the management and protection of wetlands and coastal forests, islands, etc.

- **National Sanitation Office (ONAS):** created by the Law N°73-74 of August 3, 1974 and after placed under the supervision of the Ministry of the Environment by the Law N°93-41 of April 19, 1993. Its mission is to: ensure the management of the sanitation sector, control of water pollution sources, the management/operation and maintenance of sanitation facilities, promotion of treated water issued from wastewater treatment plants and the development and implementation of integrated wastewater treatment and storm water drainage projects.
- **Ministry of Agriculture:** represented primarily by the National Department of Forest (DGF) and the Regional Commissariat for Agricultural Development (CRDA) in the regional level. The mission of the DGF is to manage the forest domain (including parks, reserves, wetlands, etc.) and protect natural resources. The CRDA must be involved to get authorization, especially for the terrestrial part of the project.  
At the regional level, the services of the Ministry (vegetal production, animal production, water, irrigated perimeter, etc.) are grouped within the CRDA agency. The CRDA must be strongly involved in the present project due to their roles in the management and conservation of natural resources (DGF), the conservation of soil resources (soil department), the conservation of surface and ground water resources (water department), the protection of agricultural land (irrigated perimeter, agricultural safeguard zones as the case with citrus plantations).
- **Ministry of State Property and Land Affairs:** in charge of the conception and implementation of the State's policy concerning the public and private domains constituted by all movable and immovable property and rights belonging to it. The Ministry is responsible for the management control of movable and immovable property belonging to the State, regional and local public authorities and public establishments and enterprises; the allocation and disposal of State-owned immovable properties; the acquisition and expropriation of immovable properties for the benefit of the State and public administrative establishments, etc.
- **Ministry of Culture and the National Heritage Institute (INP):** in charge to protect, save and rehabilitate the heritage monuments. Its role is quite crucial in this project in order to collect data related to archeology and other historical properties. Activities and works relating to electrical networks conducted in the limits of cultural sites needs an authorization from the Ministry in charge of Heritage.
- **Ministry of Social Affairs:** in charge of implementing social policies and ensuring fair social development between all categories and generations of the Tunisian society. The Ministry is in charge to consolidate social welfare in the areas of health, occupational safety, social security, promotion of vulnerable categories and special needs, adult education, supervision of the Tunisian community abroad and social housing. Its services draw up national, regional and sectoral plans, develop projects, ensure civil society's participation, implement cooperation projects, supervise and assist in promoting communication and social information.
- **NGOs and Civil Society:** several NGOs and associations operate to protect the environment and to promote sustainable development, to improve human rights, to enhance health and security, to promote income-generating activities, etc. A collaborative platform exists (<http://jamaity.org>) that brings together different associations and NGOs working throughout Tunisia.

Other institutions can be involved in social aspects and land management, such as:

- **Ministry of Defense:** as the project will cross the maritime territory and a military area is located near the chosen site for the landing cable in Kélibia.
- **Topography and Cadastre Office** (Office de la Topographie et du Cadastre) : its missions include the control of technical actions on land registration and cadastre, following national legislation on land tenure, to delimit public lands and domain and administrative districts, and to ensure the elaboration, maintenance and information disclosure on land.
- **Governorates:** the project will cross four governorates (Nabeul, Ben Arous, Zaghouan and Manouba)
- **Delegations and Sectors (Imadas)**

### 2.1.4 Territorial context

The project will cross four Governorates (Nabeul, Ben Arous, Zaghouan and Manouba) including 10 Delegations and 29 Sectors or Imadas as shown in the following table.

**Table 2-1: Administrative units crossed by ELMED-OHL project**

Governorate	Delegation	Sector (Imada)	Lenght (km)
Nabeul	Menzel Temime	Beni Abdelaziz	69 km
		Skalba	
		Lezdine	
		El Ouediane	
		El Asfour	
	El Mida	El Mida	
		Oum Dhouil	
	Korba	Beni Ayache	
	Menzel Bouzelfa	Errahma	
		Menzel Bouzelfa Nord	
	Beni Khaled	Bir Drassen	
		Beni Khaled Echarkiya	
		Beni Khaled Sud	
		Zaouiet Djedidi	
		El Kobba El Kebira	
	Grombalia	Nianou	
Grombalia Est			
Chammes			
Khanguet El Hojjej			
Ben Arous	Momag	Kabouti	26.5 km
		Djebel Ressayas	
		El Kessibi	
		El Gounna	
		Ain Rekad	
		Oudna	
	Mohamedia	Sidi Frej	
Zaghouan	Bir Mchergua	Jebel Oust	9.5 km
		Ain Asker	
Manouba	Momaguia	El Fejja	8 km

## 2.2 Tunisian permitting process

As stated in paragraph 2.1.2 (regarding ANPE and projects subject to EIA assessment), ELMED Project, including the 400 kV OHL, is not subject to an ESIA study in Tunisia. However, ELMED should inform ANPE about the Project to ensure that it doesn't create E&S concerns in any sensitive or protected area.

Transmission power line construction procedure involves the following steps:

- Preliminary line route (desktop study): the service of the Equipment Department (DEQ) of STEG identifies an initial route based on Google Earth, avoiding residential areas and protected sites in order to reduce



social and environmental impacts. The axis of the route must be away from homes (at a distance of 50 m or more).

- Visual recognition of the proposed preliminary route: the team of the DEQ (topography service) carries out a field visit to verify if there are any other critical issues/constraints for the implementation of the transmission (residential areas, sensitive sites, etc.).
- Consultation process with stakeholders : on the basis of the route validated by the field visit, STEG launch an administrative inquiry with several ministries to ask for their opinions on the proposed route. Through an official request, STEG consults the following ministries/agencies:
  - o Ministry of Defense
  - o Ministry of Interior
  - o Ministry of Planning and Equipment (Bridges and Roads Department)
  - o Governorates concerned by the project
  - o Ministry of Agriculture, through the DGF and CRDA
  - o General Agency of Civil Aviation
  - o Regional Agency of Public Domain
  - o National Company of Highways
  - o General Agency of Information and Telecommunication
  - o National Heritage Institute (INP)
  - o APAL agencyThese stakeholders can ask for a field visit to identify the area crossed by the line and the presence or not of any specific issues.
- In case of non-objection from the above stakeholders, STEG will begin topographical surveys on a strip of 100m and the plot survey to identify the cadastral area affected by the passage of the power line. This work aims to determine the parcel and owner boundaries potentially affected by the route.
- Publishing, in the Official Gazette (JORT), a Ministerial Order as an approval for the construction and operation of the proposed project.
- Landowners approval: all owners/users affected by the project must provide any proof/evidence of their land right/use to the STEG district in the concerned delegation.
- Signature of an agreement between STEG and land owner/user
- Approval of the final line route (STEG/the company in charge of the construction activities can start staking the line and perform all technical studies)
- Compensation process: the department in charge of the compensation process is the DAJ at STEG. At this stage, an independent agricultural legal expert (authorized by the Ministry of Justice) is commissioned by the DEQ to assess the compensation amount for every affected person.
- Signature of a compensation agreement between the affected person and STEG. In case of disagreement on compensation amount, affected person can use different channels to register its complaint (STEG district, citizen affairs office of STEG, delegation office).

### 3. INTERNATIONAL STANDARDS

#### 3.1 World Bank’s Environmental and Social Standards (ESS)

As described in Section 1, the ESIA for the TUNITA Project does not derive specifically from Tunisian legislative requirements but from World Bank's Environmental and Social Framework (ESF) requirements. The ESF comprises 10 supporting Environmental and Social Standards (ESS), which cover the key E&S topics as set out in Table 3-1 below. The ESS is a widely accepted framework for managing impacts and risks associated with public and private sector development projects. They set out the World Bank's commitment to sustainable development and constitute mandatory requirements for the Borrower and the Project as a precondition for financing. In accordance with the ESF, whenever international standards differ from national requirements, the Project will meet the most stringent applicable standard, while always respecting Tunisian laws and procedures.

The ESIA applies the ESF composed of 10 E&S Standards (ESS) and their related Guidance Notes and Good Practice Notes.

The following table lists the ESF's 10 Environmental and Social Standards and highlights the relevance of each in regards to the project and the ESIA. The relevant ESS to this document are as follows:

**Table 3-1: ESF and its relevance to ESIA**

World Bank ESS	Main topics
ESS1: Assessment and Management of Environmental and Social Risks and Impacts	Assessment and management of E&S risks and impacts
ESS2: Labor and Working Conditions	The ESIA analyses the impact on local communities' economic growth, employment and income. Occupational health and safety and protection of fundamental rights of workers are considered
ESS3: Resource Efficiency and Pollution Prevention and management	Impact on resource efficiency and prevention of pollution is analyzed in the ESIA.
ESS 4: Community Health and Safety	Potential impacts on communities are assessed in the ESIA
ESS 5: Land Acquisition, restriction on land use and Involuntary Resettlement	Land Acquisition and resettlement/compensations issues are in the RFP
ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources	Protection of biodiversity and the sustainable management and use of natural resources are analyzed in the ESIA.
ESS 7: Indigenous People	<b>Not applicable</b> since there are no indigenous communities along the potentially affected areas
ESS8: Cultural Heritage	Impact on Cultural Heritage is analyzed in the ESIA.
ESS9: Financial Intermediaries	<b>Not applicable</b> to the Project
ESS10: Stakeholder Engagement and Information Disclosure	Importance of open and transparent engagement through disclosure of project-related information



**ELMED Etudes SARL**

Contractor Doc No: ES-02  
*DRAFT FOR CONSULTATIONS*

Date  
2023-02-02

Page  
18 of 21

<b>World Bank ESS</b>	<b>Main topics</b>
	and consultation with stakeholders on matters that directly affect them. The theme is also included in the ESIA.

					<b>ELMED Etudes SARL</b>
Contractor Doc No: ES-02 <i>DRAFT FOR CONSULTATIONS</i>		Date 2023-02-02	Page 19 of 21		

### 3.2 Other World Bank Requirements

Bank-funded projects must be also compliant with the World Bank's Environmental, Health and Safety Directives (EHS Guidelines). According to World Bank environmental screening, the proposed Project is classified as being of high risk as it is likely to have significant adverse environmental and social impacts that are sensitive, diverse, or unprecedented. This impact may affect an area broader than the sites or facilities subject to physical works.

According to the EHS Guidelines, the ESIA should include an analysis of the positive and negative physical, biological, social, economic and cultural potentials of the proposed project. It must include the identification and assessment of the direct, indirect and cumulative impacts of the proposed project in the Project's area of influence (Aol) to be defined by the Consultant. For the social aspects, the guidelines stress that it is essential to emphasize the aspects of involuntary physical and economic displacement, acquisition of land and job losses and economic opportunities.

Further, they specify that the analysis will contain an assessment of the alternatives, including the "without project" scenario and a review of the direct and indirect impacts of the proposed project, include an ESMP of the preferred alternative, and provide a framework for mitigation measures, monitoring activities, and strengthening of institutional measures that will need to be integrated into the project design and implementation. As part of this process, it is expected that a process of meaningful stakeholder engagement, in addition to any statutory to public consultations, will be undertaken, and that the environmental and social study, including a non-technical summary, will be disclosed to the public in accordance with the provisions of ESS10.

The ESIA must also take into account the natural environment (air, land and water), the health and safety of the local population, social aspects (such. as involuntary displacement of people, economic impacts and acquisition of land, indigenous populations (if applicable) and cultural heritage, and trans-boundary and global environmental issues (climate change, depletion of the ozone layer, pollution of international waters, and adverse effects on biodiversity).

In addition, the EHS Guidelines require employers and supervisors to implement all reasonable precautions to protect the environment, the health and safety of workers and local communities and provide guidance and examples of reasonable precautions to implement in managing principal in Bank-funded projects.

Specifically on OHS, the EHS Guidelines require borrowers to adopt preventive and protective measures to: eliminate the hazard by removing the activity from the work process; control the hazard at its source through engineering controls; and minimize the hazard through design of safe work systems and administrative or institutional control measures. Examples include job rotation, training on safe work procedures, lock-out and tag-out processes, workplace monitoring, and providing appropriate personal protective equipment (PPE) in conjunction with training, use, and maintenance of the PPE. Further, they require borrowers to apply prevention and control measures to OHS hazards based on comprehensive job safety or job hazard analyses, noting that the results of these analyses should be prioritized as part of an action plan based on the likelihood and severity of the consequence of exposure to the identified hazards.

The EHS Guidelines also set out the following provisions:

- **General Facility Design and Operation:** Integrity of Workplace Structures; severe Weather and Facility Shutdown; workspace and Exit; Fire Precautions: Lavatories and Showers; Potable Water Supply; Clean Eating Areas; Lighting; Safe Access; First Aid; Air Supply; and Work Environment Temperature.
- **Communication and Training:** OHS Training; Visitor Orientation; New Task Employee and Contractor Training; Basic OHS Training; Area Signage; Labeling of Equipment; and Communicate Hazard Codes.

- **Physical Hazards:** Rotating and Moving Equipment; Noise; Vibration; Electrical; Eye Hazards; Welding / Hot Work; Industrial Vehicle Driving and Site Traffic; Working Environment Temperature; Ergonomics; Repetitive Motion; Manual Handling; Working at Heights; and Illumination.
- **Chemical Hazards:** air quality, fire and explosions; corrosive, oxidizing, and reactive chemicals; and asbestos containing materials.

Similarly, the EHS Guidelines set out provisions on **PPE; Special Hazard Environments** (e.g. Confined Space Entry, Lone and Isolated Workers) and concerning **Monitoring for Accidents and Diseases**.

Additional provisions applicable to the Project are set out in the World Bank **EHS Guidelines 4.0 (Construction and Decommissioning)** which include OHS requirements covering areas such as over-exertion, work at heights, slips and falls, strikes by objects, moving machinery, dust, confined spaces, general site hazards, disease prevention and traffic safety. Further, general provisions relating to the offshore portion of the project are set out in the World Bank **EHS Guidelines for Ports, Harbors and Terminals (v. 2.2.2017)**.

Further, the World Bank **Environmental, Health, and Safety Guidelines for Electric Power Transmission and Distribution (2007)** provide technical reference documents with general and industry-specific examples of Good International Industry Practice relating to power transmission projects. These industry sector World Bank EHS Guidelines are designed to be used together with the General EHS Guidelines. They cover issues such as exposure to physical hazards from use of heavy equipment and cranes; trip and fall hazards; exposure to dust and noise; falling objects; work in confined spaces; exposure to hazardous materials; and exposure to electrical hazards from the use of tools and machinery.

*Note: Concerning the offshore portion of the Project, the International Convention for the Safety of Life at Sea (SOLAS) specifies minimum standards for the construction, equipment and operation of ships, compatible with their safety and related IMO regulations. Other relevant international conventions include: ILO Code of Practice for Safety and Health in Ports (2005); General Conference of the International ILO Convention concerning Occupational Safety and Health in Dock Work, C-152, (1979), General Conference of the ILO Recommendation concerning Occupational Safety and Health in Dock Work, R-160; IMO Code of Practice for Solid Bulk Cargo (BC Code), and the International Maritime Dangerous Goods Code (IMDG Code). The International Ship and Port Facility Security (ISPS) Code (2004) is also applicable to all vessels over 500 grt, as well as the ports that service them.*

**OP 7.50 Projects on International Waterways:** OP 7.50 Projects on International Waterways is not triggered by this project. That said, the countries involved (Tunisia and Italy) will be reminded that this determination is independent of any existing arrangements that they may have in place in accordance with the Barcelona Convention and its protocols or any other agreements/arrangements (including bilateral arrangements with Malta).

In addition, actions to be completed prior to Board Approval by the World Bank include the preparation, disclosure and implementation of the following:

- A Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) Action Plan;
- A Resettlement Policy Framework (RPF);
- A Stakeholder Engagement Plan (SEP), including a GRM which includes specific procedures for SEA/SH case handling;
- A Labor Management Procedure (LMP);



**ELMED Etudes SARL**

Contractor Doc No: ES-02  
*DRAFT FOR CONSULTATIONS*

Date  
2023-02-02

Page  
21 of 21

- An Environmental and Social Management Plan (ESMP) to be embedded in the ESIA, including a worker camp management plan (if needed);
- A Biodiversity Action Plan (BAP);
- An Emergency Preparedness and Response Plan.[1]