

**REPORT OF THE REPUBLIC OF MACEDONIA ON  
THE IMPLEMENTATION OF THE CONVENTION ON  
ENVIRONMENTAL IMPACT ASSESSMENT IN A  
TRANSBOUNDARY CONTEXT**

in the period 2006–2009

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# PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

*In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.*

## Article 2

### General Provisions

#### DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

The Republic of Macedonia has developed an integral system for implementing EIA system. Namely, the Law on Environment (Official Gazette of the Republic of Macedonia no. 53/05, 81/05,24/07,159/08,83/09, 48/10 and 124/10) in its Chapters X and XI stipulates the procedure for implementation in general terms (all stages of the EIA/SEA processes).

EIA procedure is regulated in detail in the following subsidiary legislation:

Based on Article 77 of this Law, the Government of the Republic of Macedonia adopted the following bylaws:

- Decree determining the projects for which and criteria on the basis which the screening for an environmental impact assessment shall be carried out (Official Gazette of the Republic of Macedonia no. 74/05, 109/09).

The Minister of Environment and Physical Planning has adopted the following acts:

- Rulebook on the content of the requirements that need to be fulfilled by the study on the environmental impact assessment (Official Gazette of the Republic of Macedonia no. 33/2006);

- Rulebook on the content of announcement of the notification of intention to implement a project, the decision on the necessity of an environmental impact assessment, the study on project environmental impact assessment, the report on the adequacy of the study on environmental impact assessment, and of the decision for approval or rejection of project realisation, and the manner of public consultation.(Official Gazette of the Republic of Macedonia no. 33/2006);

- Rulebook on the information contained in the notification of intent to undertake a project and the procedure for establishing the need for environmental impact assessment (Official Gazette of the Republic of Macedonia no. 33/2006);

- Rulebook on the format, content, procedure and manner of delivering a report on the adequacy of the study on environmental impact assessment and the procedure for authorisation of persons from the List of Experts in environmental impact assessment responsible for the preparation of the report(Official Gazette of the Republic of Macedonia no. 33/2006);

- Rulebook on the amount of the expenses covered by the investor for implementation of the environmental impact assessment procedure (Official Gazette of the Republic of Macedonia no. 33/2006);

- Decree on additional criteria, the manner, the procedure and the compensation of expenses for enrollment in and withdrawal from the List of experts (Official Gazette of the Republic of Macedonia no. 116/09)

Apart from the above, there are also other relevant legal acts, containing some articles regarding EIA and all of them are in accordance with the Law on Environment:

Law on Nature Protection (Official Gazette of the Republic of Macedonia no. 67/2004)

Law on Waste Management (Official Gazette of the Republic of Macedonia no. 68/2004)

Law on Ambient Air Quality (Official Gazette of the Republic of Macedonia no. 67/2004)

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

#### TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

The requirements of the Espoo Convention concerning transboundary consultation are fully implemented in the Law on Environment, which stipulates the procedures for environmental impact assessment (EIA) in a transboundary context for projects carried out in the territory of the Republic of Macedonia, projects that may have impact on the environment on the territories of other countries, and visa versa, projects carried out on the territories of other countries, that may have impact on the environment in the territory of the Republic of Macedonia.

Public is include in all stages in the EIA procedure starting from the commencement of the procedure

- Notification on the intention for project implementation - announce the notification
- Study on the Project Environmental Impact Assessment - publish the study on the project environmental impact assessment
- publishing the Report on the adequacy of the study on project environmental impact assessment
- Publishing the decision

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

Republic of Macedonia as a Party of Origin:

In case during the environmental impact screening of a project it is established that the project is likely to cause significant transboundary environmental impact on the territory/territories of another country/countries (hereinafter: affected country), the body of the state administration responsible for the affairs of the environment of the Republic of Macedonia shall notify the affected country/countries within the time period applicable for the domestic public.

The notification shall in particular contain:

- notification on the initiation of the project environmental impact assessment procedure,
- a description of the project and information on the likely environmental impact of the project,
- information on the possible environmental impact of the project,
- information on the type of the decision that may be taken in relation to the project environmental impact assessment procedure, and
- deadline for response to the notification that may not be shorter than the deadline provided for the domestic public for submission of opinions on the decision for project environmental impact assessment screening.

If the affected country responds that it will not take part in the environmental impact assessment procedure or fails to respond to the notification within the given deadline, the body of the state administration responsible for the affairs of the environment shall carry out the environmental impact assessment procedure in accordance with national legislation.

If the affected country responds that it is interested in taking part in the environmental impact assessment procedure, the body of the state administration responsible for the affairs of the environment shall forward to the affected country:

- information concerning the environmental impact assessment procedure, including the time period for information delivery and the places where information is publicly accessible, and
- information on the proposed project and likely transboundary impact.

Documentation submitted to the affected country, the notification and the additional information shall be prepared in the official language of the affected country.

Within the project environmental impact assessment procedure, the body of the state administration responsible for the affairs of the environment may undertake measures of direct consultations with the authorities of the affected country or to undertake measures for conclusion of specific bilateral agreements with the affected country which would regulate in detail the procedure of mutual consultation in the project environmental impact assessment procedure.

The body of the state administration responsible for the affairs of the environment may request from the country affected to provide information concerning the state of the environment on its territory on which the project could make significant impact where such information is of relevance for the preparation of the documentation for environmental impact assessment.

The costs for the translation of the information shall be born by the Investor.

Republic of Macedonia as an Affected Party:

When the Republic of Macedonia receives a notification from a competent authority of another country on initiation of the implementation of a project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, the body of the state administration responsible for the affairs of the environment shall respond within the given term and shall at the same time inform the public in the Republic of Macedonia on the notification received.

When the body of the state administration responsible for the affairs of the environment, or another relevant institution of the Republic of Macedonia learn about the project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, they shall immediately inform the the body of the state administration responsible for the foreign affairs of the Republic of Macedonia, which shall submit official notification to the competent authority of the other country, in order to provide for participation in the procedure.

The body of the state administration responsible for the affairs of the environment shall inform the relevant institutions and the public concerned in the Republic of Macedonia on

how to take part in the environmental impact assessment procedure in the specific case and on the deadline within which they may submit their opinions and comments.

The body of the state administration responsible for the affairs of the environment may organize a public discussion on the area of the Republic of Macedonia that would be most affected by the project implementation.

For the purpose of the public discussion organization, the body of the state administration responsible for the affairs of the environment shall send an invitation to the competent authority in the country where the project will be implemented and to the Investor.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

The main participants of the EIA process in the Republic of Macedonia include the following institutions:

- Government of the Republic of Macedonia is responsible for adoption of the list of projects, which due to their character, scope or location of their implementation, may have significant impact on the environment.
- Ministry of Environment and Physical Planning (MoEPP). The Unit for EIA, within Administration of Environment, which is body within the Ministry of Environment and Physical Planning, is in charge of the following stages of the EIA procedure: screening; scoping, review, public participation, transboundary consultation and decision-making.
- Ministry of Foreign Affairs - responsible for transboundary EIA (sending the notification through diplomatic channels)
- Financial institutions, primarily banks, have developed their own regulations, according to which, in the process of approving credits for the implementation of major investment projects, the investor is required to submit the opinion of the Ministry of Environment and Physical Planning on the submitted EIA study.
- Authorized experts. The MoEPP establishes Lists of Experts (At the moment, we have 31 experts on the list)
- International financing institutions and donors. With regard to all projects carried out in the Republic of Macedonia with financial support from such bodies, these institutions follow the EIA procedure according to their own regulations and requirements.
- Non-governmental organizations (NGOs). The Macedonia's current legislation specifies details concerning public information and public participation in the decision-making process within the EIA process.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

Yes, EIA Unit and Espoo focal point, but the Law does not strictly determine who is responsible to collect all information about transboundary EIA cases.

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

We don't have special provisions for joint projects, but according to the Article 93 paragraph 6 of the Law on Environment, within the project environmental impact assessment procedure, the body of the state administration responsible for the affairs of the environment may undertake measures of direct consultations with the authorities of the affected country or to undertake measures for conclusion of specific bilateral agreements

with the affected country which would regulate in detail the procedure of mutual consultation in the project environmental impact assessment procedure.

#### IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

The Annex 1 of the Decree determining projects and criteria on the basis of which the screening for environmental impact assessment shall be carried out (O.G. No. 74/05,109/09) is in compliance with the Appendix I to the Convention. In 2009, we amended the Decree according to the Annex 1 of the Directive.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an "activity", or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

The procedure for determining the projects/activities for which an EIA is compulsory is described in the Law of Environment. Furthermore, the list of projects for which compulsory environmental impact assessment procedure shall be carried out and generally determined projects for which environmental impact assessment screening procedure is carried out are prescribed in the Annexes 1 and 2 of the Decree determining projects and criteria on the basis of which the screening for environmental impact assessment shall be carried out. The Amendments of Decree stipulate that EIA is obligatory for all changes or enlargement of projects described in Annex 1 in the Decree which refer to the threshold prescribed in the Annex.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

Ministry of Foreign Affairs - EIA Unit - Espoo Focal point

- c. *How a change to an activity is considered as a "major" change;*

With regard to any change in existing projects, MoEPP shall carry out EIA screening procedure in accordance with criteria stipulated under Articles 5, 6, 7 and 8 of the Decree determining projects and criteria on the basis of which the screening for environmental impact assessment shall be carried out.

- d. *How such an activity, or such a change to an activity, is considered "likely" to have a "significant" adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

The need for an environmental impact assessment shall also be identified on the basis of case-by-case examination of characteristics, size and location, in accordance with the criteria referred to in articles 5,6,7,8 and 9 of the Decree, in light of the latest scientific and technical developments, and the provisions in the regulations which specify the lowest limit values of emissions into the environment.

In determining whether an activity or change to an activity shall have significant adverse transboundary impact the following criteria shall be taken into account:

- characteristics of the project,
- project location with its surrounding,
- potential significant environmental impacts from the project.

The MoEPP shall also take into account the criteria given in Article 9 of the Decree:

1. the range of the impact (the size of the affected geographical area and of the affected population),
2. the impact in transboundary context,
3. the magnitude and the complexity of the impact,
4. the probability of the impact, and/or
5. the duration, the frequency and the reversibility of the impact.

In this respect, the emphasis is given by Article 77 paragraph 2, which means that criteria for "likely" to have an impact on environment, shall be defined by a bylaw in light of the latest scientific and technical developments.(

## PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

The Macedonian Law on Environment, the pillar of environmental legislation defines the term public as follows: The public shall mean one or more legal entities or natural persons, citizens and their organizations and associations.

The Law on Environment provides legal basis for prescribing the procedure of transboundary EIA that shall contain provisions referring to the issue above.

Article 93 par.1 of the Law on Environment stipulates that the MoEPP shall notify the affected country/countries within the time period applicable for the domestic public.

MoEPP in cooperation with the competent authority of the country affected shall create conditions for public information and for obtaining opinions and comments by the affected country in the same manner as for the domestic public, in accordance with the laws of the Republic of Macedonia.

MoEPP shall take into account the information received by the country affected together with the comments from its public while taking the decision for the project implementation approval.

## Article 3

### *Notification*

#### QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

In the beginning of the process when MoEPP during the environmental impact screening of a project, if it is established that the project is likely to cause significant transboundary environmental impact on the territory/territories of another country/countries, MEPP shall notify the affected country/countries within the time period applicable for the domestic public.



9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

When the implementation of planning document in the Republic of Macedonia is likely to have transboundary impact on the environment and human life and health, at the proposal of the MoEPP, the affected country shall be furnished with:

- a description of the planning document;
- environmental impact assessment report on the planning document;
- an invitation for participation in the consultation procedures related to the planning document within two months from the submission of the invitation.

Also upon request by the country, which considers that certain planning document prepared in the Republic of Macedonia is likely to have an impact on the environment and human life and health on its territory, the body of the state administration responsible for the affairs of the environment shall provide the prescribed information.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

The notification shall in particular contain:

- notification on the initiation of the project environmental impact assessment procedure,
- a description of the project and information on the likely environmental impact of project,
- information on the possible environmental impact of the project,
- information on the type of the decision that may be taken in relation to the project environmental impact assessment procedure, and
- deadline for response to the notification that may not be shorter than the deadline provided for the domestic public for submission of opinions on the decision for project environmental impact assessment screening.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

The deadline provided by the Law on Environment is 30 days from the submission of invitation.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

The MoEPP as a competent body for the procedure implementation is obliged to submit the necessary information on the project (a description of the project; information on the possible environmental impact of the project and an invitation for participation in the EIA procedure) to the competent authorities in the affected country immediately after the commencement of the EIA procedure.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

MoEPP may request from the country affected to provide information concerning the state of the environment on its territory on which the project could make significant impact where such information is of relevance for the preparation of the documentation for environmental impact assessment (Article 93, paragraph 7 - Law on Environment).

14. Please describe:

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*
- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*
- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*
- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website ([http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm))?*

#### QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

When the Republic of Macedonia receives a notification from a competent authority of another country on initiation of the implementation of a project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, MoEPP shall respond within the given term and shall at the same time inform the public in the Republic of Macedonia on the notification received.

MoEPP shall inform the relevant institutions and the public concerned in the Republic of Macedonia on how to take part in the environmental impact assessment procedure in the specific case and on the deadline within which they may submit their opinions and comments.

MoEPP may organize a public discussion on the area of the Republic of Macedonia that would be most affected by the project implementation. (Article 94- Law on Environment).

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is “reasonably obtainable” information to include in its response? Describe the procedures and, where*

*appropriate, the legislation your country that would apply in determining the meaning of “promptly” in the context of responding to a request for information (art. 3.6)*

18. Please describe:

- a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*
- b. *How your country identifies the “public” in the affected area;*
- c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*
- d. *At what stage in the EIA procedure does your country normally notify its public?*

Internet, usually we put the notification on MoEPP web page.

When the Republic of Macedonia receives a notification from a competent authority of another country on initiation of the implementation of a project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, MoEPP shall respond within the given term and shall at the same time inform the public in the Republic of Macedonia on the notification received.

## **Article 4**

### ***Preparation of the environmental impact assessment documentation***

#### **QUESTIONS TO PARTY OF ORIGIN**

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

EIA documentation is regulated by Rulebook on the content of the requirements that need to be fulfilled by the study on the environmental impact assessment (Official Gazette of the Republic of Macedonia no. 33/2006)

20. *Describe your country’s procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

Based on the request for determination of the scope of the environmental impact assessment study for the project and on the type of the project, MoEPP shall determine the scope of the study on environmental impact assessment.

While determining the scope of the study on environmental impact assessment, MoEPP shall consult the Investor and the Municipality, the City of Skopje and the Municipalities of the City of Skopje on the area of which the project is to be carried out, as well as other relevant bodies of the state administration and institutions that shall provide information and opinions within 15 days of the day of submission of the request for consultation.

For the purposes of determining the scope of the study on project environmental impact assessment, MoEPP may authorize persons from the List of Experts.

In drafting the opinion on the scope of the project environmental impact assessment study, MoEPP shall take into account the opinions of the Investor and the opinions obtained from other institutions.

The opinion on the scope of the study on project environmental impact assessment shall in particular contain:

- alternatives to be taken into consideration;
- basic review and research required;
- methods and criteria used for anticipation and assessment of the effects;
- measures for improvement to be taken into consideration;
- legal persons that should be consulted during the preparation of the study on the project environmental impact assessment; and
- structure, content and length of environmental information.

MoEPP may, in addition to the determination of the scope of the study on project environmental impact assessment, in the course of the further environmental impact assessment procedure, request additional information in case it maintains that it is necessary and request the information to be composed in the manner that is in line with the modern knowledge and methods of assessment.

The opinion shall be published within five days from the day of adoption (Article 82).

21. *How does your country identify “reasonable alternatives” in accordance with appendix II, paragraph (b)?*

The opinion on the scope of the study on project environmental impact assessment shall in particular contain:

- alternatives to be taken into consideration;
- basic review and research required;
- methods and criteria used for anticipation and assessment of the effects;
- measures for improvement to be taken into consideration;
- legal persons that should be consulted during the preparation of the study on the project environmental impact assessment; and
- structure, content and length of environmental information (Article 82 paragraph 5).

During the preparation of the report on the adequacy of environmental impact assessment study, MEPP shall initiate consultations with the competent authority of the country concerned in relation to the measures for reduction or elimination of the likely transboundary impact of the project. The consultations shall take into account:

- a) possible alternatives of the proposed project including the alternative not to implement the project and the potential measures for mitigation of transboundary impacts and/or monitoring of the effects of certain measures;
- b) other forms of possible mutual assistance in the reduction of the significant transboundary impacts from the proposed project; and
- c) other issues related to the proposed project (Article 93-b).

22. *How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?*

According to Article 9 of the Decree determining the projects for which and criteria on the basis which the screening for an environmental impact assessment shall be carried out (Official Gazette of the Republic of Macedonia no. 74/05, 109/09)

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

In case during the environmental impact screening of a project it is established that the project is likely to cause significant transboundary environmental impact on the territory/territories of another country/countries, the MoEPP shall notify the affected country/countries within the time period applicable for the domestic public.

The notification shall in particular contain:

- notification on the initiation of the project environmental impact assessment procedure,
- a description of the project and information on the likely environmental impact of project,
- information on the possible environmental impact of the project,
- information on the type of the decision that may be taken in relation to the project environmental impact assessment procedure, and
- deadline for response to the notification that may not be shorter than the deadline provided for the domestic public for submission of opinions on the decision for project environmental impact assessment screening.

If the affected country responds that it will not take part in the environmental impact assessment procedure or fails to respond to the notification within the given deadline, MoEPP shall carry out the environmental impact assessment procedure in accordance with this Law.

If the affected country responds that it is interested in taking part in the environmental impact assessment procedure, the body of the state administration responsible for the affairs of the environment shall forward to the affected country:

- information concerning the environmental impact assessment procedure, including the time period for information delivery and the places where information is publicly accessible, and
- information on the proposed project and likely transboundary impact.

Documentation submitted to the affected country, the notification and the additional information shall be prepared in the official language of the affected country.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

To be regulated in subsidiary legislation and bilateral agreements.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

To be regulated in subsidiary legislation and bilateral agreements.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

MoEPP in cooperation with the competent authority of the country affected shall create conditions for public information and for obtaining opinions and comments by the affected country in the same manner as for the domestic public, in accordance with the laws of the Republic of Macedonia.

MoEPP shall take into account the information received by the country affected together with the comments from its public while taking the decision for the project implementation approval (Article 94 ).

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

MoEPP in cooperation with the competent authority of the country affected shall create conditions for public information and for obtaining opinions and comments by the affected

country in the same manner as for the domestic public, in accordance with the laws of the Republic of Macedonia.

#### QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

When the Republic of Macedonia receives a notification from a competent authority of another country on initiation of the implementation of a project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, MoEPP shall respond within the given term and shall at the same time inform the public in the Republic of Macedonia on the notification received.

MoEPP shall inform the relevant institutions and the public concerned in the Republic of Macedonia on how to take part in the environmental impact assessment procedure in the specific case and on the deadline within which they may submit their opinions and comments.

MoEPP may organize a public discussion on the area of the Republic of Macedonia that would be most affected by the project implementation.

For the purpose of the public discussion organization, the body of the state administration responsible for the affairs of the environment shall send an invitation to the competent authority in the country where the project will be implemented and to the Investor (Article 94 ).

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

The MoEPP is responsible for organization of the public participation in accordance with domestic legislation and ratified international agreements.

## Article 5

### Consultations

#### QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

## QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

According to the Law on Environment the consultations are held on national level by organizing public hearing, but the public in different phases of the procedure have possibility to give comments in writing.

Within the project environmental impact assessment procedure, MoEPP may undertake measures of direct consultations with the authorities of the affected country or to undertake measures for conclusion of specific bilateral agreements with the affected country which would regulate in detail the procedure of mutual consultation in the project environmental impact assessment procedure.

## Article 6

### *Final decision*

## QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

Projects for which compulsory environmental impact assessment procedure shall be carried out are specified in Annex I to the Decree determining projects for which and criteria on the basis of which the screening for an environmental impact assessment shall be carried out.

According to the Law on Environment MoEPP on the basis of the study on the project environmental impact assessment, the report on the adequacy of the study on the project environmental impact assessment, the public hearing of this Law and the opinions obtained, issue a decision on whether to grant consent to or reject the application for the project implementation (decision) within 40 days from the date of submission of the adequacy report.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

As mentioned above, MoEPP on the basis of the study on the project environmental impact assessment, the report on the adequacy of the study on the project environmental impact assessment, the public hearing of this Law and the opinions obtained, shall issue a decision on whether to grant consent to or reject the application for the project implementation (decision) within 40 days from the date of submission of the adequacy report.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

MoEPP shall take into account the information received by the country affected together with the comments from its public while taking the decision for the project implementation approval (Article 93-a paragraph 2).

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

MoEPP shall, upon the issuance of the decision granting consent to or rejecting the request for project implementation, submit it to the competent authority of the country affected, together with:

a) the main reasons on which the decision is based; and  
b) description where necessary of the main measures for avoiding, reducing and if possible eliminating the harmful impacts (Article 93-b paragraph 5).

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

To be regulated in subsidiary legislation and bilateral agreements.

## **Article 7**

### ***Post-Project Analysis***

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

To be regulated in subsidiary legislation and bilateral agreements.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

To be regulated in subsidiary legislation and bilateral agreements.

## **Article 8**

### ***Bilateral and multilateral agreements***

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

YES, Republic of Macedonia signed the Multilateral Agreement among the countries of the South East Europe for implementation of the Espoo Convention in Bucharest, Romania on 14 May 2008. Law on ratification of the Multilateral Agreement among the countries of the South East Europe for implementation of the Espoo Convention, currently is in Parliamentary procedure.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

## **Article 9**

### ***Research programmes***

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*



## Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*
45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*
46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

## PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

*Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.*

### CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Republic of Macedonia as a Party of Origin sent the following notifications:

- Notification on the intention for realization of the Project: Construction of Corridor X, Highway Demir Kapija - Smokvica, E 75 road - (Ministry of Environment, Physical Planning and Public Works, Hellenic Republic, 11.06.2008)
- Notification on the intention for realization of the Project: Construction of Wind Farm Kozjak-German - (Ministry of Environment and Physical Planning, Republic of Serbia, 20.09.2009).

Republic of Macedonia as an Affected Party received the following notification:

- Notification on EIA in relation to the project: Upgrading-widening of road section 50.3 "Florina-Niki" on vertical axis 50 "Kozani-Florina-Niki" of Egnatia Odos (Hellenic Ministry of Environment, Energy and Climate Change, 29.07.2010)

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Duration of some of the steps of the transboundary EIA procedure is stipulated in the articles 70 and 71 of the Law of Environment.

#### EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

We do not have such experience.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

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53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

According to the Annex 1 of the Espoo Convention and national legislation (Decree determining the projects for which and criteria on the basis which the screening for an environmental impact assessment shall be carried out (Official Gazette of the Republic of Macedonia no. 74/05, 109/09).

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

According to Article 3 paragraph 2 of the Espoo Convention.

c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties*

*has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

We send Notification always in English.

- e. How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

No experience.

- f. Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

No experience.

- g. Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

No experience.

- h. Has your country carried out post-project analyses and, if so, on what kinds of project?;*

No experience.

- i. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

No experience.

- j. Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet" ?;*

No experience.

- k. Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

Through focal points.

#### CO-OPERATION BETWEEN PARTIES IN 2006–2009

- 54. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

No experience.

## EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

- a. *Guidance on public participation in EIA in a transboundary context;*
- b. *Guidance on subregional cooperation;*
- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

## CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

## AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Yes, during the process of drafting the National Law on Environment.

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

Yes, through the Law on Environment.

## SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

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