

Questionnaire for the report of Republic of Macedonia on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015

Information on the focal point for the Convention

1. Name and contact information: Daniela Rendevska, Head of Unit for International Cooperation; e-mail: d.rendevska@moepp.gov.mk; cell: 00 389 76 44 69 14

Information on the point of contact for the Convention

2. Name and contact information (if different from above):

Information on the persons responsible for preparing the report:

1. Daniela Rendevska, Espoo National Focal Point;

2. Dragana Cherepnalkovska, Head of Unit for approximation of EU and negotiation, EU Department; and

3. Biljana Petkoska, Head of Department of Environment

3. Country: Republic of Macedonia

4. Surname:

5. Forename:

6. Institution: Ministry of Environment and Physical Planning

7. Postal address: Bul. Goce Delchev 18

8. E-mail address: d.rendevska@moepp.gov.mk; d.cerepnalkovska@moepp.gov.mk; b.petkoska@moepp.gov.mk

9. Telephone number:

10. Fax number: 389 2 3220 165

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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.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes ×
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation ×

Your comments:

I.3. Please specify how major change is defined in your national legislation:

According 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 ("Official Gazette of Republic of Macedonia no.74/2005, 109/2009, 164/2012 and 202/2016"), the EIA procedure is mandatory for any change or expansion of the projects listed in Appendix I.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project ×
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned

(c) By other means (please specify):

Your comments:

Article 2

General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

(a) Law on EIA:

(b) EIA provisions are transposed into another law(s) (please specify): Law on Environment (Official Gazette No - 53/05, 81/05, 24/07, 159/08, 83/09, 48/10,124/10, 51/11,123/12,93/13, 187/13, 42/14, 44/15, 129/15, 192/15 and 39/16).

(c) Regulation (please indicate number/year/name):

(d) Administrative (please indicate number/year/name):

(e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly × (please specify): most of the activities are transposed in national legislation, but some of them are in appendix II, and some of them are not applicable for Republic of Macedonia (for ex. “trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes”)

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities: Ministry of Environment and Physical Planning

(d) There is no single authority responsible for the entire EIA procedure:

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes × (please specify): Ministry of Environment and Physical Planning

Your comments:

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

According to the Law on Environment, Ministry of Environment and Physical Planning of the Republic of Macedonia shall notify the affected country/countries within the time period applicable for the domestic public.

Article 3 Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping ×
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format (please attach a copy)
- (c) No official format used ×

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5 ×
- (c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations 30 days (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: According to the Law on Environment if the affected country responds that it will not take part in the EIA procedure or fails to respond to the notification within the given deadline, the Ministry of Environment and Physical Planning shall carry out the EIA procedure in accordance with national law.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website¹ ×

(b) Other (please specify): through diplomatic channels - Ministry of Foreign Affairs

Your comments: According to the Law on Environment, Ministry of environment and physical planning is responsible to inform the affected party, but in practice that role has Ministry of Foreign Affairs

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify):

Your comments: no experience as Affected Party

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify): direct contacts

Your comments:

Article 4

Preparation of the environmental impact assessment documentation

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments ×

(b) By using quality checklists ×

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments:

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II ×
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable ×
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments:

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis ×
- (b) As defined in the national legislation (please specify):
- (c) Other (please specify):

Your comments:

Article 5

Consultations on the basis of the environmental impact assessment documentation

(a) Public participation

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As Party of origin

- (a) By sending comments to the competent authority/focal point ×
- (b) By taking part in a public hearing ×
- (c) Other (please specify):

As affected Party

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments: no experience yet, but according to the Law on Environment, 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 Ministry of Environment and Physical Planning shall respond within the given term and shall at the same time inform the public in the Republic of Macedonia on the notification received.

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments: According to the Law of Environment, the Ministry of environment and physical planning in cooperation with the competent authority of the affected country shall create conditions for public information and for obtaining of 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.

National Law on Environment also requires if the competent authority of the Affected Party organizes public hearing on the EIA Study, the Ministry of Environment and Physical Planning and the Investor shall participate.

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments: According to the Law on Environment, if Republic of Macedonia is affected country, Ministry for environment and physical planning may organize public hearing in area which is most affected from the project

(b) Consultations

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional (please specify): According to the Law on Environment Ministry on Environment and Physical Planning 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 EIA procedure.

Your comments:

**Article 6
Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5

- (d) Outcomes of the transboundary consultations ×
- (e) Comments received from the affected Party ×
- (f) Mitigation measures ×
- (g) Other (please specify):

I.25. 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, para. 1):

- (a) Yes ×
- (b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No ×
- (b) Yes (please specify):

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes ×
- (b) No (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

According to the Law on Environment, Ministry of Environment and Physical Planning shall, 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 debate and the opinions obtained, issue a decision on whether to grant consent to or reject the application for the project implementation (decision).

Your comments:

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

- (a) No ×
- (b) Yes (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

Article 8 Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes × Please specify with which countries: Republic of Macedonia ratify the Bucharest Agreement (Law on ratification Official Gazette No. 157/2010)

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

(c) Harmonization of the Parties' policies and measures

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify:

Your comments: no experience with bilateral agreements

(b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

(a) When EIA in a transboundary context is part of a domestic EIA procedure:×

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:
 - (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:
 - (ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2013–2015

Please report on your country's practical experiences in 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.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As Party of origin

| Name of case | Starting date (date notification sent) | Length of the main steps in months | | | Final decision (date of issuing, if information is available) |
|--------------|--|--|--|--|---|
| | | Submission of the environmental report | Transboundary consultations (expert), if any | Public participation, including public hearing, if any | |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| ... | | | | | |

Your comments:

Table II.2 (a)

Transboundary EIA procedures: As affected Party

| Name of case | Starting date (date notification sent) | Length of the main steps in months | | | Final decision (date of issuing, if information is available) |
|--------------|---|---|---|---|--|
| | | Submission of the environmental report | Transboundary consultations (expert), if any | Public participation, including public hearing, if any | |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| ... | | | | | |

Your comments: *Administration of Environment, MOEPP had one case of transboundary project for the project: “Construction of “Lukovo pole Dam”, intake of Korab waters, and contraction of Small Hydro Power Plant “Crn Kamen” for generation of electricity”. The procedure starts with notification letter which was submit to Greece and Albania. The transboundary countries (Greece and Albania) had confirm the participation in the environmental impact assessment. But the investor gave up from the project*

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.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin: In the Law of Environmental (“Official Gazette no.“. 53/2005, 81/2005, 24/2007, 159/2008, 83/2009, 48/2010, 124/2010, 51/2011, 123/2012, 93/13, 42/2014, 44/2015, 129/2015 and 39/2016) is regulated the translation.

(b) As affected Party:

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

(a) Yes

(b) No

II.6. If you answered yes to question II.5, please provide information on your country’s experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects:

(b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

II.8. Would your country like to introduce a case in the form of a Convention “case study fact sheet”?

(a) No

(b) Yes (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

(a) No

(b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned):

2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved.