

# **FYR Macedonia**

## **Overview of EIA system**

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**THE REGIONAL ENVIRONMENTAL CENTER**  
*for Central and Eastern Europe*

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# General Information

## Important factors to consider when introducing a national EIA system

The environmental impact assessment (EIA) process has been established and implemented in the FYR Macedonia, to a smaller or greater extent, since the country became an independent state. Within the framework of the former Yugoslavia, it was obligatory to prepare studies containing assessments of environmental impact. These studies, called “technological-ecological elaborates“, “ecological elaborates“ and so forth, contained several aspects of the current EIA process.

FYR Macedonia’s independence has given rise to economic development, accompanied by intensive construction of different investment structures. The past few years in FYR Macedonia have been characterised by an acknowledgment of environmental issues, which is evident through increased public awareness and concern for the environment. Most investments have been directly or indirectly connected with international financing institutions, such as the World Bank and the European Bank for Reconstruction and Development, which have argued the necessity to conduct EIAs in accordance with the regulations of these investors. These developments have wrought the beginning of the EIA implementation process in FYR Macedonia.

Although the EIA process is prescribed by FYR Macedonian legislation, its procedures are not well defined, as there is no secondary legislation in place. As a preliminary conclusion, it may be asserted that, in practice, the level of EIA implementation is at a higher level than that which is prescribed by law.

## Brief descriptions of legal acts, regulations and other provisions concerning EIAs in FYR Macedonia

FYR Macedonia has not developed an integral system for implementing EIA procedures: namely, the Parliament of the Republic of FYR Macedonia has not yet adopted a separate legal act for EIAs. According to the present legal framework, the EIA process is conducted on the basis of several laws containing articles that could refer to EIAs.

The Phare project (Sector Operational Programme SOP 99) titled “Strengthening the capacities of the Ministry of Environment and Physical Planning” is currently underway. This project comprises three components. One of the goals of Component A (“Approximation of legislation”) is to develop a framework law on the environment that will create legal grounds for specific EIA legislation. EIA-related secondary legislation should be based on the following:

- EC Directive on EIA (85/337 and 97/11);
- EC Directive on SEA (2001/42);
- EC Directive on Access to Environmental Information (90/313);
- EC Directive on IPPC (96/61/EEC);
- Seveso Directive (96/82/EC);
- Convention on Environmental Impact Assessment in a Transboundary Context: Espoo Convention, ratified by the Law on Ratification (*Official Gazette of RM*, 44/99); and
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: Aarhus Convention, ratified by the Law on Ratification (*Official Gazette of RM*, 40/99).

Some of the existing laws contain articles connected to requirements of the EIA process. These laws and their articles related to certain stages of the EIA process are presented in the following list:

- Law on Environment and Nature Protection and Promotion (*Official Gazette of RM*, No. 69/96, 13/99, 96/00, 41/00 and 45/2002). The latest amendments to this law provide the basis for preparation of secondary legislation in order to establish a national EIA system.

According to the amended Art. 15, individuals and legal entities are required to provide for rational use of natural resources and to monitor impact from their respective activities on the environment and nature during the course of investment and production projects and programme implementation. With regard to projects that may lead to environmental

pollution or pose a risk to the environment and human health, the investor is obliged to develop a study on environmental impact assessment, while the Ministry of Environment and Physical Planning should define the types of projects to be subjected to the study, as well as the methodology of the work, the contents, and the manner of review and verification of estimated impacts and other issues of relevance for development of the study and the verification of its authenticity. However, these amendments provide only the legal basis, while EIA implementation requires development and adoption of a separate legal act, as soon as possible.

- Law on Spatial and Urban Planning (*Official Gazette of RM*, No. 4/96, 8/96, 70/96, 7/97, 28/97, 53/01 and 45/2002). This law prescribes the basis for the preparation of standards and norms regarding spatial planning, including a specification of parameters for environmental protection.
- Law on Investment Projects Development (*Official Gazette of RM*, No. 15/90, 11/91, 11/94, 18/99 and 25/99). This law prescribes a basis for the preparation of standards and norms regarding the design of objects, including a specification of parameters for environmental protection.
- Book of Regulation on standards and norms for spatial planning (*Official Gazette of RM*, No. 2/2002). This regulation contains the list of facilities requiring preparation of an elaboration on environmental impact assessment at the planning stage.
- Book of Regulation on standards and norms for facility projection (*Official Gazette of RM*, No. 66/99, 102/2000 and 2/2002). This regulation prescribes the contents of the elaboration on environmental impact assessment.
- Law on Mineral Resources (*Official Gazette of RM*, No. 18/99, 48/99 and 29/2002). This Law prescribes that a project for geological research should also include measures for environment and nature protection, as well as protection of water resources against pollution.
- Law on Energy (*Official Gazette of RM*, No. 25/2002). According to this law, the investor is obliged, in the course of developing facilities intended to carry out activities in the field of energy, to provide technical and technological conditions, as well as preconditions, for the protection of the environment and nature, with regard to both the construction and operation of such facilities.
- Law on Concessions (*Official Gazette of RM*, No. 25/2002). According to the Law on Concessions, the commission that implements the procedure for

approving the concession is obliged to prepare the tender documentation. The commission may appoint scientific and expert organisations to prepare such documentation. This documentation, besides other elements, should contain standards and regulations for the protection of the environment and nature, as well as methods for assessing impacts on the environment and nature.

- Law on Water Resources (*Official Gazette of RM*, No. 4/98 and 19/2000). According to Art. 31 of this law, technical documentation must be prepared during the phase of project design — and which must include a preliminary design. The documentation should contain information on the quantities of and methods for the exploitation of water, the manner of and effects from wastewater treatment and discharge of such water to the recipient, as well as the impacts of facilities on the water regime. Technical documentation has to be evaluated and reviewed by an expert organisation or other legal entity registered for such activities.
- Law on Air Protection against Pollution (*Official Gazette of SRM*, No. 20/74). Some elements of EIA can also be found in this law. In some cases, public authorities may require an expert study to be developed by an expert organisation at the expense of the investor.

The first version of the draft law on environmental impact assessment was prepared in 1997 by the Ministry of Urban Planning, Construction and Environment (today, the Ministry of Environment and Physical Planning). This law is, to a great extent, in accordance with the EC Directive on EIA but, unfortunately, has not been approved.

The basic principles of this proposal were:

- preventive protection of the environment and nature;
- physical planning in accordance with spatial potential;
- sustainable development;
- simplifying the procedure for obtaining relevant technical documentation for investment projects;
- providing definitions of facilities or activities that might cause negative impacts on the environment and environmental monitoring;
- providing conditions for high-quality preparation of EIA studies; and
- monitoring the state of environment and nature and transboundary impacts, as well as implementing international conventions signed by FYR Macedonia.

The main goal of the EC Directive on Environmental Impact Assessment (97/11EC) is to carry out the Environmental Impact Assessment procedure before decisions are made to approve the construction of individual development and infrastructure projects. It is also a goal that the public should take part in this decision-making process.

## Implementation of Council Directive 97/11/EC

FYR Macedonia has not yet implemented the EC Directive on Environmental Impact Assessment (97/11EC) to its full extent, but partial efforts have been made towards its implementation. (See examples immediately below.)

The Book of Regulation on Standards and Norms for Spatial Planning (*Official Gazette of RM*, No. 2/2002) contains a list of facilities for which EIAs are compulsory. This list is in accordance with Annex I of EC Directive. However, there are some facilities missing, such as roads and water-management facilities (dams and reservoirs). The EIA procedure for these facilities is included in separate legislation (Law on Public Roads and Law on Water Resources), which refer to the aforementioned regulation and its relevant sections on EIA.

In the Book of Regulation on Standards and Norms for Facility Projection (*Official Gazette of RM*, Nos. 66/99, 102/2000 and 2/2002), the contents of an environmental impact assessment study is defined. Compared to the EC Directive, the following issues are omitted: an analysis of alternatives proposed by the investor and the reasons behind these decisions; and, taking environmental impact into account.

As far as public participation is concerned, the Law on Environment and Nature Protection and Promotion (*Official Gazette of RM*, Nos. 69/96, 13/99, 96/00, 41/00 and 45/2002) is partly in accordance with the EC Directive. Article 7 of this law prescribes that the public should be informed of possible risks (or potential threats) to the environment. However, it does not treat facility construction, itself, as a threat to the environment.

The law also states that data on the state of the environment and cases of endangering of the environment should be made accessible to public. Another weakness of this law, however, is that the definition data is unclear if applied to EIA studies, as well. It is also unclear as to how the public will be informed.

## Administrative arrangements and procedures for coordinating EIA within or between jurisdictions

The implementation procedure of EIAs in FYR Macedonia is not uniform because there is no separate act on EIA. Thus it is hardly possible to present a standardised, legally based scheme for the EIA process in FYR Macedonia.

Spatial planning in FYR Macedonia is conducted on the basis of the Spatial Plan of the Republic of FYR Macedonia, which is the basis for future planning and development in all spheres of infrastructure, traffic communications, economy, protected areas, etc. There are detailed plans that can be approved by applying the procedure prescribed in the Law on Spatial and Urban Planning (*Official Gazette of RM*, Nos. 4/96, 8/96, 70/96, 7/97, 28/97, 53/01 and 45/2002). These detailed plans contain studies with elements of relevant international legal acts. The general procedure and measures of EIA are envisaged by the legislation to take place at the beginning of the planning process.

Plans for land use in smaller areas are under the jurisdiction of local governments. All institutions and land users are obliged to take part in the planning process, thus providing transparency to the procedure and compliance with the principles and plans of high-standard documentation.

When there are ideas and interest in investment that include major undertakings, investors submit an application to the competent body for investment approval. The project documentation to be submitted should contain a description of the basic characteristics of the investment project, as well as any restrictions and protection measures specified by the physical plan. Documentation related to the construction of a planned facility should be in accordance with the relevant spatial plan, in addition to measures prescribed by the Law on Spatial and Urban Planning and the Law on Investment Projects Development.

Domestic banks require approval by the Ministry of Environment and Physical Planning if financial support is to be lent to the investment project.

Foreign financial institutions (World Bank, European Bank for Reconstruction and Development, etc.) require EIA as an obligation with regard to the implementation of different projects. In these cases, the EIA process is conducted in accordance with EIA regulations required by the foreign investor.



## Major players in the EIA process

### Ministry of Transport and Communications

Within the framework of the EIA process, this ministry determines the need for an EIA study for investment projects (screening). Afterwards, the ministry submits the EIA studies to the Ministry of Environment and Physical Planning for issuance of an opinion.

### Ministry of Economy

According to the Law on Energy and the Law on Mineral Resources, and with reference to the EIA process, this ministry requires that the investor include an EIA study for projects involving any research of mineral resources, as well as for the construction of new power-generating facilities or the reconstruction of existing ones. The ministry then forwards the EIA studies to the Ministry of Environment and Physical Planning (Office of Environment) for issuance of an opinion.

### Ministry of Environment and Physical Planning

The Division for Monitoring and Environmental Impact Assessment, within the Office of Environment, is in charge of issuing opinions on the submitted EIA studies.

### Financial institutions

Several institutions, primarily banks (Komercijalna Banka, Stopanska Banka, Narodna Banka, etc.), have developed their own regulations, according to which, in the process of approving credit 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.

### Accredited organisations and experts

The Ministry of Environment and Physical Planning grants accreditation for the preparation of EIA studies.

### International financing institutions and donors

With regard to all projects carried out in FYR Macedonia with financial support from such bodies, these institutions follow the EIA procedure according to their own regulations and requirements.

Units of local self-government.

These bodies are required to organise and involve public participation in certain projects of local relevance.

### Non-governmental organisations

FYR Macedonia's current legislation does not specify details concerning public information or public participation in the decision-making process within the EIA process.

## Range and level of professional, educational and technical skills available to support the EIA process

The level of professional, educational and technical capacities in FYR Macedonia is regarded as adequate for EIA implementation. The Division for Monitoring and Environmental Impact Assessment exists and functions within the Ministry of Environment and Physical Planning. By the middle of 2002, 44 consultant institutions and organisations were accredited for preparation of the environmental impact assessment study. One of the preconditions for accreditation is that these institutions and organisations must have at least three employees, each of whom are trained in the preparation of these studies. According to existing practice, the preparation of studies sometimes involves external experts in the domain of specific disciplines.

## EIA training and capacity-building programmes present in FYR Macedonia

The training of employees within the Ministry of Environment and Physical Planning for EIA implementation is an ongoing process performed through the organisation of workshops and training courses. Similarly, in the NGOs sector, there are many individuals in FYR Macedonia who have attended such workshops and training courses. There remains, however, a lack of trained personnel with regard to the requirements of the EIA process. This lack is most strongly reflected on potential participants in the EIA process at the local level.

In addition to the initiative to develop and adopt a new framework law on the environment, EIA training programmes and activities for institutional capacity-strengthening are taking place in FYR Macedonia.

The project Support of the FYR Macedonian Legal System with International Directives on EIA is financed by the Japanese Special Fund (JSF). The basic goals of this project are:

- improvement of theoretical and practical knowledge of the EIA process;
  - strengthening the capacities of governmental institutions; and
  - public information and involvement in the decision-making process.
- publication of a promotional brochure on the project;
  - preparation of Report on the Overview of EIA in FYR Macedonia;
  - organisation of a 2-day workshop to discuss the report;
  - organisation of five-day training course; and
  - preparation of a preliminary EIA study for a specific pilot project.

The target groups of this project are governmental institutions, consulting firms, NGOs and financial institutions in FYR Macedonia. The goals of the project should be achieved through the implementation of the following activities:

Within the framework of the USAID project Regional Environmental Training Course, a workshop was organised on May 21-24, 2002 in Skopje. This was just one of a series of similar workshops conducted in the countries of Central and Eastern Europe.

# Environmental Impact Assessment

## Links between EIAs and consent for development

Not all legal instruments existing in FYR Macedonian legislation detail an integral permitting system or a system intended to integrate environmental permits in a way that single permit would cover all environmental media (e.g. air, water and soil).

There is no system in FYR Macedonia to regulate licensing in full. In order to provide conditions in which each company would contain pollution within legally prescribed limits, it is necessary to change the existing legislation, taking into account the relevant EC Directive. In this context, all existing facilities possessing sources of environment pollution must prepare and submit to the Ministry of Environment and Physical Planning various ecological and technological studies, including analyses of the sources of pollution and measures to reduce pollution to levels below maximum permissible concentrations (MPC).

According to the Law on Investment Projects Implementation, no building permit should be issued without prior consent issued by the authority responsible for protection of the environment, especially with regard to projects that are potentially pollutive. In practice, environmental authorities within commissions granting technical approval have played only a formal role and, in many cases, have been completely absent from this process. This situation could be remedied by establishing a proper legal framework within new legislation.

Other permits are required for a number of investment projects. These permits are prescribed by different laws, such as the Law on Protection Against Harmful Noise (*Official Gazette of RM*, No. 21/84). Article 8 prescribes that spatial and urban plans must specify measures for protection against excessive noise in the environment. A permit is required if certain noise levels are to be reached or exceeded during construction of an investment project.

The most important parts of the EIA process are the recommendations that result. These recommendations are intended to mitigate negative impacts on the environment as a whole. Although the EIA process is not well defined in FYR Macedonian legislation, the implementation of recommendations is obligatory. According to existing practice in FYR Macedonia, there are cases in

which recommendations are implemented only partially, or fully neglected. However, there is evident progress in the EIA application process, especially with regard to the implementation of mitigation measures.

Public participation in the EIA process is not obligatory, especially with regard to the decision-making process. Public participation makes a definite contribution to far more efficient implementation of mitigation measures.

## Screening

### Which authority determines whether a project presented by a developer requires an EIA?

In FYR Macedonia, screening; as a phase of the EIA process, is conducted on the bases of regulations contained in several legal acts. If the investor is a domestic bank or international financial institution, screening is performed according to the investor's own regulations.

There are two main institutions that perform EIA-related screening in FYR Macedonia:

- the Ministry of Transport and Communications — under the procedure applied for investment project implementation, and in accordance with the Spatial Plan of the Republic of FYR Macedonia; and
- the Ministry of Economy — under the procedure applied for awarding concessions.

### How is it determined which projects require an EIA?

The manner of performance screening is not prescribed comprehensively, and depends on the specific law upon which it is based. Lists of projects that require an EIA can be found in several laws. One such list of projects is presented in Annex A of the Book of Regulation on Standards and Norms for Special Planning (*Official Gazette of RM*, No: 2/2002, Arts. 55 and 56).

Domestic banks have developed their own screening system. If an investment project is considered “environ-

mentally risky, according to the credit policy of the bank,” an opinion of the Ministry of Environment and Physical Planning is required. For Komercijalna Banka Inc. Skopje, the list of projects is identical with the recommendations of the European Bank for Reconstruction and Development (EBRD). This bank has prepared the publication: *Guidance in the Development and Application of Ecological Steps for Enterprises Seeking Credit and Investment*. Projects are classified into three groups (Annex 2):

- Category I: low risk;
- Category II: medium risk; and
- Category III: high risk.

There is, however, a list of exclusions — projects that cannot be financed without previous approval by the EBRD (Annex 1). If an investment project is listed under Category III, an opinion of the Ministry of Environment and Physical Planning, which carries out an EIA for that project, is required.

### How many EIAs are carried out per year?

It is difficult to specify the precise number of EIAs conducted in FYR Macedonia. This is due to the fact that the procedure is conducted by different institutions, such as the Ministry of Environment and Physical Planning, the Ministry of Transport and Communications, the Ministry of Economy, as well as domestic and international financial institutions and other bodies. Another obstacle to this estimation is that there are no legal requirements for obligatory presentation of EIAs to the public. Nor are there other means of dissemination of EIA studies.

According to existing practice, the EIA process is conducted for all major investment projects. Roads and railroads are included in this context, as is the construction of dams and reservoirs, industrial facilities and facilities for the exploitation of natural resources, among others.

## Defining the contents of an EIA report

General characteristics of the screening process in FYR Macedonia are also valid for scoping, (i.e. specifying the contents of an EIA study).

According to the Book of Regulation on Standards and Norms for Facility Projection (*Official Gazette of RM*, Nos. 66/99, 102/2000 and 2/2002), the development of an EIA study is obligatory for all activities requiring the EIA process.

Chapter 6 of the Book of Regulation on Standards and Norms for Facility Projection (Art. 108) specifies the contents of the Study of Environmental Impacts. This report is an integral part of the technical documentation necessary for the construction of relevant structures. Its main features are:

- a description of the site and activities to be carried out at the site;
- main characteristics of the production process, as well as the quantities of materials used;
- physical and chemical characteristics of raw materials to be used in the technological process, in addition to physical and chemical characteristics of the final product and waste materials generated during the technological process, and their impact on the environment;
- an assessment of expected residues and emissions by type and quantity (pollution of water, soil, noise, temperature oscillation, radiation, etc.);
- measures for mitigating negative impacts of the activities on the environment, in accordance with standards and norms specified by relevant laws for the protection of air, water and soil, in addition to protection from noise and ionising radiation;
- protective measures in the case of industrial accidents;
- considerations concerning influence of the sun and any photochemical reactions of pollutants in the air, water and soil, in addition to new photochemical compounds that may be generated, their harmfulness, and any protective measures against them; and
- relevant graphical attachments.

If project activities are not covered by this law, the contents of an EIA study are determined by other means.

The Division for Monitoring and Environmental Impact Assessment (within the Ministry of Environment and Physical Planning's Office of Environment) has developed an informal document titled, "Guidelines for the preparation of elaborates for assessing the impacts of facilities on the environment." According to this document, an EIA study must contain the following:

### 1. Details of the site, including:

- cartographic presentation on a scale of 1:250,000;
- the existing environmental quality of the planned area, with a separate attachment noting existing pollutants, existing pollution level, and current plan of

the area (in accordance with spatial planning documentation);

- population and population density figures;
- identification of existing flora, fauna and protected areas;
- identification of geological, hydrogeological and geo-morphologic features;
- water resources;
- climate characteristics;
- existing infrastructure;
- cultural heritage; and
- landscape characteristics.

## **2. Details of the facility and its functional processes, including:**

- description of the facility, its planned functions and their technological characteristics;
- presentation of pollutants by type and quantity; and
- presentation of mitigation measures and alternatives for protection of the environment.

## **3. Details of any possible changes resulting from environmental impact, including:**

- presentation of possible changes and impacts during the construction phase; and
- standard procedures of operation in case of accident.

## **4. Presentation of measures to protect the environment, including:**

- measures prescribed by law;
- measures taken in case of accident;
- technical solutions (recycling, treatment, waste disposal, recultivation, horticultural management, etc.); and
- graphical presentation of envisaged technical precautions and solutions.

According to Art. 12 of the Law on Environment and Nature Protection and Promotion, the Minister of Environment accredits scientific and expert organisations to carry out certain types of activities related to environment protection and improvement, as well as other domestic and foreign legal entities registered for

such activities. On the basis of this article, the minister of environment and physical planning has established a commission to assess the conditions for obtaining accreditation. Upon receiving an application for accreditation, the commission assesses the conditions for obtaining authorisation to carry out certain expert activities related to environmental protection and improvement. Upon proposal of the commission, the Minister of Environment and Physical Planning issues the accreditation. The preparation of guidelines for this commission is underway.

The Law on EIA's proposal concerning the analysis of proposal alternatives — including consideration of a “zero” alternative — does not correspond with the EC Directive. Thus the draft law on EIA is not fully approximated with the Directive on EIA. This aspect should be taken into account, because the consideration of alternatives is a key principle in determining EIA as a proactive tool in the domain of environment protection.

In existing practice, analyses of alternatives have been performed on a number of occasions, mostly by foreign institutions.

## **Reviewing an EIA report**

The Ministry of Environment and Physical Planning's Office of Environment, through its Division for Monitoring and Environmental Impact Assessment, reviews EIA studies and derives their opinions on the merit of these reviews. Reviews are carried out by this office without the involvement of other entities, and there is no other body authorised to review these studies.

In rare cases, relevant experts are invited to provide an opinion regarding specific details of the study.

## **EIA post-monitoring and analysis**

According to the Law on Environment and Nature Protection and Promotion, monitoring of the environment is performed by the State Inspectorate of the Environment. This inspectorate consists of a sole director and a number of other inspectors. Inspectors are authorised and obliged to evaluate facility compliance with present technical norms and equipment standards, in addition to evaluating compliance with other legal norms.

Domestic banks have developed a continual monitoring system. All projects financed by the bank are obliged to organise the monitoring of basic pollution parameters, according to the existing legal requirements.



# Espoo Convention

## **Which legal procedures have been established to incorporate requirements of the Espoo Convention?**

FYR Macedonia ratified the Convention on Environmental Impact Assessment in a Transboundary Context through passage of the Law on Ratification (*Official Gazette of RM*, No. 44/99).

The Espoo Convention specifies effective legal, administrative and other measures required to be undertaken by convention parties in order to facilitate the EIA procedure, with regard to proposed activities (included in Annex 1 to the Convention) that can cause adverse impacts on the environment — especially in a transboundary context. The overall procedure envisages public participation in decision making and development of EIA documentation.

Article 14b (introduced through final amendments to the 2002s Law on Environment and Nature Protection and Promotion) specifies that EIAs in a transboundary context are obligatory for investment projects covered by Annex I to the Convention on Environmental Impact

Assessment in a Transboundary Context (*Official Gazette of RM*, No. 44/99), and that transboundary-related EIA procedures will be managed by the Ministry of Environment and Physical Planning.

## **How is it determined which projects require a transboundary EIA?**

The Ministry of Environment and Physical Planning determines whether an investment project should be subject to this convention and, with regard to this, informs the Ministry of Foreign Affairs. The screening is carried out on the basis of Art. 2 of the Espoo Convention.

## **How many transboundary EIAs have been carried out so far?**

So far, there have been no EIA procedures in a transboundary context implemented in FYR Macedonia.



# Strategic Environmental Assessment

## Application of environmental assessment to plans, programmes and policies

The goal of the SEA Directive is to ensure that the environmental impacts of certain plans and programmes will be identified and taken into account during their development and prior to their adoption. It also ensures that the public and competent bodies will have an opportunity to express their positions with regard to plans and programmes in the course of their development.

FYR Macedonia has not adopted specific SEA legislation. Certain SEA elements can be found in existing legislation, as follows:

- According to the Law on Spatial and Urban Planning, the Spatial Plan of the Republic of FYR Macedonia should contain guidelines and measures for protecting and improving the environment and nature.
- According to the Law on Building Land (*Official Gazette of RM*, No.53/2001), the programme for building-land planning should include infrastructure facilities of public interest to FYR Macedonia, and an assessment of their impacts on environment and nature.
- According to the Law on National Parks (*Official Gazette of RM*, No. 33/80), the plan for the spatial planning of a national park is developed on the basis of prior analyses and studies of environmental, spatial and economic conditions and possibilities.

Another legal act should be mentioned in this context:

- According to the Law on Ohrid, Prespa and Doyran Lakes Protection (*Official Gazette of RM*, No. 45/77), programmes adopted for the protection of these lakes are based on scientific research and expert studies on the usable volume and specific regime of a lakes' water use, the utilisation of flora and fauna, planned use of coastal areas, and on the type and scale of other measures and methods to protect the lakes.

## Reviewing an SEA report

Analysis of the SEA Directive with regard to the extent for which it is implemented in FYR Macedonian legislation provides the following conclusions:

According to Art. 7, par. 1 of the Law on the Government of the Republic of FYR Macedonia (*Official Gazette of RM*, No. 59/00), the government is obliged to inform the public on its work and on the implementation of its annual programme.

According to Art. 22, par. 6 of the Law on Water Resources, the Assembly of the Republic of FYR Macedonia and the Government of FYR Macedonia adopt decisions for dissemination of the draft master plan for water resources intended for public discussions and such decisions are published in the *Official Gazette of RM*. The draft master plan for water resources is available for public discussion at least 60 days from the day of the decision's publication. Expert consultation on the draft master plan for water resources is organised by the Ministry of Agriculture, Forestry and Water Economy. Based on opinions collected through expert consultation on the draft master plan, a proposal of the master plan for water resources is then developed and submitted for adoption.

The Law on Spatial and Urban Planning provides for public participation in the plan's adoption. Namely, it specifies that, with regard to the draft spatial plan for FYR Macedonia, spatial plans of regions, national parks, the City of Skopje and municipalities (as well as with regard to urban plans), expert consultation is organised involving representatives of bodies and organisations from the area covered by the respective plan. Public hearings are carried out regarding drafts of plans or documentation concerning urban areas or populated areas of municipalities. A public hearing is carried out by dissemination of the plan at a public place for at least 10 days. Within this period, interested citizens and legal entities from the respective area covered by the plan submit comments in writing, via questionnaires, to the organiser of the public hearing. The time and place of the plan's dissemination is to be made known through the public media. Reports are made following expert consultations and a public hearing, accompanied by explanations concerning unaccepted remarks.

Based on the above, FYR Macedonian legislation contains certain elements of the SEA process, such as public participation in the adoption process of plans and programmes. However, in order to achieve full implementation of the SEA Directive, separate legislation on SEA is required to cover all aspects of the SEA

Directive. Namely, the legal ground for adoption of this legislation is expected to be provided in the new Framework Law on Environment, which is currently being drafted within the framework of Phare Project SOP 99 Strengthening Capacities of the MOEPP (Component A: Approximation of legislation).

# Conclusion and Recommendations

The lack of specific EIA legislation in FYR Macedonia is evident, development of specific legislation on EIA is underway. The adoption of relevant EIA legislation is the first step.

The current practice of EIA implementation is based on general provisions of the Law on Environment and Nature Protection and Promotion, and several separate legal documents within the FYR Macedonian legal system, in addition to criteria intended for foreign institutions acting as investors in certain projects.

Despite the fact that FYR Macedonia has ratified the Aarhus Convention, the public is insufficiently involved in the EIA process. Relevant public information, itself, remains one-sided and unsatisfactory, as public participation in decision making is not applied at all. Public information on the rights it has according to the Aarhus Convention, and on the possibility for future involvement in decision making in the EIA process, is a necessity.

There is also a need to carry out activities aimed at the capacity building of governmental institutions with regard to EIA process implementation, both at national and local levels. In this context, there is a need to

develop manuals and methods at individual stages of the EIA process, once EIA legislation is adopted.

Rules and standards for the accreditation of experts and consulting firms for EIA-study development should be adopted, as well.

EIA studies are reviewed by the Ministry of Environment and Physical Planning's Division for Monitoring and Environmental Impact Assessment, within the Office of Environment. There is a need to organise a coordinated system for reviewing EIA studies and to involve independent experts from various disciplines represented in the respective study.

Following adoption of the EIA legislation, it will be necessary to elaborate upon the ways and means of conducting the monitoring process; based on the recommendations resulting from the EIA process.

EIAs in a transboundary context have yet to be implemented in practice. This might take place in connection with activities related to development of corridors 8 and 10.

As far as SEA is concerned, the top priority is to adopt separate legislation.



# Annex

## List of projects requiring an EIA study

From the Regulation on Standards and Norms for Spatial Planning (*Official Gazette of RM*, No. 2/2002, Arts. 55 and 56):

### Class I objects

- Crude oil refinery
- Production of chemicals and warehouses for chemical products
- Production of pesticides and pharmaceuticals, dyes and varnishes
- Production of lead batteries
- Production of synthetic mineral fibres
- Production of asbestos and asbestos-containing products
- Production and storage of powder charges and explosives
- Landfills for disposal and incineration; recycling and chemical treatment of industrial, hazardous and communal waste
- Landfill for nuclear waste
- Steelworks, blacksmith shops, rolling mills, metal foundries
- Production and processing of non-ferrous metals
- Mines and exploitation of metals and non-metals
- Thermoelectric power plants
- Production of cement, lime, etc.
- Production of glass and glass-wool
- Factories for production of leather and leather clothing
- Farms for growing poultry, pigs, cows, cattle, sheep and goats
- Slaughterhouses
- Animal carcass incinerator

- Wastewater treatment plants with a maximum of 5,000 units per inhabitant.

### Class II objects

- Factories for cleaning, elimination of lipids from wool and fibers
- Production of plant and animal fats and oils
- Production of fibre-plates and plywood
- Production of wood pulp and paper
- Production and processing of cellulose
- Wastewater treatment plants in the range 2,001-5,000 units per inhabitant.

### Class III objects

- Packaging and preservation of animal products
- Production of alcoholic beverages, including wine, beer and malt
- Production of industrial starch
- Production of asphalt and concrete
- Wastewater treatment plants up to 2,000 units per inhabitant

### IV Class objects

- Production of dairy products
- Packaging and preservation of plant products
- Production of non-alcoholic beverages
- Production of sugar, candied products and syrup
- Tobacco refining and cigarette production
- Production of bricks, ceramic products, porcelain and majolica
- Cemeteries and crematoria

### Class V objects

- Oil pipelines and gas pipelines
- Obsolete steel storage
- Knitted fabrics, manufacture of carpets, yarn, products from cotton, linseed and wool
- Mills
- City bakeries