



# EIA and SEA Procedures in Transboundary context in the Republic of Macedonia

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# Legal base

- Espoo Convention (Law on ratification Official Gazette No. 44/99)
- SEA Protocol (Law on ratification Official Gazette No.120/2013)
- Bucharest Agreement (Law on ratification Official Gazette No. 157/2010)
- Aarhus Convention (Law on ratification Official Gazette No. 40/99)
- Law on Environment (Official Gazette No. 81/2005, **24/2007**, 159/2008, 83/09, **48/2010**, 124/2010, **51/2011**, **123/2012**, 93/2013 и 44/2015)
- Bylaws

# **EIA Procedure in Transboundary Context**

- **Transboundary EIA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)**
- **Transboundary EIA when the project is to be carried out on the territory of another country (Article 94)**

## **Transboundary EIA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)**

- 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 Ministry of Environment and Physical Planning of the Republic of Macedonia (MoEPP) shall notify the affected country/countries within the time period applicable for the domestic public.

## **Transboundary EIA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)**

### **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.

# Transboundary EIA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)

- 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 MoEPP shall carry out the environmental impact assessment procedure
- If the affected country responds that it is interested in taking part in the environmental impact assessment procedure, the MoEPP 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.

## **Transboundary EIA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)**

- 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 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.

## **Transboundary EIA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)**

- The 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.
- The costs for the translation shall be born by the Investor.



# Public participation in the affected country (Article 93-a)

- The MoEPP in cooperation with the competent authority of the country affected 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.
- The 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.
- In case the MoEPP receives notification by another country that they have learned that a project would be implemented in the Republic of Macedonia which may have significant transboundary impact, on which the said country has not been informed by the Republic of Macedonia, it shall include the other country, provided that it finds out that there is transboundary impact, in the environmental impact assessment procedure.

## **Submission of study and decision to the affected country (Article 93-b)**

- Upon the receipt of the environmental impact assessment study, the MoEPP shall forward it to the country/countries affected.
- The study shall be submitted in the official language of the country affected. The costs for the translation shall be covered by the Investor.
- If the competent authority of the country concerned organizes public discussion on the environmental impact assessment study, the MoEPP and the Investor shall participate.

## **Submission of study and decision to the affected country (Article 93-b)**

- During the preparation of the report on the adequacy of environmental impact assessment study, the MoEPP 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.

## **Submission of study and decision to the affected country (Article 93-b)**

- The 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.

## **Transboundary environmental impact assessment when the project is to be carried out on the territory of another country (Article 94)**

- 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 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.
- When the MoEPP, or another relevant institution of the Republic of Macedonia learn about the project on the territory of another country which is likely to have an impact on the environment in the Republic of Macedonia, they shall immediately inform the MoEPP 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.

## **Transboundary environmental impact assessment when the project is to be carried out on the territory of another country (Article 94)**

- The 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.
- The 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 MoEPP shall send an invitation to the competent authority in the country where the project will be implemented and to the Investor.

## Current EIA in Transboundary Context

- As a Country of Origin we send to Republic of Bulgaria Notification Letter on the intention for realization of the Project: “Constriction of the section 3 of rail corridor VII: Kriva Palanka - Border with Republic of Bulgaria”, in July 2017 via our Ministry of Foreign Affairs.
- IPA funded project
- Bilateral consultations with Republic of Bulgaria
- Meeting with representatives form YASPER

# SEA Procedure in Transboundary Context

- **Transboundary SEA when the project is to be carried out on the territory of the Republic of Macedonia (Article 93)**
- **Transboundary EIA when the project is to be carried out on the territory of another country (Article 94)**



# Transboundary SEA when the project is to be carried out on the territory of the Republic of Macedonia (Article 70)

- 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;

## **Transboundary SEA when the project is to be carried out on the territory of the Republic of Macedonia (Article 70)**

- 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 MOEPP shall provide the information above mention.

# Transboundary EIA when the project is to be carried out on the territory of another country (Article 71)

- If the Republic of Macedonia receives notification from a competent authority of another country on preparation of a planning document which is likely to have an impact on the environment and human life and health in the Republic of Macedonia, the MOEPP shall immediately initiate a procedure for assessment of the impact status in the Republic of Macedonia from the implementation of the said planning document.

# Transboundary EIA when the project is to be carried out on the territory of another country (Article 71)

- When the MOEPP finds that the planning document may have an impact on the environment and human life and health in the Republic of Macedonia, they shall immediately notify the competent authority of the other country of the intention of the relevant institutions and the affected public of the Republic of Macedonia to participate in consultations prior to the adoption of the planning document, under conditions and in a manner prescribed by the relevant international agreements ratified by the Republic of Macedonia.

# Transboundary EIA when the project is to be carried out on the territory of another country (Article 71)

- When the MOEPP, or some other relevant institution of the Republic of Macedonia, learn of the preparation of a planning document in another country, they shall immediately notify the Ministry of foreign affairs of the Republic of Macedonia of the necessity for submission of official notification to the competent authorities of the other country, in order to enable the participation in the procedure.

# Strategic transboundary impact assessment (Article 71-a)

- In the procedure for strategic assessment of planning documents that may have transboundary impacts, the MOEPP may initiate activities of detailed consultations with the bodies of the other country or to undertake measures for conclusion of special agreements with the other country to regulate the procedure of mutual consultation through strategic assessment of the planning documents.

## Current SEA in Transboundary Context

- As a Country of Origin we send to Republic of Albania Notification Letter on the intention for realization of draft plan documentation: “Urban plan documentation for Touristic development zone Ljubanishta 1”, Municipality in Ohrid, in December 2013 via our Ministry of Foreign Affairs.
- As a Country of Origin we send to Republic of Albania Notification Letter on the intention for realization of draft plan documentation: “ Proposal for amending the Management Plan of the National Park Galichica for the period 2011-2020”, in January 2015 via our Ministry of Foreign Affairs.

## OPEN QUESTIONS

Institutional setup

Deadlines

Costs of the  
procedure

Translations of the  
documentation



**Thank you for your attention**

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