

## North Macedonia

### EIA profile

**Updated to:** 15 January 2020

#### Overview ESIA procedure

The EIA process in Macedonia requires Screening, Scoping, Assessment, Review and a decision on the consent of the EIA process allowing the proponent to obtain other relevant permits.

The following documents are important outputs of the EIA process: Notification document (for Screening), Scoping opinion document, EIA report, Consent decision document.

Note that "elaborate for environmental protection" (environmental elaborate a lighter form of assessment) has to be prepared for all activities for which no EIA is required. These are necessary for activities in practically all industrial sectors, including energy, metallurgy, chemistry, light industry (food, furniture, textiles, shoes, etc.); bakeries, garages and carwashes are also included.

source

UNECE third Environmental Performance Review of North Macedonia, 2019

### Screening

#### Screening process

Screening is carried out by MoEPP and the screening decision is published.

#### Contents of the starting document

The notification document that an initiator of a project submits shall contain the following information:

- Information on the investor
- Characteristics of the project, including documentations of capacity or size if relevant for the screening decision
- Description of which category in annex 1 or 2 the project falls
- If the investor is considering the EIA not necessary he/she needs to specify the reason
- The municipality in which the project is intended to be realized
- Location of the project and a brief description of the surrounding environment
- Indication of potential emissions to water, air and soil

- Characteristics of the potential impacts on the environment and the landscape, historical and cultural heritage
- Indication of which other competent authorities the notification is sent to.

The Ministry publishes this notification.

### **Timeline Screening**

The Ministry announces its screening decision within 30 days of submission of the notification of intent. If the proponent has asked for the scoping opinion and screening decision simultaneously, then the Ministry gives both within those 30 days. In that case, 15 days are given, within the 30 day period, to receive comments from other authorities on the scope.

## **Scoping**

### **Scoping process**

Scoping is required (article 82, law of environment).

### **Contents of the scoping document**

The regulation refers to an opinion on the scope of the EIA, which is published by the Ministry.

### **Timeline scoping**

The Law for general administrative procedures determines that the timeline available for scoping is 30 days.

## **Assessment**

### **Assessment process**

In preparing the preparing the EIA Study the proponent is obliged to engage at least one person from the list of recognised EIA experts, who signs off on the EIA Study, thereby vouching for its quality.

The assessment focuses mainly on effects on the biophysical environment.

### **Contents of the EIA report**

The following content is required in an EIA:

- description of the project with information on the location, character and the size of the project and the land area needed
- description of the environment and its media on the location
- description of historic and cultural heritage and the landscape
- description of the type and quantity of emissions and wastes expected, especially emissions in the air,

solid wastes and waste water, as well as other information necessary for evaluation of significant effects of the project on the environment;

- description of the measures for prevention, diminishing and elimination of the impact on the environment, as well as the substitution measures in case of intervention in the natural environment and landscape;
- description of the effects of the project on the environment having in mind the level of scientific development and accepted evaluation methods;
- description of the characteristics of the technology used;
- description of the alternative solutions for realization of the project that the investor had considered and the main reasons for the choice of the proposed option; the zero-option shall always be included;
- summary of the study submitted without technical details;
- review of the difficulties (technical defects or lack of knowledge) that the investor or the expert were faced with in the course of study preparation;
- suggestion for the size and the characteristics under which the environmental impact assessment study should be updated.

### Accreditation of consultants

The legislation stipulates that EIA can only be undertaken by experts that are certified and have been incorporated into the list of recognised EIA experts. Under the responsibility of the [Ministry for Environment and Physical Planning](#), a committee certifies the experts, according to a prescribed procedure.

## Review

### Review process

Once it is ready, the proponent submits the EIA report to the Ministry of Environment and Physical Planning (MoEPP). The Ministry can request additional information of the proponent if the EIA report is not sufficient. If the proponent fails to supplement the EIA report within a maximum of 40 days, if this is requested, the Ministry can appoint an EIA expert to prepare the EIA report with the requested supplements.

The Ministry announces that the EIA report is ready, and publishes the summary on its website. The Ministry also submits the EIA report for consultation to the relevant municipalities. Any person, state administration body, or Mayor, may submit their opinion in writing to the Ministry within 30 days. The Ministry then organises a public hearing.

The MoEPP prepares a review report on the EIA study. The MoEPP may appoint registered experts for this (but not the same experts that were involved in EIA report drafting). If during review information is considered missing, then the proponent is asked to provide this additional information within 30 days. The review report states whether the EIA study was done in accordance with the requirements of the Law on Environment and it proposes conditions to be set out in the permit for the implementation and measures to prevent and mitigate harmful impacts. The review should be based on the EIA study and on the received comments. The review report is forwarded to the relevant government bodies, and published as well.

## Review expertise

External experts can be asked to assist in review. The experts involved in foregoing stages of the EIA process are by law not allowed to review the EIA study.

source

Law on environment, article 86

## Timeline Review

A maximum of 60 days is given for review, but in certain circumstances this may be extended to 90 days, at the most.

## Decision making

### Integration of ESIA into decision-making

Ministry of Environment and Physical Planning needs to grant a consent on the basis of the EIA before other permits needed for the project to proceed can be given. For example, EIA approval is needed before a permit for abstraction of water or exploitation of quarries of the by the Ministry of Economy is given or prior to considering technical designs by the Ministry of Transport and Communications.

### Decision justification

The announcement of the consent decision by the Ministry shall contain information about whether the project EIA study fulfills the prescribed requirements .

### Timeline decision-making

The Ministry must decide on the consent within 40 days of submission of the EIA review report.

### Possibilities for appeal

The screening decision and the project consent decision, including its conditions, can be appealed to the State Commission for deciding in administrative procedure and the procedure employed in the second degree.

## Follow-up

### Compliance monitoring

The Ordinance for EIA requires that a monitoring plan is submitted as an integrated part of the EIA study. The State Inspectorate for Environment and the municipalities which are affected by the project are responsible for ensuring that the monitoring plan is being implemented.

### Non-compliance penalties

The Law on the Environment prescribes fines for the various misdemeanors, for instance if:

- a legal person fails to inform the respective authority about the intention to carry out a project (Article 80),
- an EIA study has not been developed and submitted to the respective authority (Article 83)

## **Stakeholder engagement**

### **Public participation requirements for ESIA process stages**

Provisions for public participation are made in the Law on Environment: public may make written comments during for the scoping stage and a public hearing is part of the review of the EIA report.

### **Timeline for public comments**

The public has 30 days to comment on the draft EIA report.

### **Access to information**

The public's access to environmental information is governed by chapter VIII in Law on the Environment. The access of information and/or the documents shall be sent as soon as possible and in time in order for the public to comment within the stipulated deadline for comments.

Article 90 of the Law on Environment stipulates that the following documents should be made available to the public: the notification document, the screening decision, the EIA report, the review report, consent decision document, announcement of public hearing.

## **ESIA practice**

### **Annual no. of ESIA's**

In the period of 2012 and 2018, between 5 to 11 EIAs were submitted.

source

UNECE third review North Macedonia Environmental Performance Review of 2019.

### **Central ESIA database**

EIA studies can be found on the [website of the Ministry](#).

### **Professional bodies**

The Macedonian regulation requires that EIAs are undertaken by certified EIA experts. A committee has been appointed under the Ministry for Environment and Physical Planning to certify experts and a public register of certified experts is kept.

## Relevant links

The UNECE [third review of the Environmental Performance of North Macedonia](#) that was published in 2019 addresses EIA regulation and practice.

## Background information

### History of ESIA

Within the framework of the former Yugoslavia, it was obligatory to prepare studies on environmental impacts, which contained elements of EIA. After independence, EIA requirements were spread over several laws (e.g. the Law on environment and nature conservation of 1996) but EIA had not been adopted by the parliament in a separate law. In 2005 the Law on Environment was introduced, which consolidates the EIA process in chapter IX.

Secondary legislation dealing with screening, scoping, reviewing and reporting in EIA procedure, as well as with public participation and establishment of a certified list of EIA experts, were adopted in 2005 and 2006. In total, eight secondary decrees. The current EIA system is harmonized with the European Union directives and the ESPOO convention on EIA in a transboundary context, that was ratified in 1999.

source

Ministry for Environment and Physical Planning, also UNECE third review North Macedonia Environmental Performance Review of 2019.

## Legal framework

### Enabling law

The Law on the Environment (Official Gazette No. 53/05) was amended several times: Official Gazette No. 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11 and 123/12.

### Guidelines

The Ministry for Environment and Physical Planning has produced Guidance on the implementation of the EIA procedure, as well as for preparation of EIA Studies for the following sectors: Waste Water Treatment Plants (WWTP) Development, Landfill Development, Dams Construction, Slaughterhouse Development, Overhead Transmission lines Construction, Mineral Resource Extraction Part I – extraction of groundwater and gas extraction, Mineral Resource Extraction Part II – quarries.

Guidelines on undertaking specific EIA steps (screening, scoping and reviewing of EIA) have also been produced by the Ministry, to support the work of their own staff.

### Sector specific procedures or regulations

The Law on Waste Management (2004), the Law on Air Quality (2004) and the Law on Water (2008) specifically refer to the existing EIA requirements. The Law on Nature Protection (2004) requires a Nature Impact Assessment for specified plans and programmes (see also the Macedonian SEA profile).

### **Scope of application**

The projects subject to EIA include public and private activities. Specific provisions exist for foreign projects with transboundary impact in Macedonia and vice versa.

### **Exemptions from application**

Article 78 of the Law on Environment (48/10) promulgates that the Government of the Republic of Macedonia, by proposal from the MOEPP, may decide in exceptional cases that an EIA has not to be carried out, either for the whole project or parts of it. This decision is made on the basis of a case-by-case examination. An exemption can be granted in case of:

- war or state of emergency,
- defense needs of the Republic of Macedonia, or
- need for urgent prevention of events that could have not been predicted and are likely to have a serious impact on health, security or property of people, or on the environment.

The Ministry needs to inform the public the decision on exemption, and on the outcomes of the alternative assessment method applied.

## **Institutional setting**

### **Central ESIA authority**

The Ministry for Environment and Physical Planning (MoEPP) is responsible for implementation of the Environmental Law, including the EIA procedure. MoEPP also has specific responsibilities in screening, scoping, and review of the EIA report. The responsibilities for implementing EIA procedures lie with the Unit for EIA and Soil Protection within the Department for Environment in the Ministry.

source

Ministry for Environment and Physical Planning, also UNECE third review North Macedonia Environmental Performance Review of 2019.

### **Other key (governmental) parties**

- Ministries, State institutions and Local Self Government Units provide information necessary for the definition of the scope definition and preparation of the EIA Study and give input during review.
- The State Environmental Inspection is in charge of supervising enforcement of the Law on Environment, including checking that EIAs have been undertaken for project requiring them, and monitoring that mitigation measure proposed in EIAs are in fact carried out.
- Ministry of Foreign Affairs is involved in transboundary EIA processes, and ensures proper notification and consultation with the relevant countries.

### **(De)centralisation of mandates**

The EIA system in Macedonia is centralized. The MoEPP has the main responsibility for decision-on EIA.

**Payment system**

The proponent pays for the screening decision (salary of the civil servant per hour spent plus average overhead costs per hour spent) and scoping decision (same methodology as screening) and for the EIA review (costs are determined by the Ministry for Environment and Physical Planning). Costs for the public hearing are borne by the MoEPP.

**Contact**

Department of Environment

Ministry of Environment and Physical Planning

Goce Delcev 18, 1000 Skopje

Email: [infoeko@moepp.gov.mk](mailto:infoeko@moepp.gov.mk)

Tel: +389 (0) 3251 461