

Questionnaire for the report of the Republic of Macedonia on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013–2015

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

- (a) Law on SEA (please indicate number/year/name):
- (b) SEA 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 rule (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation: According to the national Law on Environment, strategic assessment shall be carried out for the planning documents prepared in the area of agriculture, forestry, fisheries, energy, industry, mining industry, transport, regional development, telecommunications, waste management, water management, tourism, spatial and urban planning and land use, and which create the basis for carrying out projects for which an environmental impact assessment is needed, as well as for all planning documents regulating the management of the protected areas declared in accordance with the law or may affect those areas.(article 65 par.2).

The Government of the Republic of Macedonia shall prescribe strategies, plans and programs, including changes to those strategies, plans and programs (hereinafter: planning documents), for which a procedure for assessing their impact on the environment and human health is mandatory. (article 65 par.1). According to this article, the Government adopted the Decree on strategies, plans and programs, including changes to those strategies, plans and programs for which a procedure for environmental impact assessment and the life and health of people is mandatory (O.G No.153/07,45/11).

For the planning documents that are not determined in the previously mentioned Decree, which creates the basis for carrying out projects for which an environmental impact

assessment is needed, then the strategic assessment shall be carried out only when it is likely to have a significant impact on the environment and on human health in accordance with the Decree on the criteria on the basis of which decisions are made whether certain planning documents could have a significant impact on the environment and human health adopted by the Government of Republic Macedonia (O.Gazette No.144/17) (article 65 par.5).

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

According to the Law on Environment “Strategies, plans and programs” are planning documents that are:

- prepared, amended and / or adopted by the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia, the bodies of the state administration, the bodies of the municipality, the City of Skopje and the municipalities in the City of Skopje,
- financed or co-financed by the European Union and
- prepared on the basis of an obligation stipulated by law and / or regulation enacted by law. (article 5 par.1 point 34).

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

The Law on Environment article 65 par.(3) define plans and programs which determines the use of small areas at local level as follows :

“(3) As an exception to the planning documents referred to in paragraph (2) of this Article, which determines the use of small areas of local importance and which envisage minor changes to the planning documents referred to in paragraph 2 of this Article, a strategic assessment shall be carried out only when the body preparing the planning document determines that it has significant impacts on the environment and on human health in accordance with the regulation referred to in paragraph (4) of this Article.

(4) The Government of the Republic of Macedonia on a proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the criteria on the basis of which it is determined whether a planning document could have significant impact on the environment and on health of people.”

Criteria are determined in the Decree on the criteria on the basis of which decisions are made whether certain planning documents could have a significant impact on the environment and human health adopted by the Government of Republic Macedonia (O.Gazette No.144/17)

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

Minor modification to a plan or program is not defined. It is related to SEA and it shall be carry out only if that modification has significant impact on the environment and human health. (article 65 par.3).

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) ×
- (d) Other (please specify):

Your comments:

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?:

No

Yes × (please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority ×
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments: The body that prepares the planning document is obliged to adopt a decision for implementation or a decision for not implementing a strategic assessment with an explanation of reasons for the relevant decision. The responsible body prepares decision in accordance with the Rulebook on the form, content and template of the decision for implementing and impact of strategic activity assessment and the template for the implementation of the assessment of the strategic assessment (O.G No.122/11.)

Body responsible for preparing the planning document within a period of five days starting from the day when the decision is adopted is obliged to publish it on its website in a manner prescribed by the Decree on public participation during the preparation of regulations and other acts, as well as plans and programs in the field of environment (O.G No.147/08, 45/11)

Against the decision, the Public has the right to appeal within 15 days from the day of its publication on the web site of the body that prepares the planning document, to the State Commission for Decision-making in Administrative Procedure and procedure of second level for employment issues or to the ministry of environment (when decision is adopted by the mayor).

Article 6

Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?:

The content of the Environmental Report is prescribed by the Decree for the content of the Environmental Report adopted by the Government of the Republic of Macedonia (Official Gazette No. 153/2007)

Article 7

Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis ×
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV 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:

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices ×
- (b) Through electronic media ×
- (c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes ×

(b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes ×

(c) By making the information available to all members of the public and letting them identify themselves as the public concerned

(d) By other means (please specify):

Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

(a) By sending comments to the relevant authority/focal point ×

(b) By providing answers to a questionnaire

(c) Orally ×

(d) By taking part in a public hearing ×

(e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

(a) No, the time frame is determined by the number of days fixed for each commenting period ×

(b) No, it is defined case by case

(c) Yes (please provide the definition):

(d) Other (please specify):

Your comments:

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

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

Your comments:

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

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

Your comments:

I.17. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments ×
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.18. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared ×
- (c) At other times (please specify):

Your comments:

I.19. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2 ×
- (b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

I.20. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

- (a) No
- (b) Yes (please indicate how long): 2 months

Your comments:

I.21. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify:

- (a) Following those of the Party of origin ×
- (b) Following those of the affected Party
- (c) Other (please specify):

Your comments:

Article 11 Decision

I.22. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

- (a) The conclusions of the environmental report ×
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8 to 10

Your comments:

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)? According to the Law on Environment, the body that adopts the planning document shall publish the decision on the adoption and notify of that fact the country consulted

I.24. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify:

- (a) By informing the point of contact
- (b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
- (c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify): According to the Law on Environment the Government of the Republic of Macedonia, through the Ministry of foreign affairs shall notify the other country on the outcome from the implemented strategic assessment or adoption or non-adoption of the planning document.

Your comments:

Article 12 Monitoring

I.25. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

There is a special Article for Monitoring in the national Law on Environment

“Article 75

Monitoring the effects of implementation of the planning documents

(1) The body that prepares the planning document shall monitor the impact on the environment and on human health caused by the implementation of the planning documents for the purposes of early identification of unpredictable adverse effects and undertaking of remedial actions.

(2) In case of identified negative effects from the implementation of the planning document referred to in paragraph (1) of this Article, the body that prepares the planning document, as well as other legal and natural person and associations of citizens in the area of environment shall notify thereon the body of the state administration responsible for the affairs of the environment.”

Part two Practical application during the period 2013–2015

In this part, please report on your country’s practical experiences in applying the Protocol (and not your country’s procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate “yes” if you object):

(a) Yes

(b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2013–2015

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

3. Cases during the period 2013–2015

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

- Urbanistic- plan documentation for Touristic Development zone Ljubanishta 1, Municipality of Ohrid (December 2013 sent to Republic of Albania).
- Planning document: Proposed Amendments of the Management Plan of the National Park “Galichica”, period 2011-2020 – Public Institution National Park “Galichica” (___ 2014 sent to the Republic of Albania and Republic of Greece)

4. Experience with the strategic impact assessment procedure in 2013–2015

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?:

- (a) No
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples: no examples

II.7. With regard your country’s experience with domestic procedures, 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. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?: no

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a “case study fact sheet”?:

- (i) No
- (ii) Yes (please indicate which ones):

II.8. With regard your country’s experience with transboundary procedures, 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. Please detail:

(a) What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?:

- (b) What does your country usually translate as a Party of origin?:
 - Description of the planning document;

- Non-Technical summary
- Draft Strategic Environmental Assessment

(c) Has your country carried out transboundary public participation according to article 10, paragraph 4?:

(i) No

(ii) Yes× (please indicate how): We invite affected party/ies to participate on national public hearing and we carry out for translation during the public hearing

(d) What has been your country's experience of the effectiveness of public participation?: no experience

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?:

(i) No ×

(ii) Yes (please describe):

5. Experience regarding guidance in 2013–2015

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment*(ECE/MP.EIA/17)?¹:

- (a) No: ×
- (b) Part of it (Please specify):
- (c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?:

- (a) No: ×
- (b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.