

TRANSPOSITION AND IMPLEMENTATION OF EIA AND SEA DIRECTIVES IN MACEDONIA

Aleksandra Bujaroska
Front 21/42



21 November, 2012

SEA AND EIA DIRECTIVES IN MACEDONIAN ENVIRONMENTAL LAW

- STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES AND MACEDONIA, 2001
- NEW FRAMEWORK "LAW ON ENVIRONMENT", 2005



EIA DIRECTIVE – MACEDONIAN LAW ON ENVIRONMENT

- **Screening - two groups of projects** (obligatory/generally require EIA);
 - must be carryout before starting with the project;
 - **the procedure begins with the submission of notification** (MoE has obligation to inform the public at the very beginning – after receiving the notification);
 - **Scoping - MoE determine the scope and the content of the material to be analyzed in the EIA report. Opinion on the scope and the content - Checklists for EIA scoping filled by the developer.** (MoE should publish a summary of the opinion on the scope of the study).
- 

EIA DIRECTIVE – MACEDONIAN LAW ON ENVIRONMENT

- once determined the scope and content, developer can start with the preparation of the EIA study;
- **MoE has an obligation to inform the public when the EIA study is complete** and available for commenting (submission of comments at least 30 days + at least one public hearing);
- **all comments submitted to the MoE should be seriously considered and taken into account** (MoE should inform the public which of the comments were taken into account);



EIA DIRECTIVE – MACEDONIAN LAW ON ENVIRONMENT

- **the EIA study should be submitted for approval** - MoE prepare a Report on the adequacy of the EIA study;
- **MoE is issuing a decision for approval/refusal of the project.** (The Ministry should inform the public regarding the final decision. The public concerned have the right to appeal against the decision).



SEA DIRECTIVE – MACEDONIAN LAW ON ENVIRONMENT

- Strategies, plans and programs - **mandatory SEA/ should be determine whether SEA is necessary** (the body that is preparing the plan should consult the authorities and the public before the decision is broth + public can file a complaint);
- **The beginning of the preparation of the planning document should be the beginning of the preparation of SEA report** (the body that prepares the document should seek opinions from the authorities in determining the scope in the SEA report)



SEA DIRECTIVE – MACEDONIAN LAW ON ENVIRONMENT

- **draft document + draft SEA report should be published together** (information where the public can review the document + public hearing);
- **comments and opinions that must be taken into account** (MoE should check whether the opinions submitted by the public and the authorities are properly taken into account);
- **MoE determines the suitability of the SEA report, and submit to the authority that adopts the plan.** MoE should publish the final decision on the approval of the planning document (public can appeal the final decision regarding the planning document).



“FROM THEORY TO PRACTICE”

General conclusions of implementation

- Certain key EIA studies/SEA reports are of low quality;
- **Non-compliance with the legal obligation** for carrying out a SEA of the plans;
- **The SEA is conducted in the final stage of the procedure**, when the opportunity to influence the final planning document is little;
- EIA and SEA procedures are **often conducted to justify an already adopted decision**;
- the envisaged **time is insufficient to conduct a quality environmental impact assessment, much less hold public consultation.**

“FROM THEORY TO PRACTICE”

General conclusions of implementation

In our view, the key problem in EIA and SEA procedures is the **trivialization of their importance i.e. the unawareness of the essence of these procedures – timely prevention of the negative effects.**



EIA CASE STUDY HPP "BOSKOV MOST"



Balcan lynx



"Elenski skok" – Tresonecka river



EIA HPP “Boskov Most” – NP Mavrovo

- **Investors:** the JSC Macedonian Power Plants - ELEM (the largest producer of electricity - state owned company) + EBRD;
- The project includes construction of a reservoir (dam), a hydropower plant (HPP) with a total capacity of 68 MW.
- **More than 80% of the construction site of the project falls within the territory of the the National park “Mavrovo”** (Emerald site, future Natura 2000);
- The main impact: rives hydrology and morphology (regarding biological minimum of the river flow); Balkan lynx; beautiful landscape of the project area etc.

HPP “Boskov Most” – NP Mavrovo

EIA PROCEDURE

- Public participation - only to meet the Law?
- Main comments: EIA Study is **incomplete and is intended to justify the Project** (the Study lacks substantial information essential for accurate and objective environmental impact assessment of the project);
 - The Draft EIA Study was withdrawn for revision;
- After serious national and international pressure MoE accept our comments regarding the lack of data. EBRD and ELEM agreed that further research need to be done - one year monitoring of the environment in the project area.

HPP “Boskov Most” – NP Mavrovo

EIA PROCEDURE

- joint actions with sever **national environmental NGOs;**
- **international actions** (International Union for Conservation of Nature (IUCN), Birdlife and Euronatur). - All of them sent concerning letters to our Ministry and to the investors;
- we shared our concern with the **Board of Directors of EBRD, the European Commission, the Energy Community** (Energy Community of South East Europe), international nature protection organizations and other relevant institutions.
- in November 2011, we sent a letter of **complaint to EBRD** about the granting of the loan prior to the approval of **EIA** of the hydro power plant.

HPP “Boskov Most” – NP Mavrovo

CURRENT STATUS OF THE CASE

- in October 2012, MoE issued Report on the adequacy of the EIA Study for HPP “Boskov Most” and a decision for approval of the project (although the monitoring of the environment on the project area is not finished yet)
- EIA Study is incomplete and it’s should not be approved before the monitoring of the project area is completed.



EIA HPP “Boskov Most” – NP Mavrovo

CURRENT STATUS OF THE CASE

- ELEM hired experts for conducting the one year monitoring of the project area. The monitoring team started with the monitoring activities in August 2012. No construction activities are allowed before the end of the monitoring.
- We filed a complaint against the decision of the MoE for approval of the project.



SEA CASE STUDY MACEDONIAN NATIONAL WATER STRATEGY



SEA Macedonian National Water Strategy

- the **National Water Strategy** is a **cornerstone document for planning and development of water management** in Macedonia for period of 30 years in accordance with the applicable Law on Waters.
- competent body for writing the National Water Strategy MoE; the proposal of the strategy is then adopted by the Assembly of the Republic of Macedonia.
- **main impact: envisages construction of new 400 hydropower plants - most of them in nature protected areas.**



Macedonian National Water Strategy

SEA PROCEDURE

- **September 2011, Draft Strategy without SEA Report;**
 - **Draft SEA Report made for 7 days** (copy paste from the SEA Report for the Energy Strategy)
 - the SEA Report is not in compliance with Law on Environment and the SEA Directive
 - **October 2011, MoE published both documents on its website and set the deadline for public consultations.**
 - Subject to the submitted comments, MoE withdrew the SEA report.
 - **Instead of waiting for the new SEA report MOEPP organized 3 public presentations solely on the Strategy.**
- 

Macedonian National Water Strategy

SEA PROCEDURE

- **Main comments:** public participation, impact of the hydro power plants, establishment of protected water areas etc.
 - On our comments we received just short answer that MoE will take them into account in the new draft.
- May 2012 we sent **letter for information about the procedure**
 - **the Strategy and the SEA report are being revises** and that as soon as they are finalized MoE will organize public hearings for the documents.



Macedonian National Water Strategy

CURRENT STATUS OF THE CASE

- In September 2012 without any official announcement, without public hearings and **without SEA Study**, MoE sent the Strategy to the Assembly
- the Assembly **adopted the Strategy** (they did not know that the Strategy should have an SEA report);
- letter to the ministry requesting information on what legal basis did the ministry stopped the SEA procedure
- we are still waiting answer from the MOEPP to our official letter regarding the legal basis on which the ministry stopped the SEA procedure for the Strategy.

THANK YOU FOR YOU ATTENTION

More information:

www.front.org.mk;

www.ekostav.mk

Aleksandra.bujaroska@front.org.mk

