

# Legislation

## for Strategic Environmental Assessment in Macedonia

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT

December, 2011



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Law on Environment (extract Chapter 10 - Assessment on the effects  
of certain strategies, plans and programmes  
on the environment)

(„Official Gazette of the Republic of Macedonia“ No. 53/05, 81/05, 24/07, 159/08,  
83/09, 48/10, 124/10 и 51/11)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



**X ASSESSMENT ON THE EFFECTS OF CERTAIN STRATEGIES, PLANS AND PROGRAMMES ON THE ENVIRONMENT**

**Article 65**

**Strategic assessment**

“(1) The Government of the Republic of Macedonia following a proposal of the state administrative body competent in the field of environment shall prescribe the strategies, plans and programmes, including amendments of such strategies, plans and programmes (hereinafter: planning documents), that are subject to mandatory procedure for assessment of their effects on the environment and human health (hereinafter: strategic assessment).

(2) Strategic assessment shall be carried out for planning documents which are prepared for agriculture, forestry, fisheries, energy, industry, mining, transport, regional development, telecommunications, waste management, water management, tourism, spatial and urban planning and land use which set the framework for future development of projects that are subject to environmental impact assessment, or for planning documents governing the management with protected areas, declared as protected areas by law, or that are likely to have effects on those areas.

(3) By exception, the planning documents referred to in paragraph (2) of this Article which determine the use of small areas of local importance and which provide for minor modifications to the planning documents referred to in paragraph (2) of this Article, shall require strategic assessment only where the body preparing the planning document determine that they are likely to have significant effects on the environment and human health in accordance with the regulation referred to in paragraph (4) of this Article.

(4) The Government of the Republic of Macedonia following a proposal of the Minister in charge of the state administrative body competent in the field of environment shall prescribe the criteria determining whether a planning document could have a significant effect on to the environment and human health.

(5) Planning documents other than those referred to in the regulation in paragraph (1) of this Article, which set the framework for future development of projects that are subject to environmental impact assessment, shall undergo strategic assessment only when these planning documents are likely to have significant effect on the environment and human health in accordance with the regulation referred to in paragraph (4) of this Article.

(6) The body preparing the planning document shall adopt decision for implementation of strategic assessment or non-implementation of strategic assessment and such decision shall include the reasons for implementation or non-implementation in accordance with the criteria prescribed in the regulation referred to in paragraph (4) of this Article.

(7) In cases referred to in paragraph (6) of this Article that need implementation of strategic environmental assessment, the decision referred to in (6) of this Article shall include the scope of the strategic assessment.

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<sup>1</sup> This text is extract from the Law on Environment – Chapter 10 and it is not intended to be used for official purposes. Please do refer to the published edition of the Official Gazette of the Republic of Macedonia.

(8) The decision referred to in paragraph (6) of this Article shall be adopted by the person in charge of the body preparing the planning document, the Mayor of the municipality, the Mayor of the municipality in the City of Skopje or the Mayor of the City of Skopje when the planning document is prepared by the municipality, the municipality in the City Skopje or the City of Skopje.

(9) The body preparing the planning document shall determine the bodies concerned by the implementation of the planning document in a manner prescribed by the act adopted under Article 61 paragraph (8) of this Law and shall consult such bodies when making the decision for implementation or non-implementation of strategic assessment and during the implementation of the strategic assessment.

(10) The body preparing the planning document shall within five days from the date of adoption of the decision referred to in paragraph (6) of this Article, along with the forms referred to in paragraph (20) of this Article publish them on its internet site in a manner prescribed by the act adopted pursuant Article 61 paragraph (8) of this Law.

(11) The public has a right to lodge a complaint against the decision referred to in paragraph (6) of this Article within 15 days from the date of its publication on the internet site of the body preparing the planning document with the Minister in charge of the state administrative body competent in the field of environment when the decision is adopted by the mayor of the municipality, the mayor of the municipality in the City of Skopje or the Mayor of the City of Skopje or with the State Commission for Deciding in Administrative Proceedings and Proceedings Arising from Employment in Second Instance when the decision is adopted by a state administrative body.

(12) The body preparing the planning document shall within five days from the date of the adoption of the decision under paragraph (6) of this Article, along with the forms referred to in paragraph (20) of this Article and other supporting documents submit them to the state administrative body competent in the field of environment.

(13) The state administrative body competent in the field of environment shall within 15 days from the date of receipt of the decision for non-implementation of strategic assessment, forms and other supporting documents referred to in paragraph (12) of this Article, override the submitted decision and oblige the body preparing the planning document to implement strategic assessment for the planning document in question provided that it finds that the conditions for implementation of strategic assessment of the planning document are fulfilled or the planning document in question is likely to have significant effects on the environment and human health.

(14) The decision referred to in paragraph (13) of this Article shall also specify the scope of the strategic assessment.

(15) The state administrative body competent in the field of environment shall within 15 days from the date of receipt of the decision for implementation of strategic assessment, forms and other supporting documents referred to in paragraph (12) of this Article, adopt a decision for specifying the scope of the strategic assessment provided that it finds that such scope is incompletely specified by the body preparing the planning document.

(16) The state administrative body competent in the field of environment shall publish the decision referred to in paragraphs (13) and (15) of this Article on its internet site.

(17) The public concerned and the body preparing the planning document have a right to lodge a complaint against the decision referred to in paragraphs (13) and (15) of this Article



with the State Commission for Deciding in Administrative Proceedings and Proceedings Arising from Employment in Second Instance.

(18) Where the state administrative body competent in the field of environment determines that the submitted decision, forms and other documentation referred to in paragraph (12) of this Article does not contain the necessary information for assessment whether implementation of strategic assessment is needed, shall within 15 days from the date of their receipt request the body preparing the planning document in question to submit the requested information.

(19) If the state administrative body competent in the field of environment fails to adopt the decision referred to in paragraphs (13) and (15) of this Article within 15 days from the date of receipt of the decision referred to in (6) of this Article, it shall be deemed that it does not have comments regarding such decision.

(20) The Minister in charge of the state administrative body competent in the field of environment shall prescribe the format, content and form of the decision referred to paragraph (6) of this Article and the forms for the need for implementation or non-implementation of strategic assessment referred to in paragraph (12) of this Article.”

## **Article 66**

### **Exceptions**

Strategic assessment shall not be implemented for planning documents adopted for:

- the needs of the defence of the Republic of Macedonia,
- in times of war or state of emergency and
- in the area of finance and the Budget of the Republic of Macedonia and the budget of the municipality, the City of Skopje and the municipalities in the City of Skopje.

## **Article 66-a**

(1) Where the planning document sets the framework for future development of a project for which simultaneously a procedure for assessment of its effects on the environment under Article 77 of this Law is being implemented, the body preparing the planning document may decide to implement the procedure for strategic assessment simultaneously with the procedure for assessment of the effects of such a project on the environment.

(2) In cases under paragraph (1) of this Article the body preparing the planning document shall in the decision referred to in Article 65 paragraph (6) of this Law state the reasons for the jointly implementation of both procedures and explain the manner of public consultation and consultation with bodies concerned by the implementation of the planning document in the procedure of adoption of the planning document.

(3) In cases referred to in paragraph (1) of this Article the report on the strategic environmental assessment under Article 67 of this Law shall be an integral part of the study on assessment of the effects of the project on the environment under Article 83 of this Law.

(4) The entity performing the procedure for assessment of the effects of certain projects on the environment shall take into account all aspects of the procedure for strategic assessment.

(5) The report on strategic environmental assessment referred to in paragraph (3) of this Article shall be signed by a person included in the list of experts for strategic environmental assessment under Article 68 of this Law."

## **Article 67**

### **Report on strategic environmental assessment**

(1) Where implementation of a strategic environmental assessment is required under Article 65 of this Law, the body preparing the planning document shall prepare a report on strategic environmental assessment (hereinafter: environmental report). "in the course of preparation of the planning document namely before its submission for adoption by the competent body."

(2) The Government of the Republic of Macedonia following a proposal of the Minister in charge of the state administrative body competent in the field of environment shall prescribe the content of the environmental report "in which the likely effects on the environment and human health of implementing the planning document, and reasonable alternatives taking into account the objectives and the geographical scope of the planning document, are identified, described and evaluated."

(3) When deciding on the scope and level of detail of the information which must be included in the environmental report, the body implementing the strategic assessment shall consult the bodies concerned with the implementation of the planning document.

(4) When deciding on the scope and level of detail of the information in accordance with paragraph (2) of this Article, the body implementing strategic assessment shall take into account current knowledge and methods of assessment, the content and level of detail in the planning documents and its stage in the decision-making process, public interests and the need for information of the decision-making body.

(5) For the purpose of developing the environmental report, the body preparing the planning document shall engage at least one person from the List of experts for strategic environmental assessment under Article 68 of this Law, who shall sign the report as a responsible person for its quality. If the environmental report is prepared by several persons, or other experts or legal entities, the report shall be signed by at least one person from the List of experts under Article 68 of this Law, who shall sign the report as a responsible person for its quality.

(6) The strategic assessment of the planning documents adopted by the municipality, the City of Skopje and municipalities in the City of Skopje shall be implemented by the Major of the municipality, the Mayor of the City of Skopje and Mayors of the municipalities in the City of Skopje.

(7) Where the strategic assessment is implemented for a planning document that derives from another, by hierarchy higher planning document for which a strategic assessment had already been implemented, the body preparing the planning document should take into account the relevant available information on the effect of the other, by hierarchy higher planning document on the environment obtained during the adoption of such document.

(8) In cases referred to in paragraph (9) of this Article, the environmental report shall include information that may reasonably be required for adoption of by hierarchy, the lower planning document, and which according to current knowledge and methods of assessment, the content and level of detail in by hierarchy, the higher planning document, its phase and stage in the decision-making process contribute to proper assessment of the effect of the lower planning document on the environment and avoidance of duplication of the assessment.

(9) The environmental report referred to in paragraph (1) of this Article should include relevant information on the effects of implementation of the planning document on the environment and human health contained in legal acts or decisions adopted by other bodies.”

## **Article 68**

### **List of experts for strategic environmental assessment**

(1)The state administrative body competent in the field of environment shall establish and maintain a List of experts for strategic environmental assessment.

(2) An expert for strategic environmental assessment may be any natural person holding a university degree and five years of work experience in the field of environment.

(3) The natural person referred to in paragraph (2) of this Article shall acquire a status of an expert for strategic environmental assessment provided he/she possess a certificate for passed exam for acquiring professional knowledge for strategic environmental assessment and is included in the List of experts referred to in paragraph (1) of this Article.

(4) The exam referred to in paragraph (3) of this Article shall be taken according to a programme and before an examination commission for strategic environmental assessment, established by the Minister in charge of the state administrative body competent in the field of environment.

(5) The commission referred to in paragraph (4) of this Article is composed of maximum five members, one of them being its chairman. The commission is entitled to remuneration for its work, the amount of which is determined by the Minister in charge of the state administrative body competent in the field of environment on the basis of the workload of the commission.

(6) A natural person holding a university degree may take the exam referred to in paragraph (4) of this Article without a right to acquire status of expert before meeting the requirements referred to in paragraph (2) of this Article in respect of the years of work experience.

(7) The Minister in charge of the state administrative body competent in the field of environment shall prescribe the composition and the manner of work of the commission, the programme and manner of taking the exam, the amount of the fee for taking the exam and for establishment and maintenance of the List of experts, the manner of acquisition and loss of the status of expert for strategic environmental assessment, as well as the manner and procedure for inclusion and exclusion from the List of experts referred to in paragraph (1) of this Article.

(8) The fee referred to in paragraph (7) of this Article shall be determined in amounts not exceeding the actual costs incurred for taking the exam.

## **Article 69**

### **Public information and participation**

(1) Prior to commencement of the procedure for adoption of the planning document and not later than five working days from the date of completion of the environmental report, the body preparing the planning document shall publish information on the draft planning document and the environmental report, the location where the draft planning document may be reviewed, along with information on the procedure for public participation.

(2) The body referred to in paragraph (1) of this Article shall simultaneously submit the draft planning document and the environmental report to the state administrative body competent in the field of environment.

(3) The state administrative body competent in the field of environment and bodies concerned with the implementation of the planning documents, legal entities and natural persons and the public may submit their opinion on the draft planning document and the environmental report to the body preparing the planning document within 30 days from the date of submission or publication of the information thereon.

(4) The body referred to in paragraph (1) of this Article shall take into account the opinions obtained pursuant to paragraph (3) of this Article in the course of preparation of the planning document and shall prepare a separate report on public consultation.

(5) The report on public consultation referred to in paragraph (4) of this Article shall be prepared in accordance with the regulation pursuant to Article 61 of this Law."

## **Article 70**

### **Assessment of transboundary effects of the planning document prepared in the Republic of Macedonia**

(1) When the implementation of a planning document in the Republic of Macedonia is likely to have a transboundary effect on the environment and human life and health, following a proposal of the state administrative body competent in the field of environment, the following shall be submitted to the country concerned:

- description of the planning document,
- report on strategic environmental assessment for the planning document and
- invitation for participation in the consultations related to the planning document within two months from the date of delivery of the invitation.

(2) Upon request of the country which considers that a planning document being prepared in the Republic of Macedonia is likely to have effects on the environment and human life and health on its territory, the state administrative body competent in the field of environment shall provide information under paragraph (1) of this Article.

(3) The Minister in charge of the state administrative body competent in the field of environment with assent of the state administrative body competent in the field of foreign affairs shall prescribe the manner of carrying out transboundary consultations referred to in paragraphs (1) and (2) of this Article.

## **Article 71**

### **Assessment of transboundary effects of the planning document prepared in the in another country**

(1) When the Republic of Macedonia receives notification from a competent body of another country on preparation of a planning document which is likely to have effects on the environment and human life and health in the Republic of Macedonia, the state administrative body competent in the field of environment shall immediately initiate a procedure for assessment of the status of concern of the Republic of Macedonia from the implementation of the said planning document.

(2) When the state administrative body competent in the field of environment finds that the planning document referred to in paragraph (1) of this Article may have effects on the environment and human life and health in the Republic of Macedonia, it shall immediately inform the competent body of the other country of the intention the relevant institutions and public concerned in the Republic of Macedonia to participate in the consultations prior to the adoption of the planning document, under conditions and in a manner prescribed by the international agreements ratified by the Republic of Macedonia.

(3) When the state administrative body competent in the field of environment or some other relevant institution in the Republic of Macedonia learns of preparation of a planning document in another country as referred to in paragraph (1) of this Article, they shall immediately notify the state administrative body competent in the field of foreign affairs of the Republic of Macedonia on the need for submission of official notification to the competent body of the other country in order the participation in the procedure referred to in paragraph (2) of this Article to be enabled.

## **Article 71-a**

### **Strategic assessment with transboundary effects**

In the procedure for strategic assessment of planning documents that may have transboundary effects, the state administrative body competent in the field of environment may undertake detailed consultations with the bodies of the other country or measures for conclusion of separate agreements with the other country which will regulate the procedure for mutual consultation for strategic assessment of planning documents.

## **Article 72**

### **Evaluation of the environmental report**

(1) "The body preparing the planning document shall incorporate in the environmental report the opinions obtained in the procedure for public consultation pursuant to Article 69 of this Law and the procedure for cross-border consultation pursuant to Article 70 of this Law and simultaneously with the planning document and the report on public consultation referred to in Article 69 paragraph (4) of this Law shall submit them to the state administrative body competent in the field of environment."

(2) The state administrative body competent in the field of environment shall evaluate the adequacy of the environmental report within 60 days from the date of submission of the

documentation referred to in paragraph (1) of this Article and shall submit the evaluation to the body that adopts the planning document.

(3) The state administrative body competent in the field of environment may authorize persons from the List referred to in Article 68 of this Law to evaluate the environmental report, provided that such person has not participated in the preparation of the report.

(4) When the state administrative body competent in the field of environment is the competent body for preparation of the planning document, it shall make the environmental report accompanied with the evaluation of its adequacy available to the public.

## **Article 73**

### **Decision-making**

(1) The body preparing the planning document or the amendments of the planning document shall, in accordance with Article 65 of this Law, take into consideration the findings of the environmental report, the opinions and comments obtained from the bodies concerned with the implementation of the planning document, as well as the results from the transboundary consultations.

(2) The body that adopts the planning document shall also take into consideration the opinion of the state administrative body competent in the field of environment on the adequacy of the environmental report.

## **Article 74**

### **Publication of the decision**

(1) The body that adopts the planning document shall announce the decision on adoption and notify the concerned bodies and public thereof, including the country that has been consulted pursuant to Article 70 of this Law.

(2) The body that has adopted the planning document referred to in paragraph (1) of this Article shall publish the adopted planning document and the notification referred to in paragraph (1) of this Article on its internet site."

(3) In the case of transboundary consultation, the notification referred to in paragraph (1) of this Article of the other country shall be submitted by the state administrative body competent in the field of foreign affairs.

(4) The notification under paragraph (3) of this Article that is submitted to the other country includes:

- statement that summarizes how the environmental impacts of the planning document are integrated and how the prepared report on strategic environmental assessment took into account the opinions from the public participation referred to in Article 69 of this Law and the results of the procedure for transboundary consultation referred to in Article 70 of this Law along with the reasons for selecting the alternative adopted in the planning document in relation to other alternatives that existed,
- the adopted planning document and

- measures relating to monitoring the effects of the implementation of the planning document in accordance with Article 75 of this Law. "

(5) In cases under Article 71 of this Law the state administrative body competent in the field of environment makes proposals to the Government of the Republic of Macedonia on adoption of conclusions regarding the strategic assessment of the planning document adopted by another country.

(6) The Government of the Republic of Macedonia through the state administrative body competent in the field of foreign affairs informs the other country on the outcomes from the implementation of the strategic assessment or on the adoption or on the failure for adoption of the planning document.

## **Article 75**

### **Monitoring the effects of the implementation of the planning documents**

(1) The body preparing the planning document shall monitor the effects on the environment and on human health caused by the implementation of the planning document, for the purpose of early identification of unpredictable adverse effects and undertaking appropriate remedial actions.

(2) Monitoring of the effects on the environment and human health from the implementation of the planning document, when appropriate, may be done through existing state and local environmental monitoring networks in the Republic of Macedonia."

(3) In case of identified negative effects from the implementation of the planning document referred to in paragraph (1) of this Article, the body preparing the planning document, as well as other legal entity and natural person and associations of citizens in the area of environment shall notify the state administrative body competent in the field of environment thereon.





Decree on the public participation in the process of preparation of  
environmental regulations and other acts as well as environmental  
plans and programs

(“Official Journal of RM” no 147/08)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



**20081473026**

## **THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA**

Based on article 61, paragraph (4) and paragraph (8) of the Law on Environment (“Official Journal of RM” no 53/05, 81/05, 24/07), The Government of the Republic of Macedonia, at the sitting held on 23.11.2008, adopted

### **DECREE**

#### **ON THE PUBLIC PARTICIPATION IN THE PROCESS OF PREPARATION OF ENVIRONMENTAL REGULATIONS AND OTHER ACTS AS WELL AS ENVIRONMENTAL PLANS AND PROGRAMMES**

##### **Article 1**

This Decree shall stipulate the conditions, the manner and the procedure of public participation in the process of preparation of environmental regulations and other acts as well as environmental plans and programmes, the types of environmental plans and programmes, the manner and the procedure of public participation in the process of preparation, adoption, amendment and revision of the plans and programmes, as well as the manner and conditions according to which the public is determined, including nongovernmental organizations.

##### **Article 2**

The types of environmental plans and programmes (hereinafter: the planning documents) that are adopted in accordance with this Decree, are stipulated in Addendum I which shall be an integral part of this Decree.

During the procedure for preparation of the legislation and other acts (hereinafter: legislation) and/or planning documents, the state administrative bodies and the bodies of the local self- government units (hereinafter: the bodies) shall ensure effective public participation in the elaboration of the legislation and in the adoption, amendment and revision (hereinafter: preparation) of the planning document in the earliest stage of the process of preparation and adoption, in accordance with article 4 of this decree.

##### **Article 3**

In accordance to article (2) of this Decree the bodies should inform the public and nongovernmental organizations (hereinafter: the concerned public) by means of public announcements published in at least one daily news paper available to the overall territory of the Republic of Macedonia and at the internet sites of the bodies, and/or by means of public announcements published through electronic mediums available according to the territorial competences of the body.

The public announcements referred to in paragraph 1 of this article shall include: information on the adopted decision referred to in article 4 of this Decree; the location, time and duration in which the legislation and/or the planning document is available for public check/ examination; the location and time where the public hearing/discussions shall take place; the address (postal and electronic) where comments, remarks, opinions and suggestions may be submitted; and, if available, the electronic address from where the electronic version of the legislation and/or the planning document may be downloaded, as well as other information that may enhance the performance of the right to participation of the concerned public in the decision making process.

#### **Article 4**

In order to prepare legislation and/or planning documents, the bodies shall be obliged to adopt a decision on preparation of legislation and/or a planning document and to publish this on their web site.

The decision referred in paragraph 1 of this article shall contain:

- the name of the body that is preparing the legislation and/or planning document;
- the title of the legislation and/or planning document including short description of its content and scope;
- the timetable of the activities within the procedure that are planned to be undertaken and related to the procedure for preparation of the legislation and/or planning document;
- description and/or title of the entities that are characterized as concerned public;
- the manner of public participation in the preparation of the legislation and/or planning document, including the terms for submission of comments, remarks, opinions and suggestions, terms for the public check/examination and the location and time for the public hearing/discussions.

#### **Article 5**

Depending on the type and the content of the legislation and/or planning document, the body shall determine the concerned public by determination of the entities that may be affected by the implementation/enforcement of the legislation and/or planning document, taking into account the following criteria:

1. Economic (execution of commerce and other economic activities) like:
  - increase of the additional financial obligations (duties, taxes or amendment of regulation by which new obligations are being imposed);
  - change in the performance of the activities by imposing new standards;
2. Social, like:
  - impact on the age structure
  - impact on the gender structure
  - impact on the structure of the level of education of the population
  - impact of particular associations established for the purpose of achieving common interest
  - impact on the performance of the social and health activities;
3. Environmental, like:
  - impacts on those environmental media and areas that are also criteria by which entities performing scientific, expert and educational activities in the area of environment, and bodies, as well as public enterprises or executors of activities of public interest in the area of environment have been allocated.

In cases where the body may not be in a position to determine the concerned public based on the social criteria for determination in accordance to paragraph 1 point 2 of this article, then the concerned public shall consist of associations, organizations and institutions promoting the realization of general social goals (associations of retired workers, centers for social issues, social inclusion, gender issues etc.)

#### **Article 6**

The body shall be obliged to ensure public participation in the procedure for preparation of the legislation and/or planning document by realization of at least one public hearing / discussion and by making the legislation and/or planning document available for public examination at its web page.

The public check/examination shall have a duration of at least 30 days.

The public hearing/discussions shall be realized at least 15 days from the date making the legislation and/or planning document available for public check/ examination, and at latest five days before the date of expiry of the duration the public check/examination referred to in paragraph 2 this article.

#### **Article 7**

The body shall invite the entities of the concerned public in writing, and/or by electronic mail, to participate in the public hearing/discussions for preparation of the legislation and/or planning document.

The physical and legal entities that are considered by the legislation and/or planning document which are in preparation may request from the body to be invited at the public hearing in accordance to paragraph 1 of this article, latest five days before the date that the public hearing/discussions will take place.

#### **Article 8**

The public hearing/discussions including the public check/examination shall be the responsibility of the body that prepares the legislation and/or planning document.

At the public hearing/ discussions all present participants shall be able to give their remarks, opinions and suggestions.

The process of carrying out the public hearing/discussions shall be recorded by the body in minutes, including a list of the participants present at the hearing and their comments.

Where possible, the body may directly broadcast the public hearing/discussions via one of the available electronic mediums or may make an electronic audio or video recording and make such recording available to the public.

#### **Article 9**

If the entities of the concerned public do not submit any comments, opinions and suggestions during the public hearing/discussions, it shall be considered that there are no remarks to the legislation and/or planning document by the concerned public.

#### **Article 10**

The body shall, within 30 days from the date the public check/examination, submit separate replies or a joint reply to all submitted comments, opinions and suggestions on the legislation and/or planning document.

The body shall prepare a Report on the public hearing/discussions carried out and shall publish the Report at its website.

#### **Article 11**

This Decree shall enter into force the next day after the day of its publication in the “Official Journal of Republic of Macedonia”.

No. 19- 5992/1  
Skopje

Prime minister of the Republic of Macedonia  
Nikola Gruevski, M. Sc

Decree Amending the Decree on the public participation in the process  
of preparation of environmental regulations and other acts as well as  
environmental plans and programmes

(“Official Journal of RM” no 45/11)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT





Ebvi Pursuant to Article 61 paragraph (4) and (8) of the Law on Environment ("Official Gazette of the Republic of Macedonia" No. 53/05, 81/05, 24/07, 83/09, 159/08, 48/10 and 124/10), the Government of the Republic of Macedonia, on its session held on 05.04.2011, adopted

**Decree Amending the Decree on the public participation in the process of preparation of environmental regulations and other acts as well as environmental plans and programmes**

Article 1

In the Decree on the public participation in the process of preparation of environmental regulations and other acts as well as environmental plans and programmes Article 4 shall be amended and it shall read as follows:

"(1) In order to prepare regulation and/or planning document, the bodies shall adopt notification on the envisaged preparation of regulation and/or planning document that shall be published on their internet sites.

(2) The notification referred to in paragraph (1) of this Article shall contain:

- Name of the body preparing the regulation and or/planning document;
- Title of the regulation and/or the planning document including a short description of its content and scope;
- Decision for carrying out or not carrying out a strategic assessment adopted pursuant Article 65 paragraph (6) of the Law on Environment;
- Bodies concerned by the implementation of the regulation and/or planning document that shall be consulted in the course of the procedure for adoption of the regulation and/or the planning document;
- Timetable of activities related to the preparation of the regulation and/or planning document that shall be undertaken in the course of the procedure;
- Description and/or title of the entities representing interested public determined in accordance with Article 5 of this Decree;
- The manner of public participation in the preparation of the regulation and/or planning document, including the terms for submission of comments, opinions and proposals, terms for public examination and location and time of the public hearing;
- Available information on the environment and human health relevant for the preparation of the regulation and /or planning document;
- Information whether the planning document is likely to have transboundary effects on the environment and human health and whether transboundary consultations for such document shall be conducted, and
- Other information that may be useful for developing the regulations and/or the planning document and is of importance to the public."

Article 2

In Article 9 the word "interested" shall be deleted.

Article 3

In Article 10 the words “the public hearing carried out” shall be replaced by the words “the public consultation”.

Article 4

This Decree shall enter into force on the day following that of its publication in the Official Gazette of the Republic of Macedonia.

No.51-2000/1

Vise President of the Government of the  
Republic of Macedonia

5 April, 2001, Skopje

Vasko Naumovski, PhD

Decree on the strategies, the plans and the programs, including amendments to such strategies, plans and programs, which are subject to a mandatory procedure for assessment of their impact on environment and human health

(“Official Journal of RM” no 153/07)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



Based on article 65, paragraph (1) of the Law on Environment (“Official Journal of RM” no 53/05, 81/05, 24/07), The Government of the Republic of Macedonia, at the sitting held on 20.11.2007 adopted

## **DECREE**

### **ON THE STRATEGIES, THE PLANS AND THE PROGRAMMES, INCLUDING AMENDMENTS TO SUCH STRATEGIES, PLANS AND PROGRAMMES, THAT ARE SUBJECT TO A MANDATORY PROCEDURE FOR ASSESSMENT OF THEIR IMPACT ON ENVIRONMENT AND HUMAN HEALTH**

#### **Article 1**

This decree shall stipulate the strategies, the plans and the programmes, including amendments to such strategies, plans and programmes, (hereinafter: planning documents), that are subject to a mandatory assessment of their impact on environment and human health (hereinafter: strategic assessment).

#### **Article 2**

Certain terms used in this Decree shall have the following meaning:

- **Short-term planning documents** shall mean planning documents and their amendments that are being adopted for a validity period of one year,
- **Middle-term planning documents** shall mean planning documents and their amendments that are being adopted for a validity period of five years,
- **Long- term planning documents** shall mean planning documents and their amendments that are being adopted for a validity period longer than five years.

#### **Article 3**

Strategic assessment shall be carried out for planning documents and amendments to such planning documents, prepared in the area of:

1. **Agriculture-** short- term, middle-term and long term planning documents that include measures and activities concerning:
  - development of the agricultural food sector,
  - agricultural land use,
  - protection of plants, seed and seed material,
  - agro- meteorological activities,
  - identifying food safety policy,
  - planning of agricultural development and development of rural areas,
  - identifying agricultural policy measures,
  - creation of policies for introduction and development of organic agricultural production,

- registration of entities, monitoring and notation of the conditions for production, processing and trading of organic products; breeding and trading of cattle, oxen, sheep, goats, pigs, horses, poultry, weasels and other animals that have a commercial value, and production of livestock products;
  - growing of plants intended for biodiesel production;
  - defining of wine production policy, description, labels, characterization, presentation and protection of wine;
  - defining of the policy for production of unprocessed tobacco,
  - purchasing, storage, processing of the purchased tobacco leaves,
  - trading of fermented tobacco,
  - defining of the policy for production and trading of large amounts of tobacco, surveillance of the use of additions of the tobacco products.
- 2. **Forestry-** short- term, middle-term and long term planning documents that include measures and activities concerning:
  - forests economy,
  - protection of forests ,
  - forestation of dried and erosion affected areas,
  - cultivation of forest cultures, amelioration of degraded forests, sanitation of burned forest areas and their artificial restoration, and
  - prevention of mass desertification of forests and forest cultures.
- 3. **Fishery-** short- term, middle-term and long term planning documents that include measures and activities concerning:
  - promotion, protection and use of the available fish quantity,
  - use, management and protection of the available fish quantity in the fishing waters,
  - determination of fishing areas,
  - fishing zones, commercial fishing zones and recreational fishing zones,
  - commercial fishing, recreation and sport fishing, fishing related equipment and tools.
- 4. **Energy-** short- term, middle-term and long term planning documents that include measures and activities concerning:
  - long-term development objectives concerning renewable energy resources (hydro energy, wind energy, solar energy, geothermal energy, biomass, natural gas, biogas, bio-fuels, etc) as well as particular energy services intended to ensure safety of the supply of particular types of energy,
  - development priorities,
  - sources and manner for ensuring sufficient quantity of energy and energy supplies,
  - determination and use of energy resources and capacities that are of strategic interest for the state,
  - restructuring of the energy sector, measures enhancing investments in energy facilities that use renewable energy sources,
  - measures enhancing the increase of energy efficiency,
  - condition and manner of ensuring environmental protection and measures for realization of protection and other elements of importance for development of the energy sector.

5. **Industry-** short- term, middle-term and long term planning documents that include measures and activities concerning:
  - industrial development policy,
  - surveillance of industrial production and technological development,
  - restructuring and reformation of certain industrial sectors (textile, steel metallurgy, etc.)
  - finalization of the privatization process,
  - structural reform for continuation, intensification, and new creation of industrial production structures,
  - improvement of the business climate,
  - increase of investments (domestic and foreign) and in particular investments in informatics, technology and knowledge,
  - increase of the quality of the workforce, and
  - promotion of small and medium enterprises and entrepreneurship.
6. **Mining** - short- term, middle-term and long term planning documents that include measures and activities concerning:
  - Geological research and exploitation of mineral resources.
7. **Transport-** short- term, middle-term and long term planning documents that include measures and activities concerning:
  - the development and improvement of road, railway, water and air transportation,
  - the conditions and manner of construction, reconstruction, maintenance, protection, use, management and financing of public roads,
  - middle-term and long term programmes for construction, reconstruction, and maintenance of roads,
  - issuing concessions of the road infrastructure,
  - maintenance of the infrastructure of crossroads and intersections, regulation of road inclusions; ensuring minimum safety of the tunnels,
  - organization of the railway system,
  - performance of railway transportation, management, construction, reconstruction, upholding, maintenance and protection of the railway infrastructure;
  - issuing concessions regarding the construction of new or management of existing railway infrastructure,
  - financing of railway infrastructure,
  - conditions and manner of usage, maintenance, demarcation and protection of navigation ways, ports, places for leaving of vessels, anchoring spots and bathing zones, safety of inland navigation, rescue and extraction of sunken objects,
  - air transport policy,
  - concessions in the area of air transport,
  - investigation into aircraft accidents and serious safety incidents, security, management of air transportation, social area and environmental protection while managing air transportation.
8. **Regional development-** short- term, middle-term and long term planning documents that include measures and activities concerning:

- balanced regional development,
  - enforcement of the development of economically underdeveloped regions, criteria determining populated areas, principles of regional development policy, analysis of economic and social conditions at the level of statistical regions (which are established by law),
  - development concept, priorities and strategic development goals,
  - institutions and mechanisms for implementation, monitoring and evaluation of the regional development and planning documents,
  - instruments intended to enhance regional development.
9. **Telecommunications-** short- term, middle-term and long term planning documents that include measures and activities concerning:
- Development of telecommunication and information technologies,
  - Creation of conditions for total liberalization in the area of the electronic communications, and especially in the area of construction of the infrastructure,
  - access and interconnection with public communication measures of other operators and public communication service suppliers,
  - identification of the needs of the population by determination of the priorities for aiming to ensure universal service,
  - development of competition in the area of electronic communications and information society and increase of the availability and usage of electronic communications and information technologies,
  - Stimulation of efficient investments for infrastructure construction and support of innovations,
  - efficient use of radiofrequencies and numerical space as a restricted natural resource, as well as ensuring that the operators of the electronic communication networks and suppliers of services in the area of electronic communication will not be discriminated when circumstances are similar,
  - strategic directions, activities and objectives for creation of ambient support to the digital convergence between info- communicational technologies and electronic medias, as condition for development of the information society.
10. **Waste management-** short- term, middle-term and long term planning documents that include measures and activities concerning:
- waste management at the levels of the republic of Macedonia, municipalities, at level of City of Skopje and municipalities within City of Skopje,
  - prevention/decrease of the water generation,
  - reuse- reuse of products or amenities for the same or different use/aims
  - recycle- reprocessing of waste material that will be used as crude raw material for production of the same or a different product,
  - further return of waste within the production cycles- obtaining values from the waste by composting, reuse for energy generation and other technologies,
  - disposal- if there is no other adequate solution, disposal to landfills or burning (incineration) with or without reuse of the energy.
11. **Water management-** short- term, middle-term and long term planning documents that include measures and activities concerning:
- Management, treatment, protection of waters and river basins,



- Flood protection plans,
  - Manner of use of water bodies, protection from adverse effects on water, protection of water from total extraction and pollution,
  - Sources, conditions and manner of financing of water management works and services, conditions and manner of performance of the water management works and services, granting rights to water use by approvals (concessions), transboundary water and other issues significant for ensuring a universal water regime,
  - Integrated water management approach,
  - Sustainable development of the water resources, protection of water bodies and protection from adverse effects of water.
- 12. Tourism-** short- term, middle-term and long term planning documents related to general development of tourism as well as development of eco-tourism and other types of tourism.
- 13. Spatial and urban planning and land use-** planning documents concerning spatial and urban planning of the territory of the Republic of Macedonia, municipalities, the City of Skopje and the municipalities of the City of Skopje.
14. National Environmental Action Plan and local environmental action plans.
15. All documents by which implementation of projects that are subject to environmental impact assessment are planned.
16. Planning documents for rescue and accident prevention.
17. Planning documents for management of genetically modified organisms.
18. Planning documents for management of protected areas.
19. Planning documents that are not directly related to, or necessary for, the management of environmentally significant areas , but for which significant effect on these areas is likely, individually or in combination with other plans or projects, shall be subject to assessment of its impacts related to the area in regard to the achievement of the objectives for preservation of the area.
20. Other planning documents for which adoption is prescribed by law, and which are related to the abovementioned areas.

#### **Article 4**

This Decree shall enter into force on the eighth day after the day of its publication in the “Official Journal of Republic of Macedonia”.

No. 19- 7132/1  
20 November 2007  
Skopje

Deputy of the  
Prime- minister of the Republic of Macedonia  
Zoran Stavreski, M. Sc



Decree Amending the Decree on strategies, plans and programmes,  
including amendments to such strategies, plans and programmes  
subject to a mandatory procedure for assessment of their impact on  
environment and human health

(“Official Journal of RM” no 45/11)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



Pursuant to Article 65 paragraph (1) of the Law on Environment (“Official Gazette of the Republic of Macedonia” No. 53/05, 81/05, 24/07, 83/09, 159/08, 48/10 and 124/10), the Government of the Republic of Macedonia on its session held on 05.04.2011, adopted

**Decree Amending the Decree on strategies, plans and programmes, including amendments to such strategies, plans and programmes subject to a mandatory procedure for assessment of their impact on environment and human health**

Article 1

In the Decree on strategies, plans and programmes, including amendments to such strategies, plans and programmes subject to a mandatory procedure for assessment of their impact on environment and human health (“Official Gazette of the Republic Macedonia” No. 153/07), the first sentence in Article 3 shall be amended and it shall read as follows:

“Strategic assessment shall be carried out for planning documents which set the a framework for future development of projects that are subject to environmental impact assessment or that have effect upon protected areas stipulated in accordance with law in the following areas:

Items 15, 19 and 20 shall be deleted.

Items 16, 17 and 18 shall become items 15, 16 and 17.

Article 2

This Decree shall enter into force on the eight day from the date of its publication in the Official Gazette of the Republic of Macedonia.

No.51-2002/1

Vise President of the Government of the  
Republic of Macedonia

5 April, 2001, Skopje

Vasko Naumovski, PhD



Decree on the content of the strategic environmental impact  
assessment report

("Official Journal of RM" no 153/07)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT





Based on article 67, paragraph (1) of the Law on Environment (“Official Journal of RM” no 53/05, 81/05, 24/07), The Government of Republic of Macedonia, at the sitting held on 20.11.2007 adopted

**DECREE**  
**ON THE CONTENT OF THE STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

**Article 1**

This decree shall stipulate the content of the strategic environmental impact assessment report.

**Article 2**

- (1) The strategic environmental impact assessment report shall contain the following information:
- (a) résumé/an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
  - (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
  - (c) the environmental characteristics of areas likely to be significantly affected;
  - (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, especially from the aspects of protection of wild birds and habitats;
  - (e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
  - (f) the likely significant effects on the environment in general, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. These effects include secondary, cumulative, synergetic, short-term, medium and long-term, permanent and temporary positive and negative effects;
  - (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme
  - (h) résumé/an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
  - (i) a description of the measures envisaged concerning monitoring in accordance to the law provisions;
  - (j) a non-technical summary of the information provided points (a) to (i) of paragraph (1) of this article.
- (2) In cases where a Strategic Environmental Assessment is undertaken for a lower level planning document within a planning hierarchy, and a Strategic Environmental Assessment has been previously carried out for a higher level planning document, then

the Strategic Environmental Assessment report for the lower level planning document shall contain such information from the higher level planning document (SEA) which are necessary for the adoption of the lower level planning document, in order to avoid duplication of assessment of the impacts on the environment and human’s life and health.

**Article 3**

- (1) This Decree shall enter into force on the eighth day after the day of its publication in the “Official Journal of Republic of Macedonia”.

No. 19- 7133/1  
20 November 2007  
Skopje

Deputy of the  
Prime- minister of the Republic of Macedonia  
Zoran Stavreski, M. Sc

Decree on the criteria on the basis of which the decisions as to whether a given planning document is likely to have a significant impact on the environment and human health shall be issued

(“Official Journal of RM” no 144/07)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



Based on article 65, paragraph (4) of the Law on Environment (“Official Journal of RM” no 53/05, 81/05, 24/07), The Government of Republic of Macedonia, at the sitting held on 20.11.2007 adopted

## **DECREE**

### **ON THE CRITERIA ON THE BASIS OF WHICH THE DECISIONS AS TO WHETHER A GIVEN PLANNING DOCUMENT IS LIKELY TO HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT AND HUMAN HEALTH SHALL BE ISSUED**

#### **Article 1**

This decree shall stipulate the criteria on the basis of which the decisions as to whether a given planning document is likely to have a significant impact on environment and human health shall be issued.

#### **Article 2**

The provisions of this Decree are of relevance for planning document that are determined by the Decree on the strategies, plans and programmes including amendments to such strategies, plans and programmes, that are subject to a mandatory procedure for assessment of their impact on environment and human life and health.

#### **Article 2**

(1) The criteria for determining whether a given planning document is likely to have a significant impact on environment and human health are the following:

1. The characteristics of plans and programmes, having regard, in particular, to:

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of *acquis communautaire* in the area of environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects on the environment and human life and health,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,

- the effects on areas or landscapes which have a recognized national or international protection status.

(2) The decision on whether a given planning document is likely to have a significant impact on environment and human health shall be specifically elaborated in regards to each of the criteria referred to in paragraph (1) of this article.

#### **Article 4**

This Decree shall enter into force on the eighth day after the day of its publication in the “Official Journal of Republic of Macedonia”.

**No. 19- 7135/1**  
**20 November 2007**  
**Skopje**

**Deputy of the**  
**Prime- minister of the Republic of Macedonia**  
**Zoran Stavreski, M. Sc**

Ordinance on the composition of the committee and the manner of its operation, the program and the manner of carrying out the expert exam, the amount of the fee for taking the expert examination as well as the amount of the fee for the establishment and maintenance of the list of strategic environmental assessment experts and the manner of acquiring and losing the status of strategic environmental assessment expert, as well as the manner and the procedure for inclusion and exclusion from the list of experts

(“Official Journal of RM” no 129/07)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT





Based on article 68, paragraph (7) of the Law on Environment (“Official Journal of RM” no 53/05, 81/05, 24/07), the minister managing the state administrative body competent for the issues in the area of environment, adopted the following

## **ORDINANCE**

### **ON THE COMPOSITION OF THE COMMITTEE AND THE MANNER OF ITS OPERATION, THE PROGRAM AND THE MANNER OF CARRYING OUT THE EXPERT EXAM, THE AMOUNT OF THE FEE FOR TAKING THE EXPERT EXAMINATION AS WELL AS THE AMOUNT OF THE FEE FOR THE ESTABLISHMENT AND MAINTENANCE OF THE LIST OF STRATEGIC ENVIRONMENTAL ASSESSMENT EXPERTS AND THE MANNER OF ACQUIRING AND LOSING THE STATUS OF STRATEGIC ENVIRONMENTAL ASSESSMENT EXPERT, AS WELL AS THE MANNER AND THE PROCEDURE FOR INCLUSION AND EXCLUSION FROM THE LIST OF EXPERTS**

#### **I. BASIC PROVISIONS**

##### **Article 1**

###### **Scope**

This ordinance shall stipulate the composition of the Committee and the manner of its operation, the program and the manner carrying out the expert exam, the amount of the fee for taking the expert examination as well as the amount of the fee for the establishment and maintenance of the List of Strategic Environmental Assessment experts and the manner of acquiring and losing of the status of Strategic Environmental Assessment expert, as well as the manner and the procedure for inclusion and exclusion from the List of experts.

##### **Article 2**

###### **Definitions**

Certain terms used in this Ordinance shall have the following meaning:

- 1. Strategic Environmental Assessment expert** is a physical entity who possess a certificate proving that the entity has passed the exam for Strategic Environmental Assessment and who possess a certificate that the entity has been included in the List of experts for Strategic Environmental Assessment that is maintained by the state administrative body competent for this issues in the area of environment.
- 2. Professional knowledge of Strategic Environmental Assessment** is certified knowledge that is proved by the existence of a certificate that the physical entity passed the exam for Strategic Environmental Assessment.
- 3. The list of Strategic Environmental Assessment expert** is an updated inventory of physical entities - Strategic Environmental Assessment experts - that is maintained by the state administrative body competent for issues in the area of environment (hereinafter: List of experts).

#### **II. COMPOSITION OF THE COMMITTEE AND THE MANNER OF ITS OPERATION**

##### **Article 3**

###### **Committee for carrying out the Strategic Environmental Assessment exam**

- (1) The expert exam for Strategic Environmental Assessment shall be taken before the Committee for carrying out of the Strategic Environmental Assessment exam (hereinafter: the Committee).
- (2) The Committee shall consist of:

- three representatives from the state administrative body competent for the issues in the area of environment and their deputies;
  - one representative from the state administrative body competent for the issues in the area of health and his/her deputy; and
  - one representative who is a significant expert in the area of environment and his/her deputy.
- (3) The members of the Committee and their deputies shall be assigned with a mandate of two years.
  - (4) The members of the Committee and their deputies may be assigned as members of the examination committee a specific role at the most twice.
  - (5) The members of the Committee shall from amongst its membership, elect a president and deputy- president with a mandate of one year.
  - (6) The Committee shall adopt decisions by majority of votes.
  - (7) The member of the Committee shall notify the president of the Committee on the absence and the reasons of absence in cases where a member is not able to attend the work of the Committee.
  - (8) In the cases referred to in paragraph (7) of this article, the president of the Committee shall call on a deputy-member to attend the work of the Committee, taking into consideration that at all times, at least one representative of the state administrative body competent for the issues in the area of environment and at least one representative of the state administrative body competent for the issues in the area of health should attend the work of the Committee.
  - (9) The Committee shall keep written records of its work.
  - (10) The Committee shall prescribe Rules of Procedure for its work.
  - (11) The administrative and technical activities of the Committee shall be carried out by the state administrative body competent for the issues in the area of environment.
  - (12) The Committee may adopt technical guidelines for carrying out of exam.

### **III. PROGRAMME AND THE MANNER OF TAKING THE EXPERT EXAM**

#### **Article 4**

##### **Programme for taking the expert exam**

- (1) The Strategic Environmental Assessment expert exam shall be carried out in accordance with the Programme for taking the expert exam, which is an Addendum and shall be considered as integral part of this Ordinance.
- (2) The Programme referred to in paragraph (1) of this article shall be publicized at the website of the state administrative body competent for the issues in the area of environment and shall be updated on an annual basis.

#### **Article 5**

##### **Application for taking the expert exam**

- (1) A candidate who intends to take the Strategic Environmental Assessment expert exam (hereinafter: exam) and to enroll for the List of experts shall submit an application to the state administrative body competent for the issues in the area of environment.
- (2) Attached to the application, the candidate shall submit the following documentation:
  1. evidence of completed higher education;
  2. evidence of their working experience;
  3. personal statement on the intention to take the exam and/or on the intention for enrollment for the List, where the candidate shall state their specific area of performance, and shall demonstrate how he/she satisfies

- the required conditions for enrolment in the List. The personal statement shall be written in A4 format with maximum of 3000 characters or 2 pages;
4. portfolio on his/her work demonstrating the most relevant activities carried out in the area of environment and Strategic Environmental Assessment. The portfolio shall be written in A4 format with a maximum of 6.500 characters or 4 pages;
  5. at least one recommendation enclosed in an envelope on the personal and professional characteristics of the physical entity that is submitting the application;
  6. curriculum vitae
  7. certificate of payment at the amount of 3.000 denars.
- (3) The application and documentation attached shall be submitted by the applicant in a closed envelope on which shall be written: “Application for taking the Strategic Environmental Assessment expert exam” and a particular indication: “Do not open”.

#### **Article 6**

##### **Organizing the examination**

- (1) The Committee shall organize the examination if at least five applications have been submitted.
- (2) The examination shall be conducted twice a year, depending on the number of applicants.

#### **Article 7**

##### **Content of the examination**

- (1) The examination shall consist of:
  - Part I – written exam; and
  - Part II- oral exam
- (2) The written exam shall consist of the following two parts:
  - question paper in a written form; and
  - case study.
- (3) The number of questions referred to in line 1 of paragraph 2 of this article shall consist of no less than 25 and no more than 40 questions.
- (4) The oral and written parts shall be carried out in Macedonian language and in Cyrillic script, except in cases referred in article 21 of this Ordinance.

#### **Article 8**

##### **Written examination**

- (1) The physical entity who is an applicant for taking the Strategic Environmental Assessment expert exam (hereinafter: the candidate) shall be called upon to take the written exam, at least 30 days before the day of the carrying out of the oral examination.
- (2) The call referred to in paragraph (1) of this article shall take the form of call which includes information on the exact date and place where the examination takes place. The call shall be announced:
  - In at least two daily newspapers and
  - At the internet site of the state administrative body competent in the area of environment.

#### **Article 9**

##### **Case study**

The case study referred in article 7 paragraph (2) line 2 of this ordinance shall be composed of:

- Short description of a case with suggested alternatives, which shall be analyzed by the candidate from the perspectives of the proposed alternatives, the geographical position of the project, the economic circumstances and involved entities, and
- Preparation of a resolution in form of a draft- decision on the case.

#### **Article 10**

##### **Oral examination**

- (1) The oral examination shall be scheduled at least 7 days, and the latest in 15 days, after completion of the written exam. The date of the oral exam shall be scheduled at the day of the carrying out of the written exam.
- (2) The oral exam shall consist of:
  - a presentation by the candidate,
  - the asking of question and
  - replying to the questions asked.

#### **Article 11**

##### **Presentation by the candidate**

- (1) The presentation shall be performed by the candidate, and in it he/she should describe his/her professional experience and explain the case study analysis and the reasons for the draft decision he/she has proposed at the written examination. The presentation shall last for a maximum 30 minutes, during which supportive technical equipment may be used.
- (2) The need for providing supportive technical equipment for presentation referred in paragraph (1) of this article shall be communicated to the Committee at least three days before the oral examination is carried out.
- (3) The Committee shall provide supportive technical equipment such as: graph plotter, LCD projector and personal computer.

#### **Article 12**

##### **Replying to questions**

The members of the Committee shall pose questions to the candidate on the presentation referred to in article 11 of this Ordinance.

#### **Article 13**

##### **Preparation of the questions for the written examination**

- (1) The questions intended for the written examination and the case assessment shall be prepared by the president of the Committee, for each examination separately. The members of the Committee shall submit suggestions for questions to be posed at the examination.
- (2) The examination shall have a confidential character.

#### **Article 14**

##### **Assessment of submitted documentation**

- (1) Before the written exam is taken, the Committee, in the presence of the candidates, shall open the envelopes obtained and shall verify the validity of the documentation. In cases where the Committee finds that the submitted documentation is not complete, it shall immediately notify the candidate, and oblige him/her, within a certain period before the carrying out of the written exam, to complete the application and to submit the required documentation.
- (2) The period referred in paragraph (1) of this article may not be longer than 7 days.

- (3) In cases where the candidate does not proceed in accordance to the instructions referred to in paragraph (2) of this article, or does not submit the required information within the defined period, this shall be considered as a withdrawal of the application.

#### **Article 15**

##### **Scoring**

- (1) The assessment of the knowledge shall be expressed in a scoring results of “passed” or “failed”, separately for the written and the oral exam.
- (2) The passing of the written exam by the candidate shall be a precondition for taking the oral examination.
- (3) The candidate shall be enrolled in the list of experts only if he/she has acquired the score “passed” for the exam.
- (4) The candidate who has “failed” may take the examination again within one year form the day when he/she was given this score.

#### **Article 16**

##### **Granting of the score for the written part of the exam**

- (1) The score “passed” for the written part of the exam shall be granted to the candidate that correctly replies to at least 65% of the total number of questions and who was scored as “passed” by at least three members of the Committee for the answers in on the case study resolution.
- (2) The score “passed” for the answer on the case study resolution shall be granted by the members verbally at the Committee meeting.

#### **Article 17**

##### **Granting of the score for the oral part of the exam**

- (1) The members of the Committee, immediately after the conclusion of the oral part of the exam, score each of the candidates on the oral exam separately in the presence of the candidate.
- (2) The score shall be write down in a form certified by the state administrative body competent in the area of environment and the president of the Committee, the form shall be placed in closed envelope on the outside of which the name of the candidate is noted.
- (3) The envelope shall be handed to the president of the Committee. After obtaining envelopes of all members of the Commission the president shall open the envelopes and announce the individual scores to each member.
- (4) The final score shall be announced by the president of the Committee in presence of the candidate.
- (5) The oral part of the exam shall be considered as successfully passed if at least three members of the Committee scored the candidate as “passed”.

#### **Article 18**

##### **Candidate scoring criteria**

During the scoring of the candidate, the members of the examination committee shall take into particular account the following proficiencies as demonstrated by the candidate:

- knowledge of the procedure and the substance of Strategic Environmental Assessment;
- knowledge of the scientific, social and human aspects of the impacts of the planning document on the environment, and human life and health;
- presented significant knowledge on particularly preferred – specific areas of performance;

- capability to research and assess environmental problems and to identify solutions;
- capability to provide balanced decisions based on objective assessments;
- capability for presentation, verbal eloquence and mediation; and
- general knowledge of the concept of sustainable development.

#### **Article 19**

##### **Certificate**

- (1) A candidate that passes the exam and fulfills the conditions laid down in article 68 of the Law on Environment shall be granted by the state administrative body competent in the area of environment a certificate for passing the Strategic Environmental Assessment expert exam, which shall state that the candidate has obtained the status of an Strategic Environmental Assessment expert, as well as certificate on inclusion to the List of experts for Strategic Environmental Assessment.
- (2) A candidate that passes part of the exam shall be granted by the state administrative body competent in the area of environment a certificate for the part of the exam that he/she has passed.
- (3) A candidate who does not pass the exam, but fulfills the conditions laid down in article 85 paragraph 2 of the Law on Environment regarding the enrollment to the list of expert, shall be granted by the state administrative body competent in the area of environment a certificate for professional knowledge of the Strategic Environmental Assessment.
- (4) The certificates referred to in paragraphs (1), (2) and (3) of this article shall be signed by the minister managing the state administrative body competent in the area of environment and the President of the examination Committee.

#### **Article 20**

##### **Validity of the certificates**

- (1) The certificates referred to in article 19 of this Ordinance shall be valid for period of five years.
- (2) A certificates validity may be extended for an additional period of five years after submission of a request for continuation of the validity of the certificate.

#### **Article 21**

##### **Foreign physical entity**

- (1) If a foreign physical entity appears as candidate, the candidate shall submit a special envelop containing statement on the language in which the candidate desires to take the exam, attached to the application for taking the exam.
- (2) In cases referred in paragraph (1) of this article, the burden of the real costs for translation necessary for carrying out of the exam falls on the candidate. The real expenditures for translation necessary for carrying out of the exam includes the costs for the written translation of the questions and the case study and translation of the answers as well as the costs for simultaneous verbal translation during the oral exam.
- (3) During the preparation of the written exam for the foreign physical entity, the time necessary for translation should be taken into account.
- (4) The foreign physical entity shall submit the necessary application and documentation translated in Macedonian language and in Cyrillic script.

#### **Article 22**

##### **Publication of information**

- (1) The candidates that have obtained certificate for inclusion in the List of experts shall, within 15 days, submit to the state administrative body competent in the area of

- (2) The state administrative body competent in the area of environment shall publish in the List of experts, the information contained in the form, and shall make the information available at the internet site of the state administrative body competent in the area of environment, within 7 days from the date of the submission of the form.

#### **Article 23**

##### **Costs for carrying out of the exam**

The costs for carrying out of the exam are at burden of the candidate.

#### **IV. THE AMOUNT OF THE FEE FOR TAKING THE EXPERT EXAMINATION AS WELL AS THE AMOUNT OF THE FEE FOR ESTABLISHMENT AND MAINTENANCE OF THE LIST OF STRATEGIC ENVIRONMENTAL ASSESSMENT EXPERTS**

#### **Article 24**

##### **Fee for taking the expert exam**

- (1) The fee for taking the expert exam shall be 2.000 denars.  
(2) The fee for establishment and maintenance of the List of expert exam shall be 1.000 denars.

#### **V. MANNER OF ACQUIRING AND LOSING OF THE STATUS OF STRATEGIC ENVIRONMENTAL ASSESSMENT EXPERT**

#### **Article 25**

##### **Acquiring the status of Strategic Environmental Assessment expert**

- (1) The status of Strategic Environmental Assessment expert shall be acquired by:
- assessment of the professional knowledge of the physical entity through examination,
  - recording the data on the physical entity in the List of experts.
- (2) The assessment of the professional knowledge of the physical entity referred in paragraph (1) line 1 of this article shall be carried out by the Committee.

#### **Article 26**

##### **Losing the status of Strategic Environmental Assessment expert**

The status of Strategic Environmental Assessment expert shall be lost in cases stipulated in article 28 and 29 of this ordinance.

#### **VI. THE MANNER AND THE PROCEDURE FOR INCLUSION AND EXCLUSION FROM THE LIST OF EXPERTS**

#### **Article 27**

##### **Inclusion in the list of experts**

- (1) The state administrative body competent in the area of environment shall, within 7 days from the date of submission of information referred to in article 22 of this ordinance, include the candidate in the List of experts and shall issue the candidate a certificate for inclusion in the List of experts in accordance to article 19 paragraph (1) of this Ordinance.

- (2) A physical entity who does not fulfill the conditions for inclusion in the List of experts, and who has passed the exam, may request inclusion in the List of experts after fulfillment of the conditions stipulated in article 68 of the Law on environment.

#### **Article 28**

##### **Ex officio exclusion from the list of experts**

- (1) The ex officio exclusion from the list of experts shall be carried out in cases of:
- expiry of the validity of the certificate;
  - death of the expert;
  - in cases where the expert individual is incapacitated; and
  - at request of the expert
- (2) In cases referred to in paragraph (1) of his article, the minister managing the state administrative body competent in the area of environment shall adopt a decision on the exclusion of the expert form the List of experts.

#### **Article 29**

##### **Exclusion from the list of experts in special cases**

- (1) An expert shall be excluded from the List of experts in cases where:
- there is a negative assessment of the report prepared by the expert for strategic impact assessment, twice;
  - there are serious and multiple breaches of the laws in the area of environment in undertaking the Strategic Environmental Assessment prepared by the expert;
  - a court decision identifies deceit or fake presentation of data and their abuse in undertaking the procedure for Strategic Environmental Assessment.
- (2) If the existence of the cases referred to in paragraph (1) of this article for the expert that is enclosed in the List of experts is acknowledged, The Committee shall discuss these cases and shall adopt a decision on exclusion of the expert form the List of experts.
- (3) In such cases as referred to in paragraph (1) of this article, the Committee shall discuss a formal request for exclusion, at request of the members of the Committee, or other physical entity, or at request of the state administrative body competent for the issues in the area of environment.
- (4) Based on the decision of the Committee or based on the court decision referred to in paragraph 1 line 3 of this article, the minister managing the state administrative body competent in the area of environment shall adopt a decision on the exclusion of the expert form the List of experts.
- (5) If an expert is excluded from the List of experts by decision, he/she shall not be able to submit an application for inclusion in the List of Experts within a period of three years from the date of the adoption of the decision for exclusion. The expert shall be included one more time in the List of experts upon taking of the written and oral part of the exam.

### **VII. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 30**

##### **Entrance into force**

This Ordinance shall enter into force on the eighth day after the day of its publication in the “Official Journal of Republic of Macedonia”.

**No. 17- 5737/1**  
**04 October 2007**  
**Skopje**

**Minister**  
**of environment and physical planning**  
**Dzelil Bajrami**



## ADDENDUM

### PROGRAMME FOR TAKING THE EXPERT EXAM

#### Topics for the written part of the exam

1. Legislation concerning Strategic Environmental Assessment and public participation in the decision making process;
2. Legislation in the area of water, ambient air, nature protection, waste, noise, chemicals and other laws related to the area of environment;
3. Legislation in the area of agriculture, forestry, fishing, energy sector, industry, mining, transport, regional development, telecommunications, tourism, spatial and urban planning and land use;
4. knowledge of the financial and economic area
5. The concept of sustainable development

#### Inventory of references for preparation of the exam

1. Law on environment
2. Law on waste management
3. Law on ambient air quality
4. Law on Nature protection
5. Law on water
6. Law on protection from noise in the environment
7. Law on spatial and urban planning
8. Law on local self government
9. Law on fishery
10. Law on organic agricultural production
11. Law on promotion of agricultural development
12. Law on technological industrial development zones
13. Law on mineral resources
14. Law on electronic communications
15. Law on touristic services
16. Law on concessions
17. Law on hunting
18. Law on agricultural land
19. Law on energy
20. Law on construction land
21. Law on forests
22. Law on chemicals
23. Law on mineral resources
24. Law on implementation of the Spatial plan of the Republic of Macedonia
25. The Spatial plan of the Republic of Macedonia
26. National environmental action plan 1 and National environmental action plan 2
27. Directive on the Strategic Environmental Assessment 2001/42;
28. The Aarhus Convention
29. Strategy on Biodiversity
30. Law on organization and operation of the state administrative bodies
31. Subsidiary legislation on performance of the procedure for Strategic Environmental Assessment
32. Subsidiary legislation adopted on basis of the above- listed laws.

Besides the stipulated references, it is necessary to regularly consider new regulations in the area of environment, strategic and planning documents adopted by the state administrative body competent in the area of environment, other state administrative bodies and the Government of the Republic of Macedonia, and Strategic Environmental Assessment procedure related legislation, and amendments and revisions of the existing legislation.

# Ordinance of conducting transboundary consultations

(“Official Journal of RM” no 110/10)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



Pursuant to Article 70 paragraph 3 of the Law on Environment (“Official Gazette of the Republic of Macedonia” No. 53/05, 81/05, 24/07, 83/09, 159/08 and 48/10), the Minister of Environment and Physical Planning with assent of the Minister for Foreign Affairs, hereby adopts a

## **ORDINANCE**

### **on the manner of carrying out transboundary consultations (\*)**

#### Article 1

This Rulebook shall prescribe the manner of carrying out transboundary consultations in case when the implementation of the planning document in the Republic of Macedonia is likely to have transboundary effects on the environment and human life and health and the manner of which the country considering that a planning document prepared in the Republic of Macedonia is likely to have effects on the environment and human life and health on its territory, may request information on the effects on the environment and human health on its territory.

#### Article 2

(1) Where implementation of the planning document in the Republic of Macedonia is likely to have transboundary effects on the environment and human life and health, the body preparing the planning document within 15 days from the date of determination of the effects shall notify the Ministry of Environment and Physical Planning.

(2) Upon receipt of the notification referred to in paragraph (1) of this Article, the Ministry of Environment and Physical Planning shall review information received and within 10 days from the date of receipt of the notification shall adopt a decision on the need for carrying out transboundary consultations.

(3) Upon determination of the need for carrying out transboundary consultation with the country concerned, the state administrative body that prepares the planning document, following a request from the Ministry of Environment and Physical Planning, shall deliver the documents referred to in Article 70 paragraph (1) of the Law on Environment translated into the official language of the neighbouring country within 15 days.

(4) Where the decision referred to in paragraph (2) of this Article has determined that carrying out transboundary consultations is necessary, the Ministry of Environment and Physical Planning through the Ministry of Foreign

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\* This Rulebook transposes Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, 32001L0042

Affairs of the Republic of Macedonia shall submit the documents referred to in paragraph (3) of this Article, along with an invitation for participation in transboundary consultations, to the competent Ministry in the field of environment or other competent body of the country concerned as soon as possible, but not later than the date of publication of the information for its own public in accordance with Article 69 paragraph (1) of the Law on Environment.

(5) The invitation referred to in paragraph (4) of this Article shall specify the deadline, which shall not be longer than two months from the date of delivery of the invitation, in which the competent body in the field of environment of the country concerned or other competent body may present its position whether it intends to participate in the transboundary consultations when adopting the planning document within the procedure for strategic assessment, and in case of existence of such intention, to conduct public consultation procedure with its own public and to forward opinions and comments of its own public within the aforementioned deadline.

(6) The Ministry of Environment and Physical Planning shall initiate cooperation with the competent body in the field of environment of the country concerned to determine the manners and the mutual cooperation for carrying out transboundary consultations in respect of the adoption of the planning document.

(7) The competent body in the field of environment of the country concerned or other competent body, based on the received invitation, may ask for extension of the deadline referred to in paragraph (5) of this Article where it is necessary, based on mutual consultation with the Ministry of Environment and Physical Planning to agree on a reasonable time frame for the duration of the consultations.

### Article 3

(1) Where a competent body in the Republic of Macedonia that prepares a planning document receives a notification from a body of another country which considers that the implementation of the planning document is likely to have a significant transboundary effects to the environment, including human health on its own territory or that the environment is likely to be significantly affected, shall immediately notify the Ministry of Environment and Physical Planning thereof for the purpose of ensuring carry out of transboundary consultation within the procedure for strategic assessment of the planning document.

(2) Where the Ministry of Foreign Affairs receives a notification from a body of another country which considers that the implementation of the planning document adopted by another state administrative body and local government body in the Republic of Macedonia is likely to have significant transboundary effects to the environment, including human health on its own territory or that the environment is likely to be significantly affected, shall immediately notify the Ministry of Environment and Physical Planning thereof for the purpose of

ensuring carry out of transboundary consultation within the procedure for strategic assessment of the planning document.

(3) Where the Ministry of Environment and Physical Planning receives notification from a body of another country which considers that the implementation of the planning document adopted by another body in the Republic of Macedonia is likely to have significant transboundary effects to the environment, including human health on its own territory or that the environment is likely to be significantly affected, shall immediately notify the body preparing the planning document thereof for the purpose of ensuring carry out of transboundary consultation within the procedure for strategic assessment of the planning document.

(4) In cases referred to in paragraph (1), (2) and (3) of this Article, the Ministry of Environment and Physical Planning shall provide the bodies of the country concerned with the necessary information on assessment of the transboundary effects in the course of preparation of the planning document.

(5) In cases referred to in paragraph (4) of this Article, the Ministry of Environment and Physical Planning shall ask the body preparing the planning document to submit all documents referred to in Article 70 paragraph (1) of the Law on Environment, translated into the official language of the country concerned, for the purpose of carrying out the transboundary consultations.

(6) The Ministry of Environment and Physical Planning through the Ministry of Foreign Affairs of the Republic of Macedonia shall submit the documents referred to in paragraph (5) of this Article to the competent body in the field of environment of the country concerned or other competent body, along with indication opinions and comments received from its own public to be forwarded not later than two months from the date of submission of documents.

(7) The Ministry of Environment and Physical Planning shall initiate cooperation with the competent body in the field of environment of the country concerned to determine the manners of mutual cooperation for carrying out transboundary consultations in respect of the adoption of the planning document.

#### Article 4

(1) Upon adoption of the planning document, the body that has adopted the planning document shall submit it to the Ministry of Environment and Physical Planning, along with the environmental report translated into the official language of the country concerned, which describes the manner of taking into account the likely effects to the environment, including human health, into the planning document and the reasons for their incorporation within the frames of the real options evaluated in the course of adoption of the planning document.

(2) The Ministry of Environment and Physical Planning shall submit the documents referred to in paragraph (1) of this Article to the competent body in the field of environment of the country concerned, involved in the

transboundary consultations, within 15 days from the date of receipt of the documents referred to in paragraph (1) of this Article.

#### Article 5

Where there is an agreement with the country concerned which regulates the procedure for mutual consultation in strategic assessment of a planning document, pursuant to article 71-a of the Law on Environment, the provisions of this rulebook shall apply unless otherwise stipulated by that agreement.

#### Article 6

This Rulebook shall enter into force on the eight day from the date of its publication in the Official Gazette of the Republic of Macedonia.

No. 07-7265/1

Skopje, 15.07.2010

MINISTER,  
D-r Nedzati Jakupi

MINISTER,  
Antonio Miloshoski



Ordinance on the form, content and application of the decision for  
conducting or not-conducting strategic environmental assessment and  
on the application forms for the need of conducting and not-  
conducting strategic environmental assessment

("Official Journal of RM" no 122/11)

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NATIONAL CONFERENCE FOR STRATEGIC ENVIRONMENTAL ASSESSMENT



Pursuant to Article 65 paragraph (20) of the Environment Law (Official Gazette of the Republic of Macedonia no. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10 and 51/11), the Minister of Environment and Physical Planning adopted this

#### Ordinance

on the form, content and the pre-printed form of the decision to perform a strategic environmental assessment and the pre-printed forms on the need to perform or not to perform a strategic environmental assessment

#### Article 1

This ordinance shall define the form, content and the pre-printed form of the decision to perform a strategic environmental assessment and the pre-printed forms on the need to perform or not to perform a strategic environmental assessment.

#### Article 2

(1) The form, content and the pre-printed form for the decision to not perform a strategic environmental assessment shall be defined in Annex 1 to this Ordinance.

(2) The form, content and the pre-printed form for the decision to perform a strategic environmental assessment shall be defined in Annex 2 to this Ordinance.

#### Article 3

The form, content and the pre-printed form on the need to perform or to not perform a strategic environmental assessment shall be defined in Annex 3 to this Ordinance.

#### Article 4

This Ordinance shall come into force on the eighth day after the day of publication in the Official Gazette of the Republic of Macedonia.

No.

Skopje

Minister  
Abdulaqim Ademi  
*signed*

Annex 1

Pursuant to Article 65 paragraph (6) of the Environment Law (Official Gazette of the Republic of Macedonia no. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10 and 51/11),  
\_\_\_\_\_, on this day, \_\_\_\_\_ adopted this  
(1) (2)

Decision to not perform a strategic environmental assessment

1. Regarding the planning document \_\_\_\_\_ adopted pursuant to \_\_\_\_\_, a strategic environmental assessment pursuant to Article 65 of the Environment Law shall not be performed.  
(3) (4)

2. This decision, along with the pre-printed forms on determining the need to perform or not to perform a strategic environmental assessment shall be published on the web-site of \_\_\_\_\_.  
(5)

3. Pursuant to the criteria on determining whether a planning document has an environmental impact, referred to in Article 65 paragraph (4) of the Environment Law, and on the basis of the data in Annex 2 of the Ordinance on the form, content and the pre-printed form of the decision to perform a strategic environmental assessment and the pre-printed forms on the need to perform or not to perform a strategic environmental assessment, the adoption of the planning document \_\_\_\_\_ shall have no impacts on the environment due to the following reasons: \_\_\_\_\_.  
(6) (7)

4. An appeal against this decision may be submitted to \_\_\_\_\_ within 15 days after the day of publication of the decision on the web-site.  
(8)

No. \_\_\_\_\_  
(9)

Location \_\_\_\_\_  
(11)

Name

\_\_\_\_\_, signature  
(10)

## Instructions on filling out the Decision to not perform a strategic environmental assessment

1. Insert the name of the municipality, the municipality in the City of Skopje or the City of Skopje or the authority that shall adopt the decision to develop or adopt the planning document and is thereby obliged to carry out the procedure.
2. Insert the date, on which the decision is adopted.
3. Insert the title of the planning document (e.g. National Waste Management Plan).
4. Insert the title of the law that serves as the basis for the planning document (e.g. Law on Waste Management).
5. Insert the web-site, where the authority shall publish the decision.
6. Insert the title of the planning document (e.g. National Waste Management Plan).
7. Elaboration of the rationale behind the decision.
8. Insert the name of the competent authority for the appeal procedure, i.e. if the decision is adopted by a mayor of a municipality, a mayor of a municipality in the City of Skopje or the mayor of the City of Skopje, the appeal may be lodged to the Ministry of Environment and Physical Planning, and if the decision is adopted by a responsible person in an authority of the state administration, the appeal may be lodged to the State Commission on administrative procedures and labour relations in the second instance.
9. Insert the archive number of the decision.
10. Signature of the person managing the authority adopting the decision.
11. Location where the decision is adopted.

Pursuant to Article 65 paragraph (6) of the Environment Law (Official Gazette of the Republic of Macedonia no. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10 and 51/11),  
\_\_\_\_\_, on this day, \_\_\_\_\_ adopted this

(1)

(2)

Decision to perform a strategic environmental assessment

1. Regarding the planning document \_\_\_\_\_ adopted by \_\_\_\_\_, a strategic environmental assessment

(3)

(4)

pursuant to Article 65 of the Environment Law shall be performed.

2. The following authorities shall be authorities affected by the planning document \_\_\_\_\_:

(5)

(6)

3. Regarding the planning document \_\_\_\_\_ developed by \_\_\_\_\_, and adopted by \_\_\_\_\_,

(7)

(8)

document

(9)

\_\_\_\_\_ shall have an impact on the environment.

(10)

4. The scope of the strategic environmental assessment shall include following aspects:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(11)

5. This decision, along with the pre-printed forms on determining the need to perform a strategic environmental assessment shall be published on the web-site of

\_\_\_\_\_ on the following link: \_\_\_\_\_.

(12)

6. The public may lodge an appeal against this decision to \_\_\_\_\_ within 15 days after the day of publication of the decision on the web-site.

(13)

(14)

No. \_\_\_\_\_

(15)

Location \_\_\_\_\_.

(17)

Name

\_\_\_\_\_, signature

(16)

## Instructions on filling out the Decision to perform a strategic environmental assessment

1. Insert the name of the authority adopting the decision or the authority tasked to develop and adopt the planning document and carry out the procedure.
2. Insert the date, on which the decision is adopted.
3. Insert the title of the planning document (e.g. National Waste Management Plan).
4. Insert the name of the authority adopting the planning document.
5. Insert the title of the planning document (e.g. National Waste Management Plan).
6. Insert the names of the authorities of central and local government that may be affected by the implementation of the planning document (e.g. Ministry of Health, Institute for Public Health Regional Office Bitola, Hydro-Biological Institute etc.).
7. Insert the title of the planning document (e.g. National Waste Management Plan).
8. Insert the name of the authority developing the planning document.
9. Insert the name of the authority adopting the planning document.
10. Insert the title of the planning document (e.g. National Waste Management Plan).
11. Determine the scope of the report (e.g. areas that the planning document shall impact and that shall be elaborated on in the report).
12. Insert the name of the authority adopting or developing the planning document.
13. Insert the web-site, where the authority shall publish the decision.
14. Insert the name of the competent authority for the appeal procedure, i.e. if the decision is adopted by a mayor of a municipality, a mayor of a municipality in the City of Skopje or the mayor of the City of Skopje, the appeal may be lodged to the Ministry of Environment and Physical Planning, and if the decision is adopted by a responsible person in an authority of the state administration, the appeal may be lodged to the State Commission on administrative procedures and labour relations in the second instance.
15. Insert the archive number of the decision.
16. Office, first and last name of the person signing the decision on behalf of the authority.
17. Location where the decision is adopted.

## Pre-printed form on the need to perform or not to perform a strategic environmental assessment

Information on the authority developing the planning document	
Planning document title	
Competent authority for development of the planning document	
Competent authority for adopting the planning document	(Fill out only if the authority developing the planning document is different from the authority adopting it. (e.g. The Ministry develops a planning document to be adopted by the Government or the mayor develops a General Urban Development Plan to be adopted by the municipal council))

Information on the authority developing the planning document	
Name of the competent person for development of the planning document	
Job title	
Contact information	



Basic information on the planning document
Basis for adoption of the planning document (e.g. obligation according to law or other regulation)
Is a new planning document adopted or an existing document amended?
YES / NO
If an existing planning document is amended, insert the title of the existing planning document and the rationale behind the amendments
Does the planning document include a thematic area referred to in Article 65 paragraph 2 of the Environment Law? If YES, state the relevant thematic area.
Is the planning document defined in the Decree on the strategies, plans and programmes, including amendments to those strategies, plans and programmes, subject to an assessment of their impact on the environment and human health? If YES, state the number and the indent (e.g. Article 3 number 1 indent 5).
Yes / No
Article _____ number _____ indent _____
Does the planning document include implementation of a project defined in the Decree on determining the projects and the criteria for determining the need for an environmental impact assessment? If YES, state the type of project.
Does the planning document include the use of a small area of local significance, as referred to in Article 65 paragraph 3 of the Environment Law? If YES, state the surface area and the significance of the location.

State the aim of the planning document and describe the key decision to be adopted.		
Scope of the planning document. (e.g. transport, spatial planning etc.)		
Timeframe for adoption of the planning document.		
Is a revision of the planning document foreseen? If yes, in how many years?		
Space or area treated in the planning document (e.g. geographic area; attach a map, if possible)		
	YES	NO
Objectives and/or proposed objectives to be achieved through the planning documents, and are these contained in an act or document?	<input type="radio"/>	<input type="radio"/>
Is a copy of the objectives attached?	<input type="radio"/>	<input type="radio"/>

<p><b>Summary of environmental impacts</b></p> <p>(Determine whether implementation of the planning document will have a significant environmental impact; answer the questions below, which should serve as a basis for assessing the significant environmental impacts, and which are defined in the Decree on the criteria for the decision whether a certain planning document may have significant impacts on the environment and on human health.</p>	
<p><b>Potential environmental impacts of the planning document</b></p>	
Impact probability, duration and frequency;	
Cumulative effect of the impacts on environment and human health;	
Cross-border impacts;	
Risks to human life and health and to the environment (as result of accidents);	
Intensity and spatial scope of the impacts (geographic area and size of the affected population).	
<p><b>Potential economic and social impacts of the planning document, such as:</b></p>	
<p><b>Value and vulnerability of the area affected by the planning document:</b></p>	
Special natural features or cultural heritage;	
Exceeding environmental quality standards or limit values;	
Intensive land use;	
Impact on areas of landscapes with the status of nationally or internationally protected areas.	
<p>Elaborate on the degree to which the planning document represents a framework for implementation of projects and other activities, regarding the location, nature, size, working conditions or resource availability:</p>	
<p>Elaborate on the surrounding area of the project or the activity planned for implementation in the planning document regarding possible environmental impacts (e.g. if the plan foresees the development of residential buildings near an industrial zone, elaborate on whether the industrial zone will have an environmental impact on the residential buildings):</p>	
<p>Elaborate on the significance of the planning document regarding consideration of environmental aspects in decision-making, especially regarding promoting sustainable development: (State whether the scope of the planning document contributes to sustainability and to reducing environmental problems. E.g. an infrastructural plan can have a greater environmental impact than an educational plan or a curriculum).</p>	

Which environmental problems are relevant for the planning document. Elaborate on why these are relevant and describe their nature and severity.  
 (Elaborate on the problems that implementation of the planning document may cause or intensify, the problems that can impede implementation, as well as problems that can be solved or mitigated through implementation of the planning document).

Explain how the planning document is connected to other planning document(s) in the planning hierarchy. State the title and the key environmental impacts of the planning document(s). Determine the differences between key decisions made in this planning document and in other planning documents that were or will be subject of assessment.

If potential impacts of key decisions in the planning document were already assessed or reviewed as part of other planning documents at an earlier stage, summarise the key conclusions from this assessment and elaborate on how those conclusions were used in the decision-making process. Describe whether the earlier assessment was carried out according to the latest information on the environmental impacts, and whether it can be used in the approval of this planning document.

If potential impacts of key decisions in this planning document are subject to assessment during a future planning phase on a lower level, describe the method that will assure that the impacts determined in this phase of approval of the planning document will be taken into consideration in the process of decision-making in the future phase (e.g. strategic environmental assessment of an urban development plan that foresees the construction of a building that is subject to an environmental impact assessment).

STATEMENT	We hereby confirm that the information in this form is accurate, true and complete.
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Office, first and last name and signature of the person signing the planning document on behalf of the authority	_____ _____
--	----------------

Date	seal
_____	
Location _____	