

North Macedonia

SEA profile

Updated to: 15 January 2020

Overview SEA procedure

The SEA process in North Macedonia is detailed separately from the country's EIA approach. It includes a mandatory screening and scoping phase. The assessment process results in a SEA report which is reviewed. It has to be considered in further planning decisions. Provisions for monitoring are given.

If the planning process is required to be done in two phases (considering a draft planning phase), the strategic assessment report shall be integral part of the draft planning document.

Establishing context

Screening process

Screening is a required step in the SEA procedure. The last amendment of the Law on Environment made the planning authority responsible for deciding whether or not an SEA is needed. Forms provided by the Ordinance No.122/11 have to be completed by the authority. They aim to support the screening decision. The planning authority is obliged to send their decision on whether or not an SEA is performed to the MoEPP. If the Ministry does not agree with the decision, it will communicate its new decision to the authority.

North Macedonia has chosen a combined approach of a positive list and case-by-case screening:

- A separate decree lists the plans, programmes and strategies that should be subject to SEA, and
- Strategies, plans and programmes that are not on the list, should be subject to SEA in case of significant impacts on the environment and human life and health. To assist with this decision, use is made of another decree with specifies screening criteria (similar to EU Annex II).

source

Article 65 of the Law on Environment, and decree 19-7132/1 on screening.

Timeline Screening

Timeline for screening is defined in the Law on Environment. After adoption of decision for perform SEA or not to perform SEA, the body who prepares the plan is obliged to publish the decision on the website on the Ministry within 5 days. The planning authority has also obligation to send decision and form within 5 days of adoption of decision to the Ministry. After receiving of decision and forms, the Ministry has then 15 days to decide whether it agrees with the decision or not.

Identification of stakeholders

Identification of stakeholders is the responsibility of the body in charge of the plan that is subject to SEA. A separate decree on participation sets out a series of economic, social and environmental criteria that can be used to identify the public and government bodies that are concerned. Note that the application of this decree is not restricted to the SEA process, but covers participation in environmental regulation and plans and programmes more generally.

source

Decree no. 19-5992/1 on Public Participation

Implementing SEA

Scoping process

The last amendments on the Law on the Environment (No. 51/11) made scoping a mandatory step of the SEA process. Its Article 65 (par.7) promulgates that when an SEA is found necessary, it is obligatory to determine the scope of SEA.

source

Ministry for Environment and Physical Planning.

Participation in scoping

Bodies affected by the implementation of the planning document have to be consulted during scoping, but these bodies have not been further specified.

Baseline data

There are no specific requirements for data collection, although it is required that the SEA report contain a description of the relevant aspects of the environment, and the environmental characteristics of the area affected.

source

Article 2, Decree no. 19-7133/1 on the content of SEA report.

Alternatives

According to the decree on the content of the SEA report, the report shall contain an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken. How the alternatives are identified and developed is not prescribed.

source

Article 2, Decree no. 19-7133/1 on the content of SEA report.

Assessment/mitigation of effects

There are no specific requirements on how the assessment and mitigation of impacts are to be undertaken as part of the SEA. The SEA regulations do require that the SEA be undertaken by a certified SEA expert. The expert need not undertake the entire assessment, but should direct the SEA work, and vouch for the quality of the report. An appointed certification committee can certify experts.

source

Ordinance no. 17-5737/1 on the certification of SEA experts, and article 67 of the Law on Environment.

Content of SEA report

A separate decree on the content of the SEA report specified that the SEA should contain:

- (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.

In cases when SEA has already been applied to a higher level planning document, the regulation states that report on the strategic SEA shall include the information really needed for the adoption of the lower level planning document, and which according to the current knowledge and methods of assessment, the content and the details of the higher level planning document, the phase and the level of adoption, contribute to the proper assessment of the impact of the lower level planning document on the environment to help avoid duplication of the assessment.

source

Decree No. 19- 7133/1 on the content of the SEA report and article 67 of the Law on Environment.

Review process

According to the law, the Ministry for Environment and Physical Planning shall evaluate the adequacy of the SEA report. During the participation step (art. 69), the MoEPP receives the draft SEA at the same time as it is made available to the public. The MoEPP provides an opinion on the SEA (also called the first opinion). This assessment shall be published by the state administration responsible for affairs of the environment on their website (within 5 days from the date when the assessment was done).

Then, after the planning authority has revised the SEA in reaction to the MoEPPs opinion and opinions received through participation, this revised draft is provided to MoEPP for evaluation (art. 72). Formally, the MoEPP now checks the adequacy of the SEA. For this second step, the MoEPP can hire a certified expert, but there is limited budget available for this.

No review criteria have been developed for the review, in practice the MoEPP : checks 1) if the SEA contains the elements required, and 2) if comments from the MoEPP and others been incorporated.

The review advice is not made public, only in cases where the MoEPP is reviewing its own planning documents.

source

Article 69 and 72 of the Law on Environment, and comments from the Ministry for Environment and Physical Planning.

Participation in review

The Ministry for Environment and Physical Planning, and the bodies affected by the implementation of the planning document, legal and natural persons and the public, may submit their opinion on the draft planning document and the Environmental Report to the body that prepares the planning document. In addition, a public hearing should be organised on the SEA and the planning document.

source

Art. 69 (3) Law on the Environment, and the Decree on participation, no. 19-5992/1

Timeline review

All those who can comment, have to provide their submissions within 30 days of publication of the SEA report.

source

Article 69, Law on Environment

Informing decision making

SEA and planning decision-making

The environmental law states that the administrative body responsible for the plan shall take into account the SEA report and the public consultation results when adopting the plan. Before decision-making takes place, Ministry of Environment and Physical Planning evaluates the adequacy of the SEA report. Strictly speaking, the Ministry's formal approval of the SEA report is not required for planning to proceed, but the law states that the administrative body responsible for the plan also take into account the Ministry's evaluation of the SEA report, in its decision-making .

source

SEA regulation, Article 73 in Environmental Law.

Justification of decision

Article 74 (2) of the law stipulates that the body responsible for the plan needs to justify how SEA recommendations and the results of public consultation have been taken on board in the strategic document, in a formal notification of the decision.

source

Article 74, Law on Environment

Follow-up

Monitoring and evaluation

The SEA regulation (article 75) states that the body that prepares the planning document shall also monitor the impact on the environment and on human health caused by the implementation of the planning documents.

The regulation further requires that any other legal and natural person and associations of citizens in the area of environment shall notify the body of the state administration responsible for the affairs of the environment on possible negative impact of plan implementation.

source

Article 75, Law on Environment

SEA practice

Annual no. of SEAs

In the period 2011–2017, the Ministry reviewed, on average, 384 SEA dossiers for screening. It is not clear how many SEAs are actually undertaken, but the number could be close to 100.

source

UNECE third review North Macedonia Environmental Performance Review of 2019.

Professional bodies

The regulation requires that SEAs are undertaken by certified SEA experts. A committee has been appointed under the Ministry for Environment and Physical Planning to certify experts and a public register of certified experts is kept. In 2019 an estimated 40 to 50 experts have been certified.

source

Ordinance no. 17-5737/1 on certification of SEA experts and UNECE third review North Macedonia Environmental Performance Review of 2019

NCEA's capacity development activities

Between 2010 and 2012 a 2-year co-operation [project](#) took place between the Ministry of Environment and Physical Planning of Macedonia MoEPP, and the Netherlands Commission for Environmental Assessment (NCEA). The co-operation was aimed at strengthening the regulatory framework and practice of SEA. The project was funded by the Dutch government.

Relevant links on SEA

The NGO Macedonian Green Centre published a study on the "[Effectiveness of the Environmental Impact Assessment and Strategic Environmental Assessment procedures in the Republic of Macedonia](#)" in 2009.

The UNECE [third review of the](#)

[Environmental Performance of North Macedonia](#) that was published in 2019 also addresses SEA.

Background information

History of SEA

The Law of the Environment (2005) provides the enabling framework for SEA and introduced SEA into legislation. In its progression towards EU membership, North Macedonia transposed the EU directive on SEA into its legislation. The transposition was completed in 2008. In 2013, the country also became party to the UNECE Protocol on SEA.

source

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

Legal framework

Enabling law

Law on the Environment (No. 53/05)

source

Environmental regulations are available on the [website of the Ministry for Environment and Physical Planning](#). An English translation of the Law on Environment is also available there.

National detailed regulation

Law on Environment, articles 65-75 and relevant decrees:

- Decree on public participation during the preparation of legal acts, as well as environmental plans and programs (Official Gazette No.147/2007)
- Decree on strategies, plans and programmes, including their changes (planning documents), for which

there is an obligatory procedure (SEA procedure) for assessing their impact on the environment and on human life and health (Official Gazette No. 153/2007)

- Decree on the content of Strategic Environment impact Assessment Report (Official Gazette No. 153/2007)
- Ordinance on establishment the List with SEA experts , the procedure for carrying out the SEA expert exam, establishment of the Commission for evaluation of the SEA expert knowledge (Official Gazette No. 129/2007)
- Decree on the criteria for making a decision on performing strategic assessment of other strategies, plans and programs which could significantly impact the environment and human life and health (Official Gazette No. 144/2007)
- Ordinance on the manner of carrying out transboundary consultations (110/10)
- 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(Official Gazette No.122/11)

The Law on the Environment (Official Gazette No. 53/05) was amended several times: Official Gazette No. 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11 and 123/12. The amendments in 2011 and 2012 made some minor changes to SEA.

The Decree on public participation and the Decree on strategies, plans and programs have been amended in 2011 (Official Gazette No. 45/11).

source

Contact person MoEPP

Sector specific procedures/regulations

Sectoral SEA regulation has not been prepared.

Guidelines

The following guidelines have been established for SEA:

- SEA and water management - Guidance document on SEA for Watershed Management Planning in North Macedonia
- Strategic Environmental Assessment (SEA): scoping for urban planning
- Guidance for Public Participation in planning and Strategic Environmental Assessment (SEA)
- Practical advice on Strategic Environmental Assessment for local plans

source

Ministry for Environment and Physical Planning

Scope of application

The last amendment on the Law on environment in article 65 par.1 defines the scope of application of SEA as wide. It includes policies as well as programmes and plans. As defined in the regulation, SEA is

required for: strategies, plans and programmes (planning documents), including their amendments, which are prepared in the following sectors: agriculture, forestry, fisheries, energy, industry, mining industry, transport, regional development, telecommunications, waste management, water management, tourism, spatial and urban planning and land use. SEA is also conducted for planning documents which are the base for conducting of projects that are subject to EIA or on for all planning documents that regulate the management of protected areas as declared by law or which can influence those areas.

For planning documents that determine the use of small areas of local importance and which predict small changes to it, the SEA will be performed only when the body preparing the plan determines that there are significant influences on the environment.

source

Article 65, Environment Law

Exemptions from application

The following planning documents are exempted:

- documents that serve the needs of the defense of the Republic of North Macedonia;
- documents adopted in war or state of emergency; and
- documents in the area of finance and the budget of the Republic of North Macedonia and budgets of the municipalities and of the City of Skopje and of the municipalities of the City of Skopje.

source

Art. 66 Law on Environment

SEA approach

The SEA approach is in line with the EU SEA directive, implying a set of activities that should be integrated into the planning process, and is separate from the EIA system of the country.

source

Articles 65-75 in the Law on Environment

Institutional setting

Central SEA authority

The Ministry of Environment and Physical Planning is responsible for sound implementation and performance of the SEA system.

Additional information: Roles and responsibilities of stakeholders in the SEA procedure are clearly identified (see below):

The institution which prepares the strategic document that is subject to SEA is responsible for:

- scope definition for the SEA Report
- the assessment and preparation of the SEA Report

- publication the draft strategic document and SEA Report
- publication of information on the public consultation process
- preparation of a report on the received comments and opinions
- incorporating the received comments and opinions in the SEA
- monitoring the effects from the strategic document implementation and in case negative impacts from the implementation occur, informing the Ministry of Environment and Physical Planning

The Ministry of Environment and Physical Planning is responsible for:

- giving opinions on the strategic document and the SEA Report
- preparation of a report of the adequacy of the SEA
- establishing a list of certified SEA experts

The Ministry of Foreign Affairs is responsible for:

- the transboundary SEA process during the Official Notification on the intention for project implementation submitted by the Republic of North Macedonia to the affected country or by the affected country to the Republic of North Macedonia

Experts from the list of experts for SEA are engaged in:

- preparation of the SEA report
- preparation of the report on the adequacy of the SEA report

NGOs and the general public:

- take part in the public consultation process
- informing the Ministry of Environment and Physical Planning in case negative impacts from the implementation of a strategic document occur

source

Ministry of Environment and Physical Planning

(De)centralisation of SEA mandates

Institutions preparing SEAs are both Ministries at national level as well as self governance units at local level. However, responsibility for approval of the screening decision, and review of the SEA report, lies at the central level in all cases.

source

Articles 65 and 73, Law on Environment.

Initiator of the SEA

The administrative body preparing the planning document is responsible for preparing the SEA report.

Contact

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