

POLICY REPORT



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How far is Macedonia in fulfilling the requirements under Chapter 27 - Environment of the acquis



Abbreviations

EC – European Commission

EIA – Environmental Impact Assessment

EU – European Union

GHG – Green house gasses

GMO – Genetically modified organism

HCFCs – Hydrochlorofluorocarbons

IPPC – Integrated pollution prevention control

SEA – Strategic Environmental Assessment

UNFCCC – United Nations Framework Convention on Climate Change

1. Introduction.

Macedonia's progress under Chapter 27 of the *EU Acquis – Environment and climate change*¹ has been one of the slowest since the EC started reporting about the reform processes in the potential candidates and candidates' member states. The issues in the environmental sector have not been high on the Macedonian government's agenda due to many other problems taking time and money such as public administration and judicial reforms, police reform, human rights, non-majority communities' rights etc., which usually take priority over the environment. Although as a candidate for membership Macedonia is obliged to work on reforms in every chapter including this one. Some progress has been made in certain areas such as transposing the *acquis* into national legislation, in particular on waste management or chemicals. However there is much left to be done, and the general observation is that, the most painful and expensive reforms are yet to be implemented. As it was stated in the last progress report from 2012: *considerable efforts are required on awareness-raising, setting a more strategic approach for the country, aligning with and implanting EU climate acquis... Administrative capacity at both central and local levels needs to be strengthened. Investments need to be increased, especially in the waste and water sectors. Overall, preparations in the field of the environment are moderately advanced while in the field of climate change remain at an early stage.*²

This report will investigate the progress since the first European Commission's Progress Report in 2005 was published until the last one in 2012 and will look into the development with the environmental reforms in the past seven years. It will serve as a guide into what has been done so far, in which areas progress has been slow or reversed, which areas have potential for progress and what lies ahead in the development of the country's environmental protection.

The idea behind this brief is to describe the situation with the environment in Macedonia while using the Progress Reports of the European Commission as our primary source and benchmark for the progress of the country on its path toward the EU.

¹ Up until 2012 this chapter was called only Environment. In the last Progress Report it was referred to as Environment and Climate Change.

²The FYR Republic of Macedonia 2012 Progress Report, European Commission, Brussels, 10.10.2012, page 62.

Problems identified in Chapter 27 – Environment and climate change:

- Very little attention is given to the reforms that fall under this chapter;
- There is a clear understaffing of departments, agencies, inspectorates and other bodies dealing with environmental issues;
- Financial unpreparedness to tackle the issues presented in the paper;
- Severe underinvestment in this sector, especially at local level;
- Climate change is not being integrated in sectoral policies and strategies;
- The polluter-pays principle is not functioning properly;
- Required consultations with stakeholders and the public are not always properly applied.

2. Overview of the EC Progress Reports regarding Chapter 27

Several components of the overall environmental sector have been or are of main importance to the European Commission (EC) when preparing the Progress Report, such as:

- Horizontal legislation
- Air quality
- Waste management
- Water quality
- Nature protection
- Industrial pollution control and risk management
- Chemicals
- GMO (up until 2010 – this field after the last reforms of the Common Agricultural Policy is transferred in Chapter 12 – **Food safety, veterinary and phytosanitary policy**. New area in this Chapter is Climate Change.)
- Noise – (added in 2006)
- Forestry (up until 2010 – after that year it is added to the part regarding nature protection)
- Civil protection – (added in 2011)
- Climate change – (added to this Chapter in 2010)
- Administrative capacity

In 2005, the European Commission stated the following regarding its environment policy and the needed acquis adoption in each candidate and potential candidate member state:

“EU environment policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, fighting environmental damage at source, shared responsibility, and the integration of environmental protection

into other EU policies. The acquis comprises over 200 major legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs)³, noise and forestry. Compliance with the acquis requires significant investment. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment acquis. Ensuring compliance with the acquis requires significant investment, but also brings significant benefits for public health and reduces costly damage to forests, buildings, landscapes and fisheries.⁴

- Horizontal legislation

The steadiest progress has been noted in the area of adopting the required legislation. However even in the adoption process there have been several shortcomings emerging every year. A new Law on Environment entered into force in September 2005. Nevertheless there was a recommendation for the environmental inspectorates to prescribed in the law on legislation on public access to Environmental Impact Assessment with the *acquis*⁵, while the next requirements relating to public are not yet adequately regarding the participation of the administrative capacity for Impact Assessment (EIA) and Assessment (SEA) Directives has sufficient, particularly at local for public consultation are still not no significant changes in 2010. In multilateral Agreement among Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Pollutant Releases and the Transfer Register were ratified.⁷ The latest Progress Report noted yet again that administrative capacity for implementing the EIA and SEA Directives is still not as it should be, especially at local level. The requirements for access to information and public consultations related to EIA and SEA are still not adequately applied.⁸

Biggest issues noticed throughout the years: public consultation; investments; weak local and national administrative capacities; water quality; climate change.

The only progress noticed throughout the years was in the first area of horizontal legislation and its alignment with the EU acquis on this topic.

impose directly the penalties environment. In 2007 the environmental information and (EIA) has been further aligned year it was noted that these EIA informing and consulting the applied. In 2009 the issues public remained unresolved. The implementing the Environmental Strategic Environmental improved, but is still not level, and the EIA requirements adequately applied.⁶ There were 2011 it was noted that a the countries of the South-Eastern

³ Up until 2010, then it was removed from this Chapter.

⁴ Analytical Report for the Opinion on the application from the FYR of Macedonia for EU membership, Brussels 9.11.2005, page 120.

⁵ The FYR Republic of Macedonia 2007 Progress Report, European Commission, Brussels, 6.11.2007, page 59.

⁶ The FYR Republic of Macedonia 2009 Progress Report, European Commission, Brussels, 14.10.2009, page 69.

⁷ The FYR Republic of Macedonia 2011 Progress Report, European Commission, Brussels, 12.10.2011, page 71.

⁸ European Commission, Progress Report 2012, page 61.

- Air quality

The progress in this field has been rather slow, almost non-existent throughout the years. Apart from the adoption of one law on ambient air quality, there have not been any other significant reforms. Throughout the years the main developments in this sector were:

- Adopted a decision on warning levels, margins of tolerance and target values.
- Progress has been made towards proper functioning of the air quality monitoring system but it was not yet fully operational and needs further improvement.
- The cooperation between the institutions involved is not sufficient to ensure proper collection of data. The same is valid for the cooperation between the ministries and institutions involved in air quality is, in particular concerning the collection and analysis of data.
- Transposition of the *acquis* continued with adoption of some implementing legislation.
- When it comes to investments in the field of air quality they need to be substantially increased.

The situation slightly improved in 2012 when it was noted: good progress was made on developing an air quality monitoring system, but it was uneven, due to insufficient financial resources for operating the system.⁹

- Waste management

The progress has been limited in this area as well. Apart from adopting the Law on waste management and the national strategy and action plan, as well as some other laws targeting electronic waste, Batteries and Accumulators and Waste Batteries and Accumulators and similar, the reforms have stagnated. In 2008 it was stated that: a coordination waste management committee was established with the aim to enhance the government's activities in this area. A system to deal with data collection, registration and reporting is not yet in place. More finance has been provided, mainly for preparation of technical documentation for small infrastructure projects, sanitation and closure of municipal dumps. However, the substantial investment required to align standards with the *acquis* has not yet been planned.¹⁰ Regarding the administrative capacity at central and local level, the main finding is that is still largely insufficient and this can be noticed in almost every report through the years. Furthermore in 2010 it was noted: the process of establishing an integrated municipal waste management system has started. Regional waste management bodies were set up in two regions and the procedure for issuing concessions for regional municipal waste landfills was launched in four regions.¹¹ Finally in 2012, a system to deal with data collection, registration and reporting was launched on a pilot basis, after several reports before noted about the lack of having one.

⁹European Commission, Progress Report 2012, page 61.

¹⁰The FYR Republic of Macedonia 2008 Progress Report, European Commission, Brussels, 5.11.2008, pages 67 & 68.

¹¹The FYR Republic of Macedonia 2010 Progress Report, European Commission, Brussels 9.11.2010, page 70.

- Water quality

As in the other areas the progress has been limited. Apart from adopting the needed legislation, the issues such as not having enough investments and low administrative capacities to enforce the regulations have been regular occurrence. The polluter-pays principle is not applied, thus impairing the sustainability of investment in wastewater treatment. The substantial investments required for compliance with the *acquis* have not yet been planned.¹² In the report from 2009 is stated that: the administrative capacity to deal with integrated water management is very weak in terms of organisational structure and number of qualified staff and the current institutional set-up, involving many institutions, makes implementation of the new Water Law very difficult to coordinate.¹³ The situation deteriorated through the years as well. The last two reports state: the lack of sufficient coordination between the competent authorities in the water sector is hampering the implementation of the legislation. There is very little progress in addressing the gaps in the water monitoring system. River basin management structures were established, but are not yet fully operational. Planning and preparation of infrastructure investment are lagging behind and funding is low compared with the needs in the sector. No progress was made to apply the polluter-pays principle and establish an appropriate water pricing system. This continued to hamper operation of water treatment facilities.¹⁴

- Nature protection

In this area as well has registered slow development throughout the years. The main law on nature protection was adopted. In 2006 the Government upgraded the legal protection of the national parks Galičica, Mavrovo and Pelister and declared the Smolare waterfalls as a natural monument. In 2008 it was registered that the management plans for protected areas started to be implemented, and funding for them has been increased.¹⁵ In 2010 it was noted that even though the Law has been amended, the national strategy and action plan for nature protection do remain to be developed. For 2011 some progress has been noted, particularly with the introduction of the national information system on biodiversity and with the development and implementation of management plans for protected areas. However sustainable financing still needs to be secured.¹⁶ The insufficient administrative capacity, the lacking of adequate equipment as well as the shortage of sustainable financing were issues registered almost every year.

¹²European Commission, Progress Report 2008, page 68.

¹³European Commission, Progress Report 2009, page 69.

¹⁴European Commission, Progress Report 2011 and 2012, pages 71 & 61.

¹⁵European Commission, Progress Report 2008, page 68.

¹⁶European Commission, Progress Report 2011, page 71.

- Industrial pollution control and risk management

In 2006: newly adopted implementing legislation represents a degree of progress in the area of industrial pollution control and risk management. The capacity of the Ministry and other concerned parties (local governments, businesses) to implement industrial pollution control and risk-management measures needs to be strengthened.¹⁷ In 2007 it was noted that: the transposition of the IPPC Directive has further advanced. Several major 'A' installations have been issued with IPPC (integrated pollution prevention control) adjustment permits, and the public has been given the opportunity to participate in the permit process. The State environmental inspectorate has listed 140 main polluters in a national register of air polluters. The inspectorate performs inspections once a month and has sanctioned several polluters in accordance with the "polluter pays" principle.¹⁸ Further, in 2009 transposition of the Seveso II Directive on control of major accident hazards involving dangerous substances has progressed. The lack of administrative capacity in this area is a major issue, especially at local level.¹⁹ Where in 2010 it was stated that the IPPC permitting procedure is behind schedule and the requirements for public consultation in relation to the IPPC permitting system are not always properly applied.²⁰ Nothing major regarding reforms or improving what has been found as flaws has occurred in the last 3-4 years. The same remarks transpire in each report: lack of administrative capacities, especially at local level, requirements for public consultation are not always functional, the IPPC system is not properly applied etc.

- Chemicals

There were no significant developments to report in the area of chemicals until 2007 when the Law on chemicals was adopted. In 2008 the Commission for chemicals was established which is in charge of classification and notification of chemicals and biocides, as well as issuing authorizations for placing them on the market.²¹ By 2010 the EU *acquis* in this sector has still not been transposed. In 2011 the Convention on the import-export of dangerous chemicals (Rotterdam Convention) was ratified. Furthermore a new Law on chemicals was adopted, aimed at transposing the Regulation on the registration, evaluation, authorization and restriction of chemicals (REACH).²² The situation continued to improve in 2012 where the Commission noted that the administrative capacity was improved and that the preparations in this area are moderately advanced.²³

¹⁷The FYR Republic of Macedonia 2006 Progress Report, European Commission, Brussels, 8.11.2006, page 52.

¹⁸ European Commission, Progress Report 2007, page 59.

¹⁹ European Commission, Progress Report 2009, page 69.

²⁰ European Commission, Progress Report 2010, pages 70 & 71.

²¹ European Commission, Progress Report 2008, page 68.

²² European Commission, Progress Report 2011, pages 71 & 72.

²³ European Commission, Progress Report 2012, page 61.

- GMO (genetically modified organisms)

No significant reforms have been undertaken until 2008 when the Law on GMOs was adopted. In 2009 it was noted that the transposition of the EU *acquis* in this field has not yet been completed and the National Commission for GMO Management and the Scientific Committee for GMOs were established. However, the administrative capacity needs to be further strengthened and the department responsible for risk assessment of GMOs and for placing GMO products on the market have still not been established, nor have the necessary laboratories been installed.²⁴ In 2010 this part was transferred in Chapter 12.

- Noise

No significant reforms until 2007 were noted when the Law on noise in the environment was adopted. However, in the years after that little or almost none has happened in this area. In 2011 it was noted that the transposition of the noise directive was completed, however the administrative capacity is insufficient in terms of staff and equipment.²⁵ As it can be seen in 7 years there have been almost no reforms when it comes to noise and the protection from noise pollution. As it is the case with the other areas, the issues with the administrative capacities are the main reason why the country is so far behind in implementing any sort of substantial reforms regarding noise.

- Forestry

This area has seen one of the slowest developments throughout the years. In 2007 were adopted amendments to the laws on forests and on forest reproductive materials as well as the Strategy for sustainable development of forestry, with an Action Plan for the period 2007-2009. A programme for expanded reproduction of forests was subsequently adopted in 2008. In 2010, forestry was added in the nature protection part, where it is usually mentioned at the end. No other significant reforms have been noted, apart from the 2 years consecutively approving and implementing the programme for expanded reproduction of forests (2010-2011).

- Civil protection

Before 2011 there were no specific references to this area. The first one occurred in 2011 where the Commission stated that: "as regards *civil protection*, progress has been achieved with the signing of the memorandum of understanding on the country's accession to the EU Civil Protection Financial Instrument and the EU Civil Protection Mechanism."²⁶ In 2012 it was noted

²⁴ European Commission, Progress Report 2009, page 70.

²⁵ European Commission, Progress Report 2011, page 72.

²⁶ Ibid.,

that there has been a good progress regarding the civil protection in the form of accession to the EU civil protection mechanism and participation in the IPA cooperation project on civil protection.²⁷

- Climate change

The Commission from 2010 started including climate change in the progress reports. The whole chapter of the acquis is renamed in 2012, thus it now contains climate change in the title. As for the progress of Macedonia itself the EC noted that by 2010 the country submitted its second national communication under the United Nations Framework Convention on climate change. Moreover, Macedonia associated itself with the Copenhagen Accord and introduced mitigation of climate change and adaptation to its effects into the key national strategies. Programming of projects to implement the clean development mechanism under the Kyoto Protocol continued.²⁸ In 2011, the country has also initiated a five year program for greening the economy, but the measures, responsibilities, timeframe and the other details to be covered are still not defined. Significant awareness-raising at all levels is still needed. Macedonia also supported the EU's position at the UN Climate Change Conference COP16 in Cancun and has associated itself with the Copenhagen Accord, but did not formulate pledges for greenhouse gas (GHG) emissions reductions. In addition the country is preparing its Third National Communication to UNFCCC and participated actively in the climate work under the Regional Environmental Network for Accession (RENA). However concrete steps are needed in order to move gradually towards adopting a GHG (green house gases) reduction/limitation target in order to be able to implement EU climate *acquis*, especially the EU Emissions Trading Scheme, and to join the EU Effort-Sharing. It was also noted that a national plan for eliminating HCFCs (hydrochlorofluorocarbons) was developed and consulted with various administrative bodies, but further substantial efforts are necessary to align with the EU legislation.²⁹ The country however still does not have a comprehensive climate strategy. In the last report from 2012 it was observed that: climate considerations are being increasingly integrated in energy policy, but substantial efforts are required in order to fully integrate climate change into other sectoral policies and strategies. The country should also consider taking mitigation commitments consistent with those of the EU and its Member States for the purpose of the post-2020 climate agreement to be reached by 2015. The national management plan for the phase-out of HCFCs was adopted in November 2011. Significant efforts are required to strengthen the country's monitoring, reporting, and verification capacities. What's more, initiatives to raise awareness and promote cooperation between stakeholders were launched, but efforts should be intensified. In this area, preparations are at an early stage.³⁰

- Administrative capacity

This area continuously gets poor marks by the Commission as the country has done almost nothing to improve and build the capacity of its administration regarding the environmental issues. First and

²⁷ European Commission, Progress Report 2012, page 62.

²⁸ European Commission, Progress Report 2010, page 71.

²⁹ European Commission, Progress Report 2011, page 72.

³⁰ European Commission, Progress Report 2012, page 62.

foremost, in 2006 it was noted that the training on enforcement of environmental law for inspectors and judges was carried out although further efforts are needed to ensure effective enforcement of the *acquis*.³¹ The Ministry for the Environment and Physical Planning was restructured in 2007 to 7 departments and 3 regulatory bodies. However the number of State environmental inspectors was marked as insufficient to ensure proper enforcement of the environmental law and the administrative capacity was marked as weak, particularly at municipal level, where there has been a lack of training. Under the 2007 environmental investment programme, €1.5 million has been allocated to environmental projects. Under the 2006 programme 58 projects have been launched in the fields of waste and water management; air quality; nature and forests; and environmental awareness-raising.³² As for 2008, the EC stated that little progress has been made towards improving coordination between administrative bodies in charge of environment-related issues. Further efforts are needed in this respect, in particular in the area of water quality and nature protection and the environmental protection requirements are not yet well integrated into policy-making and implementation in other areas.³³ In 2009 the government adopted a plan to strengthen the environmental management capacity at central and local levels for the period 2009-2014. However, the lack of a financial assessment and of a mechanism for monitoring and evaluating the plan could hamper its implementation and sustainability. There were no funds foreseen in the 2009 budget for new environmental projects.³⁴ In the last three years, the situation in this sector deteriorated. The Commission stated that:

- The investment in the sector is still extremely low compared to the needs.
- The precautionary principle, the principle of preventive action and the polluter-pays principle are only partially applied.
- The administrative capacity as well as technical and financial resources need to be considerably strengthened in order for the country to be able to align with, and implement, all the requirements of the EU climate change policy and legislation.
- Environmental protection and climate change requirements are still not integrated well into policy-making and policy implementation.
- Involvement of stakeholders in decision-making has improved, but is still not sufficient.
- The environmental monitoring and information system needs further development.
- The investments in the sector continue to be very low.³⁵

All of these issues remain to be resolved in the years to come. It is noticeable however, that without first resolving the weak administrative capacity of the institutions, especially at local level, and without considerably higher investments, Macedonia will not be able to move forward with solving any of these issues.

³¹ European Commission, Progress Report 2006, page 52.

³² European Commission, Progress Report 2007, page 60.

³³ European Commission, Progress Report 2008, page 68.

³⁴ European Commission, Progress Report 2009, page 70.

³⁵ European Commission, Progress Reports 2010, 2011, 2012.

3. Legislative framework in the Republic of Macedonia

Although progress has been rather slow in the environmental sector, Macedonia has adopted several laws throughout the years that regulate different areas such as the environment, its protection, waste management, air quality, water flows, noise pollution etc. The country has also adopted several strategies and action plans concerning some major topics such as waste management, sustainable development, environmental investments etc. As it can be seen from the above analysis of the progress reports, the implementation of laws goes alarmingly slow and there will be needed significant amounts of funds as well as highly trained administration to get to a level close enough to what the EU requires.

I. Laws:
- Law on nature protection (this law regulates the protection of the environment, through the protection of biological and landscape variety and the protection of the natural heritage in protected areas and outside of protected areas... ³⁶);
- Law on environment (this law regulates the rights and obligations of the Republic of Macedonia, of the municipality, the City of Skopje as well as the municipalities within the City of Skopje, as well as the rights and obligations of the legal and physical entities in the procurement of conditions for protection and improvement of the environment in relation to exercising the right of healthy environment ³⁷);
- Law on waste management (with this law is regulated the waste management; the plans and programmes for waste management; the rights and obligations of the legal and physical entities in connection to the waste management; the means and conditions under which waste can be collected, transported, treated, processed, stored and eliminated; the import, export and transit of waste; monitoring, information system and financing ³⁸);
- Law on waters (this Law regulates the issues pertaining surface waters, including permanent water courses or water courses where water occasionally flows, lakes, reservoirs and ground water sources... coastal lands and wetlands and their management including water distribution, protection and water conservation, and protection against harmful effects of water; water management facilities and services; organizational structure and financing of water management, as well as the conditions, manner and procedures under which the water can be used or discharged ³⁹).

³⁶Law on nature protection, (Закон за заштита на природата) no. 07-3733/1, 15.09.2004.

³⁷Law on environment,(Закон за животна средина), 07-2458/1, 22.06.2005

³⁸Law on waste management (Закон за управување со отпад), Official Gazette of the Republic of Macedonia, no. 68, 5.10.2004

³⁹Law on waters, (Закон за водите), Official Gazette of the Republic of Macedonia, no. 87, 15.07.2008.

I.a) Other laws in this area are:
- the Law on protection from noise in the environment;
- Law on packaging and packaging waste;
- Law on batteries and accumulators and waste batteries and accumulators;
- Law on management of electrical and electronic equipment and waste electrical and electronic equipment;
- Law on ambient air quality.

II. The following strategies and action plans are dealing with the environmental issues in Macedonia⁴⁰:

1) Strategy for waste management (with this strategic document, the Republic of Macedonia defines the fundamental directions in waste management for the next twelve years (2008-2020), on the notion that improper waste management, today and in the past, causes serious consequences for the environment and the nature and it also determines the basic guidelines for the gradual establishment of a waste management system, based on hierarchy of basic principles in waste management, as well as basic principles of sustainable use of natural resources ⁴¹);
2) National Action Plan for Waste Management (2009-2015) – (this document is a revision of the proposed Plan prepared in 2005. The purpose of the review of the National Action Plan for waste management is to provide adequate policy for environmental protection, framework for decision-making, economic base, public participation and the gradual establishment of a technical infrastructure for the implementation of waste management activities, in order to implement the waste management system in accordance with EU legislation and the Sixth Environment Action Programme of the EU (2002-2012), taking into account its priorities in waste management: a thematic strategy for the sustainable utilization of resources and a thematic strategy on waste prevention and recycling ⁴²);
3) National Strategy for Sustainable Development in the Republic of Macedonia (2009-2030) – (this document is an important element among the priorities identified in the Accession Partnership,

⁴⁰ For more on these topics please visit the page of the Ministry for environment and physical planning:
<http://www.moepp.gov.mk/default-en.asp>

⁴¹ Strategy for waste management (Стратегија за управување со отпад на Република Македонија 2008 -2020), page 4, <http://www.moepp.gov.mk/WBStorage/Files/Final%20Strategija%20za%20otpad%20-%20mak.pdf>

⁴² National Action Plan for Waste Management (2009-2015), (Национален план за управување со отпад на Република Македонија) page 4,
<http://www.moepp.gov.mk/WBStorage/Files/Nac.plan%20za%20upravuvanje%20so%20otpad%20%282009-2015%29.pdf>

<p>as well as realization of the obligations listed in the "Strategy for EU integration of the Republic of Macedonia... The Strategy is consisted of two parts: Part I...which contains the overall strategic framework and Part II (separate report), which contains the strategic ground for support, and its implementation is aimed at providing economic development that is socially responsible and equitable, environmentally acceptable and which relies on the fundamental tenets of civil society⁴³);</p>
<p>4) Water Strategy of the Republic of Macedonia (2012-2042)⁴⁴ – (this document summarizes the institutional framework and facts relating to water legislation. It involves conclusions about the state of the water with a separate survey of the general characteristics of the rivers' basin, the state of the usage of water, of the river training and the protection from the harmful effects of water as well as the state of the water protection. Determining water conditions is the starting point for the definition of water management and the economic objectives... These segments are summarized in the vision for the water in the future, and it is not only the concern of the state or the government but one of every individual who creates our common living space⁴⁵).</p>
<p>I.a) Other strategies and action plans in this area are:</p>
<p>5) National Strategy for approximation to and implementation of the environmental <i>acquis</i>;</p>
<p>6) National Strategy for Clean Development Mechanism for the first commitment period 2008-2012 under the Kyoto Protocol;</p>
<p>7) Environmental Monitoring Strategy;</p>
<p>8) Strategy for Environmental Communication;</p>
<p>9) Strategy for environmental awareness;</p>
<p>10) Strategy for environmental data management;</p>
<p>11) National Environmental Investment Strategy;</p>
<p>12) Plan for the management of waste from electrical and electronic equipment in the Republic of Macedonia with a feasibility study for the period 2013 – 2020.</p>

⁴³National Strategy for Sustainable Development in the Republic of Macedonia(2009-2030), (Националната Стратегија за одржлив развој во Република Македонија) page 4, <http://www.moep.gov.mk/WBStorage/Files/Nacionalna%20Strategija%20za%20Odrzliv%20Razvoj%20vo%20RM-NSSD%20Del%201.pdf>

⁴⁴ In progress (not adopted yet).

⁴⁵Water Strategy of the Republic of Macedonia(2012-2042), (Стратегија за води на Република Македонија 2012-2042), page 1 from the Draft version, <http://www.moep.gov.mk/default-MK.asp?ItemID=1A5E6EA1D9FDAB4087A6476C9FFDB723>

4. Conclusion

As it is well known, in 2005 the European Commission started publishing the so-called Progress Reports intended to present the path of reforms in each country which was a candidate or a potential candidate member state. These reports combine the reforms completed or not completed in each of the acquis' chapters summarizing what has been done the previous year. After seven years of reporting, one gets quite a clear picture of the trends going on in each country, what are the main issues that resist the time, who are the best reformers, etc. From what was stated in this paper, in Macedonia the situation with the environmental sector, the protection and fight against climate change can be described as dire. Most of the reforms still wait to be implemented, the administrative capacities have not been improved, and money is lacking for implementation of almost all obligations, regulations, laws, bylaws etc.

With time, the institutions will have to start tackling these issues as it will not be a matter of choice. However, the more they wait, the costlier it will be. Therefore this paper recommends the following measures to the state institutions dealing with environmental questions:

- ✚ Adopt, implement and/or change the legislation that is not in line with the acquis such as the missing comprehensive climate change strategy and the national strategy and action plan for nature protection, proper implementation of the EIA and SEA Directives, etc. ;
- ✚ Local environmental policies should get bigger attention;
- ✚ Strengthening the capacities of the national and local authorities MUST be a priority;
- ✚ Enforce the implementation of the polluter-pays principle;
- ✚ Improve the involvement of stakeholders in the decision-making processes such as the environmental and other civil society organizations and citizens;
- ✚ Involve the public in the consultation processes according to the Aarhus Convention⁴⁶;

⁴⁶ The United Nations Economic Commission for Europe (UNECE) [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#) (pdf ~50K) was adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the "Environment for Europe" process. It entered into force on 30 October 2001.

The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for:

- the right of everyone to receive environmental information that is held by public authorities ("**access to environmental information**"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively disseminate environmental information in their possession;
- the right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("**public participation in environmental decision-making**");

- ✦ Strengthen the capacities of the state environmental inspectors working in the Ministry of Environment and Physical Planning;
- ✦ Urgent financial injection is needed in this sector. Investments must be secured if the country does not want to pay penalties later on when the negotiations on this chapter will start;
- ✦ Form a Fund for Protection of the Environment and Energy Efficiency following the example of Croatia that would help with the investments in this area (<http://www.fzoeu.hr/hrv/index.asp?s=ofondu&p=iskaznica> – link in Croatian).

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- the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("**access to justice**").

Source: European Commission, Environment, <http://ec.europa.eu/environment/aarhus/>, accessed on 17.12.2012.

5. References

- 1) Analytical Report for the Opinion on the application from the FYR of Macedonia for EU membership, Brussels
- 2) European Commission, Environment, <http://ec.europa.eu/environment/aarhus/>
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<http://www.fzoeu.hr/hrv/index.asp?s=ofondu&p=iskaznica>
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POLICY REPORT

EU approximation and Integration advocacy

How far is Macedonia in fulfilling the requirements under Chapter 27 - Environment of the acquis

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