

IV National Implementation Report under Aarhus Convention of the Republic of Macedonia

Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of Ministry of environment and physical planning [name of the Party or the Signatory] in accordance with decisions I/8, II/10 and IV/4.

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Date: 29.03.2017

Implementation report

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IV National Report on Implementation of the Aarhus Convention in the Republic of Macedonia

Draft version

| Question(s) 1 to 2/Short description | | |
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| Reference | words | Description |
| Question 1 | 750 | Provide short information on the process of preparation of this report, including information about the authorities that were consulted or contributed for its preparation, how was the public consulted and what is the impact/was the outcome of the public consultation considered and the material that was used as a basis for preparation of the report. |

The draft version of the National Report on Implementation of the Aarhus Convention in the Republic of Macedonia is prepared by the Ministry of Environment and Physical Planning. Following the principles of the Convention on Timely Information and Public Participation, it was publically available with a possibility to be amended and commented. The information together with the Report is published on the website of the Ministry of Environment and Physical Planning, whereby access to the draft-report and a possibility to comment was provided for every individual.

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| Question 2 | 750 | Report on all circumstances that are relevant for understanding of the report, for example, is there a federal and/or decentralized structure that makes decisions, do the provisions of the Convention directly affect its entry into force, or are financial limitations an important obstacle for implementation |
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This is fourth report on the implementation of the Aarhus Convention in the Republic of Macedonia. On July 1, 1999, the Parliament of the Republic of Macedonia adopted the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and it entered into force eight days after the day of its publication in the Official Gazette of the Republic of Macedonia (no. 40/99 from July 6, 1999). The Republic of Macedonia has also ratified the Protocol on Pollutant Release and Transfer Registers in 2010.

The state government in the Republic of Macedonia is divided into legislative, executive and judicial. The Parliament of the Republic of Macedonia which is a representative authority of the citizens is the holder of the legislative power. The Government of the Republic of Macedonia is the holder of the executive power. The courts perform the judicial power.

In accordance with the Constitution of the Republic of Macedonia, the citizens have a guaranteed right to a local self-government. Units of the local self-government are the municipalities, which among other things, have competence in urban (urban and rural) planning, protection of the environment and nature, communal activities, etc.

Article 118 of the Constitution of the Republic of Macedonia stipulates that the ratified international agreements are a part of the internal legal order and cannot be changed by law

whereby the courts judge on the basis of the Constitution and the laws and international agreements ratified in accordance with the Constitution.

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| Question 3 | 2500 | Explain how these paragraphs are implemented. Specifically, describe: (a) In regard to paragraph 2, the measures taken to provide assistance and the required counseling/guidance by the officials and the authorities; (b) In regard to paragraph 3, the measures taken to promote education and to raise the public awareness about the environment; (c) In regard to paragraph 4, the measures taken to provide appropriate recognition and support of the associations, the organizations or the groups that promote environmental protection; (d) In regard to paragraph 7, the measures taken for promotion of the principles of the Convention at an international level; (e) In regard to paragraph 8, the measures taken to ensure that the persons who exercise their rights according to the Convention shall not be punished, persecuted or disturbed. |
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a) The Law on the Environment regulates the requirements of the Aarhus Convention on access to environmental information, public participation in the decision-making and access to justice.

In general, the issue on access to public information is regulated by the Law on Free Access to Public Information (Official Gazette of the Republic of Macedonia no. 13/06, 86/08, 6/10, 42/14, 148/15 and 55/16), while the access to environmental information is regulated by the Law on the Environment. The Ministry of Environment and Physical Planning takes care of the dissemination of information on the environmental and provision of facilitated access to information possessed by entities that possess information.

The Government of the Republic of Macedonia, at the proposal of the Ministry of Environment and Physical Planning, publishes and maintains a list of entities that possess information related to the environment or entities for which such information are possessed. The list also specifies the information possessed by each of these entities. The entities that possess information related to the environment or the entities for which such information are possessed, are obliged to constantly update the possessed information, and to deliver or make the information available to persons who requested access to the information. All entities that possess information related to the environment are obliged to appoint an authorized person who will be responsible for exercising the right of access to environmental information and to provide premises where an insight into the requested information will be performed.

b) In the direction of promotion of education on the environment and raising the public awareness, the following possibilities are stipulated in the Law on the Environment:

- The Ministry of Environment and Physical Planning in cooperation with the Ministry of Education and Science should support educational and scientific institutions, professional organizations and associations of citizens established for the purpose of protection of the environment and the sustainable development and implementation of educational activities;
- The Ministry of Environment and Physical Planning should support publication of books and brochures on topics related to protection and improvement of the environment and the sustainable development in order to improve education;
- The Ministry of Environment and Physical Planning in cooperation with the Ministry of Education and Science should support researches regarding conditions related to the environment and the projects on the environment.

Such an obligation to support the development of education and public awareness in regard to the environment is stipulated in the law for the units of local self-government as well. Also in the direction of raising the public awareness, the Law on the Environment stipulates granting awards and acknowledgements for achievements in the field of protection and improvement of the environment, which are being awarded by the Ministry of Environment and Physical Planning. The awards and acknowledgments are awarded to legal entities or natural persons who have made a particular contribution for the environment, and they are awarded on the basis of a competition announced by the Ministry. In addition, the Law on the Environment stipulates an obligation of the Ministry of Education and Science to make sure that the curricula for primary or secondary school stipulate an educational content related to the environment.

c) Support of the associations, organizations or groups that promote environmental protection is provided through the Program for Investments in the Environment which is adopted by the Government of the Republic of Macedonia at the proposal of the Ministry of Environment and Physical Planning. Users of the program can be natural persons and legal entities, including state administrative authorities, units of the local self-government that realize programs, projects and other similar activities for protection and improvement of the environment. The funds from the Program, among other things, can be used to raise the public awareness regarding the environment, to support educational, research and development studies, programs, projects and other similar activities for protection and improvement of the environment and support of non-governmental and non-profit organizations related to the environment. In addition, the Government of the Republic of Macedonia has prepared a Strategy for Cooperation with civic associations, according to which the Ministry prepares a Program and an Action Plan for implementation and it prepares annual reports.

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| Question 4 | 750 | Describe the obstacles that were encountered during the implementation of any of the paragraphs of Article 3 indicated above |
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The following shortcomings have been identified during the implementation of the Convention:

- lack of financial resources for opening and equipping information points through which the citizens would timely obtain the required information;
- lack of available human resources at national and local level;
- need to strengthen the capacities of the non-governmental sector;
- lack of use of electronic devices and insufficient capacity for development of electronic tools for access to information at national and local level (many registers in electronic version have not been updated and are not available to the public)
- insufficient system development for implementation of the third pillar of the Convention - access to justice;
- Strengthening of the role of media in the raising of the environmental awareness;
- Increased representation of environmental education in the educational programs and developing an awareness of the fundamental human right to a healthy environment.
- Increase of the funds which will be allocated from the state budget for implementation of activities for environmental protection at a central and local level, as well as an increase of the financial aid for the non-governmental organizations for implementation of activities and projects aimed at improvement of the environment.

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| Question 5 | 500 | Provide other information about the practical application of the general provisions of the Convention. |
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In order to achieve a high degree of public awareness on the environment and to meet the obligations under the Aarhus Convention (the first and the second pillar) and the Law on the Environment, the Ministry of Environment and Physical Planning conducts activities for regular provision of information, education and introduction to environmental terms, movements and policies, development of positive behavioral habits in regard to the environment, and provision of conditions for public involvement in decision-making. These activities are directed towards different target groups (preschool and school-age children and youth, non-governmental organizations, representatives of the units of the local self-government, the industry, etc.), and they are an integral part of various work processes. For this purpose, a Department of Public Relations operates within the Ministry through which the principles of the Aarhus Convention are practically applied.

For the purpose of raising the public awareness, in accordance with the annual program of the Department of Public Relations, at least two campaigns on current topics are conducted (in the reporting period the focus was on waste, climate change and water), and events were regularly organized to mark the days of the eco-calendar (March 22 - World Water Day, April 22 - Earth Day, June 5 - World Environment Day, September 16 - International Day for the Preservation of the Ozone Layer; September 16-22 - European Mobility Week).

Special efforts will be made to support the process of incorporation of environmental contents and programs in the educational process (implementation of a Green Pack, Green Pack Junior, etc.).

A library with more than 1,000 titles related to the environment is available in the Department of Public Relations, as well as computers which the interested citizens can freely use for access to information regarding the environment.

Education and raising of public awareness is also achieved through the cooperation with the electronic and the printed media for which information in Macedonian and in Albanian language are regularly provided.

The department regularly updates the information on the social networks Facebook and Twitter, as well as the website of the Ministry and the projects of the Ministry.

For better public involvement in the decision-making, a database has been prepared, with information about civic associations that operate in the field of the environment and in accordance with the Law on the Environment, they are regularly informed and invited to public hearings when adopting legal, strategic and planning documents, as well as implementation of the procedures for EIA and SEA. The public involvement is also improved through the regular meetings with non-governmental organizations that can be regular annual meetings or consultative meetings to overcome current problems.

Within the Ministry there is also a Macedonian Information Centre which provides information about the quality of the individual environmental media (air, water, soil, noise) that are available to the general public through the web page of the Ministry.

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| Question 6 | 250 | Indicate relevant web addresses, if available |
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www.moep.gov.mk
<http://airquality.moep.gov.mk>
<http://uslugi.gov.mk>
<https://www.facebook.com/MacedoniaMOEPP>
<https://www.facebook.com/www.moep.gov.mk>
<https://twitter.com/MOEPMKD>
<http://ripz.moep.gov.mk/>
<http://scc.b1.finki.ukim.mk/#/index/main>
<http://ebiblioteka.moep.gov.mk:8080/library/home>
<http://exim.gov.mk/EILWeb/>

Question(s) 7 to 10/Short description

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| Question 7 | 3750 | <p>Explain how each paragraph of Article 4 is implemented. Describe the transposition of the relevant definitions in Article 2 and the requirements for non-discrimination in Article 3, paragraph 9. Specifically describe the following: (a) In regard to paragraph 1, the measures taken to ensure: (i) Any person can have access to information without having to show interest; (ii) copies of the current documentation that contains or includes the requested information; (iii) taken in order to comply with the time limits provided in paragraph 2; (c) In regard to the paragraphs 3 and 4, the measures taken to: (i) ensure an exemption from the requirements; (ii) ensure application of the test of public interest provided at the end of paragraph 4; (d) In regard to paragraph 5, the measures taken to ensure that the authorities that do not possess the required environmental information will take appropriate action; (e) In regard to paragraph 6, the measures taken for the purpose of implementation of the requirement to separate information and its accessibility; (f) In regard to paragraph 7, the measures taken to ensure that the refusals meet the time limits/restrictions and the other requirements in regard to the rejected requests; In regard to paragraph 8, the measures taken to ensure fulfillment of the requirements for collection.</p> |
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One of the fundamental civil rights that are defined in the Constitution of the Republic of Macedonia is the right to equal access of the citizens before the Constitution and the laws. The citizens of the Republic of Macedonia are equal in rights and freedoms, regardless of gender, race, skin color, national and social origin, political and religious beliefs, property and social status.

In addition, one of the principles underlying the Law on the Environment is the principle of public participation and access to information according to which the state administration authorities and the authorities of the units of the local self-government are obliged to provide all the necessary measures and to prescribe procedures which provide exercise of the right of access to information and public participation in decision-making that refers to the condition of the environment, as well as ensure expression of the public opinion in the procedure for adoption of those decisions.

The requirements arising from the Aarhus Convention on access to environmental information, public participation in decision-making and access to justice, are contained in the Law on the Environment.

The Law stipulates that:

- Everyone has the right of access to information on the environment without having to prove their interest;
- The right of access to information is exercised in a manner specified by the law;
- All authorities determined by law are obliged to provide information on the environment;
- The request for provision of information can be rejected only in specific cases stipulated in accordance with the law;
- The authorities determined with this law are obliged to collect and publish information on the environment within the scope of their operation;
- The compensation of the costs for providing the requested information will be in an amount that is reasonable and that does not exceed the actual costs; and
- The dissatisfied party has the right of access to justice.

Everyone has the right of access to environmental information without having to prove their interest. The right of access to environmental information is exercised in regard to all information in written, visual, audio, electronic or any other available form, pertaining to the state of the media and the fields, factors, measures, reports, cost analysis and conditions related to life and human health.

The manner and the procedure of providing access to information concerning the environment are regulated in more detail with the Rules on the Manner and the Procedure for Providing Access to Information on the Environment.

The Law stipulates that authorities, legal entities and natural persons that/who possess environmental information or for which environmental information is possessed, include: state administrations authorities; units of the local self-government, legal entities and natural persons that/who in accordance with the law, are entrusted with public authorizations, including special duties, activities and services in the field of the environment; as well as other legal entities and natural persons that/who by law or a contract are entrusted to perform an activity or service of public interest related to the environment, and which are under the supervision of the previously indicated authorities.

The request for environmental information may be submitted to any of the entities that possess environmental information or for which environmental information is possessed. The entities are obliged as soon as possible, however not later than one month from the receipt of the request, to provide access to the information. If due to the volume or complexity of the information, it cannot be completed within this period, the deadline for providing the information is two months after the receipt of the request. In such a case prior to the expiry of the deadline of one month, the entity notifies the applicant of the need to extend the deadline, simultaneously indicating the reasons for this.

The information is delivered in the requested form except in cases when the information already exists in some form and it is easily available to the public. If however it is more convenient to deliver the information in a form different from the requested form, the entity is obliged within seven days from the receipt of the request, to notify the applicant of the reasons why it provides the information in a different form.

The entities do not charge a fee for providing the requested information. Thereby, the search of registers or data records as well as the verification of information in the place where it is stored or maintained, are both free of charge. As an exception, the entities charge a fee for the costs for provision of information. The amount of the fee for provision of information should be reasonable and it should not exceed the actual costs incurred for providing the information

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| Question 8 | 1250 | Describe the obstacles encountered during the implementation of any of the paragraphs of Article 4. |
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During the implementation of the paragraphs of Article 4, the following obstacles have been observed:

- lack of capacities to enable exercise of the right of access to environmental information in regard to all information, in written, visual, audio, electronic form or in any other available form,
- lack of financial resources required for the purpose of dissemination of data and information, opening and equipping information points,
- lack of available human resources at national and local level, as well as
- a need to strengthen the civil sector.

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| Question 9 | 1000 | Provide further information on the practical application of the provisions on access to information, for example are there any available statistical data regarding the number of requests, the number of rejected requests and the reason for the rejections? |
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The number of received requests is recorded in the Department of Public Relations in accordance with the Law on Free Access to Information.

In the reporting period, 44 requests have arrived, and their response was provided within the legal deadline, and three appeals have been delivered to the Commission for Free Access to Information due to untimely delivered response.

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| Question 10 | 250 | Indicate relevant web sites, if available: |
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www.moepp.gov.mk
<http://www.komspi.mk>

Question(s) 11 to 14/Short description

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| Question 11 | 2500 | Explain how each paragraph of Article 5 is implemented. Describe the transposition of the relevant definitions in Article 2 and the requirement for non-discrimination in Article 3, paragraph 9. Also specifically describe: (a) In regard to paragraph 1, the measures taken to ensure that: (i) the authorities possess and update the information on the environment; (ii) there is an appropriate flow on information on the authorities; (iii) in states of emergency, the appropriate information is disseminated immediately and without a delay, (b) In regard to paragraph 2, the measures taken to ensure that the way in which public authorities provide access to environmental information to the public is transparent, and access to environmental information is efficient; (c) In regard to paragraph 3, the measures taken to ensure that the environmental information progressively becomes available in electronic databases that are easily accessible to the public |
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| | | through public telecommunications networks; (d) In regard to paragraph 4, the measures taken to publish and disseminate national reports on the states in the environment; (e) The measures taken to disseminate the information indicated in paragraph 5; (f) In regard to paragraph 6, the measures taken to stimulate/ encourage the operators whose activities have a significant impact on the environment, to regularly inform the public about the impact of their activities and products on the environment; (g) The measures taken to publish and provide/find information as required in paragraph 7; (h) In regard to paragraph 8, the measures taken to develop mechanisms aimed to ensure that sufficient information about a particular product will be available to the public; In regard to paragraph 9, the measures taken to establish a national system of inventories or registers of pollutants. |
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In accordance with the Law on the Environment, information systems about specific media from the environment are established in the Ministry of Environment and Physical Planning. By means of a project funded by the UNDP, the National Information System in the field of biodiversity was established. The National Biodiversity Information System is used for comparison, management, analysis and dissemination of data and information on the Macedonian biodiversity. It serves as a central point for exchange of data between governmental authorities, non-governmental organizations, research institutions and volunteers. The information system is available on the Internet.

The project “Strengthening at a central and local level of the administrative capacities for implementation and enforcement of the legal regulation on waste management”, funded by the IPA program established a National Information System for waste management. The information system is available on the Internet.

The National Information System for air quality was implemented as a part of the IPA funded twinning project “Strengthening the capacities at a central and local level for environmental management in the field of air quality”. The project established an efficient national system of environmental information in the field of air quality.

The information system is maintained and organized in a manner that provides a base of relevant data - comprehensive, accurate and publicly available information on the condition of nature, the state and the quality of environmental media and the other fields regarding the environment, noise, ionizing and non-ionizing radiation, including electromagnetic radiation, as well as predictions by using modeling techniques. The information system includes systematization, storage and use of data obtained from the state monitoring network, the local monitoring network, the monitoring performed by the operators, and they are legally obliged to do so, of the specific environmental media and areas and the data from the Registers of pollutants and substances, that is, the data from the Cadastres of polluters of the environment.

The owners i.e. the users of installations which are a source of emissions and pollute one or several media and environmental areas, are obliged, in accordance with a special law, to perform monitoring of the emission sources, in the environmental media, and to submit the data to the information system within the Ministry of Environment and Physical Planning.

Furthermore, they are obliged to use devices and instruments that are approved in the procedure for verification of the measures, stipulated by law, and to maintain the monitoring devices and equipment in a functional condition.

The Macedonian Environmental Information Centre (MEIC), in collaboration with the other bodies, every year prepares a report of processed data on environmental quality, every

two years it prepares an Indicator Report, and every four years it prepares a report on the environmental situation in the Republic Macedonia. These reports are available on the website of environment and they are being sent to all relevant and interested institutions. In addition, in cooperation with the State Statistical Office, every second year the publication Statistics in the Environment is being prepared, which is available on the websites of both institutions. Also the Macedonian Environmental Information Center annually prepares popular brochures for the individual media for the environment (water, air, waste) and thematic brochures.

Depending on their function, the entities are obliged to disseminate, to make available to the public and to maintain the information on the environment that they dispose of or that is held by others on their behalf, in forms and formats that can easily be reproduced and made available through the electronic communication networks. Furthermore, they are obliged to provide public participation in the drafting of laws, regulations and other legal acts. The Ministry of Environment and Physical Planning takes care of the dissemination of environmental information, and provision of facilitated access to environmental information possessed by other ministries, municipalities, municipalities in the City of Skopje and other authorities and entities.

The right of access to environmental information is exercised in respect to all information, in written, visual, audio, electronic or any other available form, pertaining to:

- Factors such as materials, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including radioactive waste, emissions and other forms of emissions in the environment, that affect or could affect the environmental media and the human health;
- The state of the environmental media and the environmental areas, such as air and atmosphere, water, soil, land, biological and landscape diversity, including genetically modified organisms, as well as the mutual interaction between these elements;
- Factors such as materials, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including radioactive waste, emissions and other forms of emissions in the environment, that affect or might affect the environmental media and the human health;
- Measures, including administrative measures, such as: policy, legislation, plans, programs, contracts, related to environmental issues, as well as the activities that may - directly or indirectly influence the environmental media and environmental factors, as well as the measures or activities for protection of these elements;
- The reports on the implementation of the laws that refer to the environment;
- The conditions related to human health and safety, food safety, including the impact of pollution in the food chain, the living conditions, the sites of importance to culture and buildings, to an extent to which they are affected or could be influenced by the environmental media or by the impacts of such media on any of the conditions of the aforementioned elements and factors.

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| Question 12 | 1250 | Describe the obstacles that were encountered in the implementation of any of the paragraphs of Article 5 |
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- A national inventory system of air emissions is not established (the GHG inventory and the CLRTAP inventory are separately prepared by different teams);
- Non-existence of a national system that would contain all available data on the environmental media (currently there are individual databases);
- Lack of capacities at a local level that are able to collect and manage data and information related to the environment;
- Lack of capacities to enable exercise of the right of access to environmental information in regard to all information in written, visual, audio, electronic or any other available form;
- Lack of financial resources required for the collection and dissemination of data and information, opening and equipping information points and

- A need of capacity building of the non-governmental sector.

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| Question 13 | 1000 | <ul style="list-style-type: none"> - Provide further information on the practical application of the provisions on collection and dissemination of information on the environment in Article 5, for example are there available statistical data for the published information? |
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So far Information Systems for 3 environmental media have been developed i.e. air quality, waste management and biodiversity. The implemented solutions are web based which means that the users log in to the system through an appropriate user interface. The data is publicly available on the Internet.

The cooperation between the Ministry of Health and the Ministry of Environment and Physical Planning is essential for the proper conceptualization and implementation of the policy on the relation environment – human health. The Ministry of Health, through the State Sanitary and Health Inspectorate and the Institute of Public Health, participates in the monitoring of the environmental pollution, i.e. the monitoring of the pollution of air, water, food products, the monitoring and protection of the population against the harmful effects of gases, ionizing radiation, noise and supervision of the hygiene-epidemiological condition of the population. The public health organizations involved in the monitoring are obliged to regularly deliver data to the Ministry of Environment and Physical Planning.

In the Institute for Public Health and 10 regional healthcare institutes, there are service centers for hygiene and environmental health whereby regular monitoring of air quality is performed in Skopje and in Veles, and in the other service centers parameters are examined in terms of protection of human health as well as appropriateness of drinking water and surface water for the health. These activities are carried out in accordance with a harmonized methodology and dynamics pursuant to the existing regulations, in a form of program tasks. The regional institutes process and submit the data from the monitoring of the air, the drinking water and the surface water in a form of monthly and six-monthly annual reports to the Institute for Public Health. They also deliver them to the Ministry of Environment and Physical Planning in a form of monthly reports. At the beginning of each year, the Institute of Public Health prepares a Summary Annual Report.

The Ministry of Environment and Physical Planning is obliged to notify the international authorities. The obligations for notification, both national as well as international, are performed by the Macedonian Environmental Information Center. On the basis of the processed data, the Macedonian Environmental Information Center also prepares monthly and annual reports. The official reports are available for different stakeholders and the public in the Department of Public Relations and on the web site of the ministry. Most of the information is published on the web site of the Ministry of Environment and Physical Planning: data on air pollution, a report on the condition of the environment, etc. The national coordinator for cooperation with the European Environment Agency (EEA), through the Macedonian Environmental Information Center since 1998 participates in the regular activities of the EEA and EIONET network of thematic experts, and through the nominated national reference centers, that is, thematic experts, the coordinator regularly reports data and information from several media in the environment in the Republic of Macedonia. The national reference centers are experts from several national institutions, whose obligations for timely delivery of relevant data to the EEA, are evaluated according to adopted criteria - Priority Data Flow - that is, through a regular flow of priority data on the condition of the environment. All data delivered to the EEA are public and available to the public, both through the numerous publications, as well as on the integrated website of the EEA. The Macedonian public has the opportunity to use these data and to obtain information on the condition of

specific media in the environment, and to comparatively perceive the conditions in the other European countries.

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| Question 14 | 250 | Indicate relevant web-site addresses, if available: |
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<http://www.moepp.gov.mk/>
<http://airquality.moepp.gov.mk/>

Question(s) 15 to 18/Short description

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| Question 15 | 3750 | <p>Explain how each paragraph of Article 6 is implemented. Describe the transposition of the relevant definitions in Article 2 and the requirement for non-discrimination in Article 3, paragraph 9. Also specifically describe: (a) In regard to paragraph 1, the measures taken to ensure that: (i) The provisions of Article 6 are applied in regard to the decisions whether to allow the proposed activities indicated in Annex I of the Convention; (ii) The provisions of Article 6 are applied for the decisions for the proposed activities which are not indicated in Annex I, and which may have a significant impact on the environment b) The measures taken to ensure that the affected public at the beginning of the procedure for decision-making related to the environment, is informed in an appropriate, timely and efficient manner, about the issues/topics listed in paragraph 2; (c) The measures taken to ensure that the time limits for the procedures for public participation meet the requirements of paragraph 3; (d) in regard to paragraph 4, the measures taken to ensure early public inclusion/participation; (e) In regard to paragraph 5, the measures taken to stimulate/encourage the perspective applicants for identification of the (affected) public, to join discussions, and to provide information in regard to the objectives for their application before the application for a permit/approval; (f) In regard to paragraph 6, the measures taken to provide that: (i) The competent authorities provide to the affected public all information that are relevant for the decision-making process indicated in Article 6 which are available in the period of implementation of the procedure for public participation; (ii) Specifically, the competent authorities provide to the affected public the information indicated in this paragraph; (g) In regard to paragraph 7, the measures taken to ensure that the procedures for public participation allow the public to submit/give comments, information, analyses or opinions that it considers relevant for the proposed activity; (h) In regard to paragraph 8, the measures taken to ensure that the outcome of the public participation is considered in the adoption of the decision; (i) In regard to paragraph 9, the</p> |
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| | | measures taken to ensure that the public is quickly/accurately informed on the decision in accordance with the appropriate procedures; (j) In regard to paragraph 10, the measures taken to ensure that when the authorities review or update the operating conditions for the activity indicated in paragraph 1, the provisions from the paragraphs 2 to 9 will be applied in order to make the necessary changes, and where necessary/appropriate; (k) In regard to paragraph 11, the measures taken to apply the provisions of Article 6 of the decision whether to allow deliberate release of genetically modified organisms into the environment. |
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Subject of the assessment of environmental impacts are the projects which due to their nature, scope or location of their implementation, could have a significant impact on the environment. The assessment is performed compulsorily, on the basis of criteria that determine the need to assess the environmental impact, as well as on other generally specified projects that could have a significant impact on the environment. The need to assess the environmental impact is determined by examining each specific case on the basis of the nature, the size and the location in accordance with the stipulated criteria, and considering the latest scientific and technical knowledge and decisions in the regulations that specify the lowest limits of emissions in the environment.

The state authority that is competent to perform activities related to the environment is obliged: to publish the notice on the investor's intent to perform a project, in two national daily newspapers and on the website of the state administration authority competent for matters related to the environment;

to publish the decision on determination of the need of assessment of the environmental impact, in two national daily newspapers, on the website and on the notice board in the state administration authority competent for matters related to the environment;

to announce that the study on the environmental impact is prepared and available to the public in two national daily newspapers, on the local radio and TV station, while the non-technical report is published on the website of the state administration authority competent for matters related to the environment;

to publish the report on the appropriateness of the study for assessment of the environmental impact, in two national newspapers and on the website of the state administration authority competent for matters related to the environment;

to publish the decision on approval or disapproval of the project realization in two national daily newspapers, on the website, as well as on the notice board in the state administration authority competent for matters related to the environment;

to announce the time and place of the public hearing regarding the study for assessment of the environmental impacts and to ensure availability of information that is required for the public to participate in the public hearing, in two national daily newspapers and on the local radio and TV station;

At the request of a foreign country, the information from the items 2, 3, 4 and 5, are available to the competent authorities of the foreign country, in accordance with the established procedure. The law also stipulates that within seven days from the day of receipt of the request for issuance of an integrated environmental permit, the Ministry of Environment and Physical Planning is obliged to publish the request in two daily newspapers that are available on the entire territory of the Republic of Macedonia and on its website, as well as within 15 days from the publishing of the request, to provide to the public an access to the available information required for formation

of opinions and attitudes, in accordance with the provisions of this law. Any person, the state authorities, as well as the municipalities, the City of Skopje and the municipalities in the city of Skopje, can submit their opinion in writing, to the Ministry of Environment and Physical Planning within 30 days from the day of publication of the study on assessment of the environmental impact. The Ministry of Environment and Physical Planning is obliged to take into account the opinions when issuing the permit.

The units of the local self-government provide public participation and access to all relevant information, in the procedure for issuance of B integrated environmental permits. Within 30 days from the publication of the request for issuance of an integrated permit, the affected public can submit their opinions and attitudes in writing.

When preparing the A-integrated environmental permit, the Ministry of Environment and Physical Planning is obliged, within the A integrated environmental permit, to indicate which of the opinions and the attitudes that are delivered by the public have been considered, and which have not been considered, and the reasons for this. At the request of the affected public, the investor is obliged to organize a public hearing.

Among other things, the law is based on the principle of non-discrimination. According to the Constitution of the Republic of Macedonia, the citizens of the Republic of Macedonia are equal in their freedoms and rights regardless of sex, race, skin color, national and social origin, political and religious beliefs, property and social status. The citizens are equal before the Constitution and the laws.

The deliberate release of genetically modified organisms in the environment is regulated in chapter 5.1 Deliberate release of GMOs or a combination of GMOs in the environment in the Law on Genetically Modified Organisms. According to Article 34 of the Law, any notifier, before performing deliberate release into the environment, must submit a notification to the Ministry of Environment and Physical Planning, which specifically contains technical documentation that includes information required for conducting an assessment of the risk as a result of the deliberate release of GMOs and risk assessment. Within five days from the day of receipt of the complete notification, the Ministry is obliged to publish a short summary on the website and to publish it in two daily newspapers on the territory of the Republic of Macedonia. The public can deliver its opinion within 30 days from the day of publication. The Ministry is obliged to provide public insight in the data of the notification, the risk assessment, the report on assessment of GMOs and other information accompanying the notification. When issuing the permit, the Ministry is obliged to consider the timely submitted opinions and comments. Within 90 days from the day of receipt of the complete notification, the Ministry of Environment and Physical Planning issues a permit for deliberate release of GMOs or with a decision it rejects the notification if the requirements for deliberate release of GMOs have not been met.

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| Question 16 | 1250 | Describe the obstacles that were encountered during the implementation of any of the paragraphs of Article 6. |
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- Required financial resources,
- Lack of capacities of all relevant entities in the process,
- Increase of the personal capacity of the Ministry of Environment and Physical Planning to provide public participation in the realization of projects, especially when it is necessary to conduct a national and cross-border procedure for assessment of the environmental impact, because it is necessary to provide sufficient time to the public to obtain information and to prepare for efficient participation during the decision-making regarding the environment.

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| Question 17 | 1000 | Provide further information on the practical application of the provisions on public participation in the decision-making on |
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| | | the specific activities under Article 6, for example whether there are available statistics or other information on public participation in the decision-making on the specific activities or in the decision-making for non-application of the provisions of this Article in the proposed activities which are used for the purposes of the national defense |
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In accordance with the Law on the Environment and the appropriate by-laws, the Ministry conducts the obligations from the provisions on public involvement in the decision-making process. The public is informed as early as in the initial stages i.e. in the stage of planning of the activities, which implies adoption of legislation, plans, programs, strategies, projects, permits and procedures for conducting an assessment of the environmental impact. In addition, at the request of the stakeholders, public hearings are organized, whereby in accordance with the legal obligations, the results of the public participation are taken into consideration. In the reporting period, 14 public hearings have been realized in regard to the Environmental Impact Assessment.

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| Question 18 | 250 | Indicate relevant websites, if available? |
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www.moep.gov.mk

Question(s) 19 to 23/Short description

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| Question 19 | 1250 | Indicate the appropriate practical and/or other provisions intended for the public to participate in the preparation of the plans and programs related to the environment. Describe the transposition of the relevant definitions in Article 2 and the requirements for non-discrimination in Article 3, paragraph 9. |
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The public participation in the preparation of plans and programs relating to the environment is regulated by the Law on the Environment Chapter 9 Planning of environmental protection which regulates the public participation in the procedure for adoption of planning documents, preparation of regulations and public participation in the procedure. Article 61 of the Law stipulates the obligation of the state administration authorities and the authorities of the units of the local self-government in the preparation, adoption, amendment or revision of plans and programs to inform the public through notices or other appropriate means in order to enable the public to participate in the decision-making on plans and programs. These issues are further governed by the Decree on public participation during the preparation of regulations and other acts, as well as plans and programs related to the environment.

The Chapter Assessment of the environmental impact of specific strategies, plans and programs in Article 65 of the Law, defines all planning documents that are prepared in the fields of agriculture, forestry, fishing, energetics, industry, mining, transport, regional development, telecommunications, waste management, water management, tourism, physical and urban planning and land use, wherewith a basis is created for execution of projects for which assessment of the environmental impact is performed or of all planning documents that regulate the management of protected areas declared by law or may affect these areas, and a strategic assessment is conducted. The strategies, plans and programs for which a strategic assessment is conducted, are stipulated in the Decree for strategies, plans and programs, including the

amendments to such strategies, plans and programs for which a mandatory procedure is conducted for assessment of their impact on the environment and the human health.

Before starting the procedure for adoption of the planning document and within five days from the completion of the environmental report, the authority that is preparing the planning document publishes information that refer to the draft planning document and the environmental report, along with information on the procedure for public participation. The authority is obliged to simultaneously deliver the draft planning document and the environmental report to the state administration authority competent for matters related to the environment. The state administration authority competent for matters related to the environment, and the authorities affected with the implementation of the planning documents, the legal entities and natural persons, and the public, can express their opinion regarding the draft planning document and the environmental report, to the authority that prepares the planning document, within 30 days from the day of delivery, that is, publication of the information regarding the documents. In the preparation of the planning document, the authority is obliged to consider the obtained opinions in regard to the draft planning document and the environmental report, for the purpose of which it prepares a special report.

In accordance with Article 93 of the Law on the Environment, in an event of cross-border cooperation, the state administration authority responsible for matters related to the environment, in cooperation with the competent authority of the affected country, is obliged to create conditions for provision of information to the public and for obtaining opinions and comments from the affected public of the affected country, as well as for the national public, in accordance with laws of the Republic of Macedonia. The information obtained from the affected country, along with the comments from its public, will be considered by the state administration authority that is competent for matters related to the environment, when making the decision for approval of the project implementation.

If the state administration authority that is competent for matters related to the environment receives a notification from another country that is has learned that a project would be implemented in the Republic of Macedonia which might have significant cross-border impact, and the affected country was not informed about such project by the Republic of Macedonia, in accordance with this law, it is obliged, if it estimates that cross-border impact exists, to include the other country in the procedure of assessment of the environmental impact in accordance with this law.

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| Question 20 | 750 | Explain the possibilities for public participation in the preparation of the policies that refer to the environment. |
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The public participation in the preparation of the planning documents is established by several legal acts, and in regard to all strategic, planning and program documents. These documents are adopted in two stages: draft and proposal stage. The draft documents are published, and a public and expert hearing regarding their content is organized. The opinions, comments and suggestions obtained from the hearing shall be considered in the completion of the document's text, which is delivered as a Proposal, for final adoption.

Most commonly used ways to involve the public as early as in the initial stage of preparation of the documents, is through their involvement in the working groups and regular publication of the planning documents on the website of the Ministry, as well as through holding public hearings regarding the planning document.

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| Question 21 | 750 | Describe the obstacles that were encountered during the implementation of Article 7. |
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-Strengthening of the administrative and the financial capacities of all relevant entities in the process.

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| Question 22 | 750 | Provide further information about the practical application of the provisions on public participation in the decision-making on the separate activities from Article 7. |
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At the same time in the reporting period several procedures for strategic assessment of the environmental impact were conducted, which referred to the adoption of plans of physical and urban planning. The public is also included in the preparation of strategic and planning documents related to climate action, and in the preparation of the Sector Environment and Climate Change Strategy 2014-2020. The Third National Plan on Climate Change, the First Revised Report on Climate Change and in the preparation of the appropriate national contribution to climate change, ahead of the summit in Paris. In addition, the public is also included in the preparation and adoption of green agendas at sub-national level.

The Republic of Macedonia is one of the 8 countries in the world who have put climate actions in the Action Plan for Open Government Partnership 2016-2018, wherewith the Republic of Macedonia is recognized worldwide as a leader in the openness of policies for climate action.

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| Question 23 | 250 | Indicate relevant websites, if available? |
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www.moepp.gov.mk

Question(s) 24 to 27/Short description

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| Question 24 | 1500 | Describe the efforts made for promotion of efficient public participation during the preparation by the authorities of the executive rules/provisions and the other generally applicable legally binding rules that may have a significant effect on the environment. To a specific extent, describe the transposition of the relevant definitions in Article 2 and the requirements for non-discrimination in Article 3, paragraph 9. |
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For the purpose of preparation of laws and during their modification and amendment, an assessment of the regulation's impact is mandatorily conducted in the Republic of Macedonia. The procedure for assessment of the regulation's impact is stipulated in: the Law on the Government of the Republic of Macedonia; the Rules of Procedure of the Government of the

Republic of Macedonia, and with a methodology for assessment of the regulation's impact. For this purpose, the web portal of an electronic register of regulations (www.ener.gov.mk) is established, where all draft texts of laws and their modifications and amendments are published. In parallel with the draft texts of the laws, a report on the implementation of an assessment of the regulation's impact is published, which contains opinions and comments submitted according to the draft texts of the regulations. The public may deliver all their notes to the Ministry or it may place them in the portal. The draft texts of the laws are mandatorily published on the website of the Ministry of Environment and Physical Planning.

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| Question 25 | 1000 | Describe the obstacles that were encountered during the implementation of Article 8 |
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- strengthening of human and financial capacities of all relevant entities in the process at central and local level. The technical equipment is at a low level to be able to provide constant access to information.

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| Question 26 | 500 | Provide further information about the practical application of the provisions on public participation in the field covered in Article 8. |
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The Ministry of Environment and Physical Planning, furthermore within the projects where the regulations and the strategic documents were being prepared, as well as for the other regulations and documents, strives to provide transparency through the following forms: questionnaires, conducting public opinion surveys: quantitative and qualitative survey, organizing workshops on the draft-texts of the laws, etc. These workshops involve representatives from government and state institutions, units of the local self-government, public enterprises, representatives from the industry i.e. the Economic Chamber of the Republic of Macedonia, other private-legal responsible persons, non-governmental organizations, scientific and professional organizations, and the obtained valid comments were incorporated in the draft and proposal Law on Control of Emissions of Volatile Organic Compounds in Petrol Use, Official Gazette 38/2014.

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| Question 27 | 250 | Indicate relevant websites, if available: |
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www.moep.gov.mk
www.ener.gov.mk

Question(s) 28 to 31/Short description

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| Question 28 | 3750 | Explain how each paragraph of Article 9 is implemented. Describe the transposition of the relevant definitions in Article 2 and the requirement for non-discrimination in Article 3, paragraph 9. In addition, specifically describe: (a) In regard to paragraph 1, the measures taken to ensure: (i) Any person who considers that his or her request for an information under Article 4 has not been |
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| | <p>reviewed in accordance with the provisions of that Article, should have an access to the review procedure before a court or other independent and impartial authority established by law; (ii) When a provision for such a review by a court exists, such a person also has access to the expeditious procedure established by law, which is free or inexpensive for consideration by the authorities or a review by another independent and impartial authority except for the court; (iii) The final decisions under this paragraph are binding for the authorities that possess the information, and these reasons are stated in writing, at least where access to information is denied; (b) The measures taken to ensure that within the national legislation, the representatives of the affected public who meet the criteria set out in paragraph 2, will have access to the review procedure before a court and/or another independent and impartial authority established by law, to investigate the substantive and procedural legality of any decision, act or omission, subject to the provisions of Article 6; (c) In regard to paragraph 3, the measures taken to ensure that where they meet the criteria (if there are such criteria) defined in national law, the representatives of the public will have access to the administrative or legal procedures for examination of the acts and the omissions by private entities and the authorities that violate the provisions of the national law that refer to the environment; (d) In regard to paragraph 4, the measures taken to ensure that: (i) The procedures indicated in the paragraphs 1, 2 and 3 provide appropriate and effective legal remedy; (ii) Actually, such procedures meet the requirements of this paragraph; In regard to paragraph 5, the measures taken to ensure that the public is provided/given information on access to the administrative and legal review.</p> |
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The Law on the Environment, in article 55 contains clearly defined cases when the entity competent for provision of information may reject the request for obtaining information, as follows:

- Does not possess the requested information. In such an event, the entity is obliged within seven days from the receipt of the request, to forward the request to the entity that possesses the requested information, if it knows what this entity is, and to inform the applicant about this. If it does not know what other entity possesses the requested information, it informs the applicant about the entity that probably possesses the requested information;
- The request is obviously unreasonable;
- The request is too general. The entity is obliged, within a period that cannot be longer than 15 days from the day of receipt of the request, in writing, to instruct the applicant about the form, content and scope of the demand and/or
- The request refers to information that is in a stage or completion or information that is used for internal purposes and communications. If it is a matter of information that is in a stage of

preparation, the entity informs the applicant that requests the information about the entity which is preparing the information and the time required for its preparation.

The entities may refuse to allow access to the information, only if its disclosure would have negative effects on:

- 1) the confidentiality of the proceedings conducted by the competent authorities, in an event when the confidentiality is determined in accordance with a law or a regulation adopted on the basis of a law;
- 2) the international relations, public security and defense of the country;
- 3) the court proceeding, the rights of the legal entities and the natural persons to a fair trial, as well as the right to initiate court or disciplinary proceedings;
- 4) the confidentiality of the commercial or industrial information, in an event when such confidentiality is guaranteed by law, in order to protect the legitimate economic interest, including the public interest in keeping the statistical confidentiality and tax secrecy;
- 5) the protection of the individuals and the confidentiality of personal data;
- 6) the protection of the intellectual and industrial property rights;
- 7) the interests or the protection of any person who delivered the requested information, without any obligation to do so, if that person does not consent to the disclosure of such information and/or
- 8) the environmental protection, especially protection of specific wild species and/or types of habitats;

The entities shall not reject the request in the cases of items 1, 4, 5, 7 and 8 if such a request refers to information on releases or other emissions into the environment.

In each of the events indicated above, the entities are obliged to assess whether the protection of the public interest that refers to the requested information is of greater importance than the interest obtained by the disclosure of the information.

After the submitted request for obtaining information, the entities are obliged to make the information available as soon as possible, however not later than one month from the day of receipt of the request or not later than two months after the receipt of the request if due to the volume and the complexity of the information, it cannot be completed within one month.

If there are reasons that prevent to act upon the request, the entity to which the request is submitted rejects the request by adopting a Decision on rejection of the request i.e. the conclusion where the reasons for the rejection of the application are compulsorily indicated, as well as a legal advice on the possibilities for an appeal regarding the decision or the conclusion.

Against the adopted decision, that is, the conclusion, a right of appeal is provided before a second instance authority. The authority to which the appeal is submitted differs depending on who makes the decision. Namely, if the decision, that is, the conclusion is adopted by the Government of the Republic of Macedonia and the state administration authorities, the applicant has the right to submit an appeal to the Commission for Protection of the Right to Free Access to Public Information for resolution of the administrative matters in second instance related to the environment.

Against the decision or the conclusion adopted by the municipal authorities, of the City of Skopje and of the municipalities in the city of Skopje; the legal entities and the natural persons which in accordance with the law are entrusted with public authorizations, including special duties, activities and services related to the environmental and/or legal entities and natural

persons which, on the basis of law or a contract, perform an activity or service of public interest related to the environment, under the supervision of the authorities or the persons, the applicant is entitled to an appeal to the Ministry of Environment and Physical Planning. The procedure regarding an appeal is conducted in accordance with the Law on General Administrative Procedure.

The right to an appeal is also stipulated in the Law on the Environment, in order to provide access to justice to organizations and individuals, it specifies the cases when the civic associations established for the purpose of protection of the environment and the public have a right of appeal related to the environment, in order to protect their rights and interests in several cases, including the following:

- a) the right to access to information related to the environment
- b) the rights in the procedure for assessment of the environmental impact
- c) the rights in the procedure for issuance of an integrated environmental permit

The right of access to justice for organizations and individuals, in order to protect their rights and interests, in an administrative procedure, is also regulated by separate laws related to the environment, wherewith the rights of the legal entities and natural persons related to the environment are regulated.

Against decisions adopted in second instance proceeding, the applicant has the right to submit a lawsuit for initiating an administrative dispute before the competent court.

Pursuant to Article 13, paragraph 4 of the Law on Courts, judicial decisions are binding on all legal entities and natural persons.

Accordingly, the protection of the rights of individuals and organizations in an administrative proceeding is also provided by the institution Ombudsman. The institution Ombudsman in the Republic of Macedonia has basic legal function and an obligation to protect the rights of citizens and all other entities, which are guaranteed by the Constitution, the laws and the international acts and documents ratified by the Parliament of the Republic of Macedonia in this regard, and to protect the right to free access to information related to the environment. The Ombudsman in the constitutional system of the Republic of Macedonia represents an independent authority, as a mechanism for protection of the constitutional and the legal rights of citizens and all other persons when these have been infringed by acts, actions and omissions of actions by the state administration authorities and other authorities and organizations with public authorizations. The manner of election of the Ombudsman guarantees its independence in the performance of its function. The Law on the Ombudsman (Official Gazette of the Republic of Macedonia no. 60/2003) in Articles 11 - 18, provides that the applicant is exempt from fees for the proceeding before the Ombudsman.

Article 2 of the Convention is implemented with the following articles of the Law on the Environment:

- article 5 of the Law on the Environment:

Public is one and/or several legal entities and/or natural persons, and organizations and civic associations established in accordance with the law;

The affected public is the public which at the moment is affected and/or in the future may be affected or has an interest in regard to the decision-making on the environment wherewith it has a special relationship with a specific procedure. The affected public includes the civic associations established for the protection and improvement of the environment, as well as a natural person who is very likely to experience the effects of the decision-making;

The definition: Information related to the environment is implemented in Article 51 – Access to information of the Law on the Environment:

1) Everyone has the right, without having to prove their interest, to request validated information and data related to the environment from the authorities, the legal entities and the natural persons specified in Article 52 paragraph (1) of this Law. The environmental information may be possessed by or possessed for the authorities, the legal entities and the natural persons from Article 52 paragraph (1) of this Law.

(2) The right of access to environmental information is exercised in regard to all information in written, visual, audio, electronic or any other available form, and which refer to the following:

- The condition of the environmental media and areas, such as air and atmosphere, water, soil, land, biological and landscape diversity, including genetically modified organisms, as well as the mutual interaction between these elements;
- Factors such as materials, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including radioactive waste, emissions and other forms of release into the environment which affect or are likely to affect the media and the areas of the environment and human life and human health;
- Measures, including administrative measures, such as policy, legislation, plans, programs, contracts, which refer to issues related to the environment, as well as activities that can directly or indirectly influence the media, the areas and factors of the environment, as well as measures or activities designed to protect those elements;
- Reports on the implementation of laws and other regulations and acts regarding the environment;
- Cost-benefit analysis and other financial and economic analyses and assumptions which are used within the framework of the taken measures and activities for protection and improvement of the environment from item 3 of this paragraph; and
- Conditions related to human life, health and safety, food safety, including the impact of pollution in the food chain, living conditions, places of importance to culture and buildings, to an extent to which they are affected or could to be affected by the environmental media and areas or through the impacts of such media and areas on any of the conditions of the aforementioned elements and factors.

The definition “Public authority” is implemented in article 52 – Entities that possess information on the environment

(1) Authorities, legal entities and natural persons (hereinafter: entities) that possess information on the environment or for which information on the environment are possessed, include the following:

- The Government of the Republic of Macedonia and the state administration authorities,
- the authorities of the municipality, of the city of Skopje and of the municipalities in the city of Skopje,
- the legal entities and natural persons which, in accordance with the law, are entrusted with public authorizations, including special duties, activities and services related to the environment and/or
- legal entities and natural persons which, on the basis of a law or an agreement, perform an activity or a service of public interest related to the environment, under the supervision of the authorities or the entities from lines 1, 2 and 3 of this paragraph.

(2) The Government of the Republic of Macedonia, at the proposal of the state administration authority that is competent for matters related to the environment, publishes and maintains a list of entities that possess information related to the environment or for which information related to the environment are possessed. The List also specifies the information possessed by each of the indicated entities.

(3) The entities from paragraph (1) of this Article are obliged to designate an authorized person who will be responsible for exercising the right of access to environmental information, and to provide premises where the applicants will be able to review or have an insight into the requested environmental information.

(4) The entities from paragraph (1) of this article are obliged to deliver or make available the required environmental data and information to persons who have requested access to information in accordance with Article 51 of this Law.

To the harmonization of the provisions from a convention they are also indicated in the adopted by-laws, as follows: Decision to publish a list of entities that possess information related to the environment or for which information related to the environment are possessed (Official Gazette of the Republic of Macedonia no. 82/07) and Rules on the manner and the procedure for providing access to information related to the environment (Official Gazette no. 93/07).

Pursuant to Article 3 of the Rules on the manner and the procedure for providing access to information related to the environment (Official Gazette no. 93/07) which states the following:

“The right of access to environmental information belongs to all applicants in the same way and under the equal conditions, and they are equal in their exercise of the right.

A response to the requests for access to environmental information is provided according to the order of the received requests, and in accordance with the time period required for preparation of the responses to requests, paragraph 9 of Article 3 of the convention is implemented.

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| Question 29 | 1250 | Describe the obstacles that were encountered during the implementation of any of the paragraphs of Article 9. |
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Insufficient capacities of the competent authorities to implement the right of access to justice, especially of the authorities of the executive and judicial power. Special training is required, especially for the third pillar so that its proper implementation can be performed.

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| Question 30 | 1000 | Provide further information on the practical application of the provisions on access to justice under Article 9, for example are there available statistics on justice in the environment and are there support mechanisms to eliminate or reduce the financial and other barriers to access to justice? |
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The Law on the Ombudsman (“Official Gazette of the Republic of Macedonia” no. 60/03) in Articles 11-18, stipulates relief in the sense that the applicant is exempt from fees for the proceeding which he/she initiated before the Ombudsman.

In addition, the Law on the Ombudsman allows filing of a complaint by any citizen of the Republic of Macedonia, when some of his/her fundamental human rights has not been respected or has been violated by the system institutions or any other legal entity or a natural person. Taking into consideration Article 44 of the Constitution of the Republic of Macedonia, which provides conditions for life in a healthy and clean environment to every citizen, the Ombudsman also considers the complaints that refer to the violation of this right.

In 2012 the non-governmental organization CED Florozon from Skopje, started the realization of the project “Greening Macedonian Justice” which was directed towards strengthening of the capacities of the Ombudsman for practical application of the right of access to justice. Namely, the aim of the project was to strengthen the capacities of the Ombudsman, the representatives of the civil society, the central and the local government for the provisions and obligations

arising from the third pillar of the Aarhus Convention, thereby pointing out the need of greater uniformity in its application, as well as imposition of alternative mechanisms for expeditious and quick processes, as well as adequate and efficient measures to eliminate the consequences. The representatives from the 7 regional offices of the Ombudsman benefited from the program, including lawyers, representatives of the Ministry of Justice and the Ministry of Environment and Physical Planning, and representatives from the civil society. The program was realized in cooperation with a team of experts in environmental law from the organization EMLA (Environment Management and Law Association) from Hungary.

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| Question 31 | 250 | Indicate relevant websites, if available |
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www.covekovi-prava.gov.mk
www.ombudsman.gov.mk
www.sobranie.mk
www.stat.gov.mk
www.usud.gov.mk
www.mlrc.org.mk

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| Question 32 | 1500 | If appropriate, indicate how the implementation of the Convention 32 contributes to the protection of the right of every person from the present and future generations to live in an environment which is appropriate for his or her health and well-being. |
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The Aarhus Convention as an international agreement is one of the most important instruments for the protection of the citizens' right to a healthy environment. The public has a right and need to be informed, to participate in the decision-making process on issues of environmental protection, and to have free access to these issues. The implementation of the Aarhus Convention enables improved access to information, increased public participation in the decision-making, thus improving the quality of decisions, and all of this will result in improved environmental quality. The implementation of the Aarhus Convention contributes to the protection of the right of every individual from the present and future generations to live in an environment which is appropriate for his/her health and well-being, and to provide the rights of access to information, public participation in the decision-making process, and access to justice in regard to issues related to environmental protection, and in accordance with the Law on the Environment.