

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

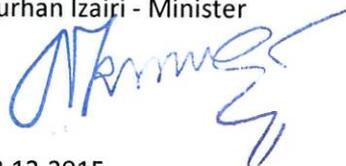
**Format for the Aarhus Convention implementation report in
accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)**

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.

Name of officer responsible for
submitting the national report:

Nurhan Izairi - Minister

Signature:



Date:

18.12.2015

Implementation report

Please provide the following details on the origin of this report

Party:

R.Macedonia

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III National Implementation Report under Aarhus Convention of the Republic of

Question(a) 1 to 2/Brief description		
Reference	words	Description
Question 1	750	<i>Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.</i>

The National Implementation Report under the Aarhus Convention in the Republic of Macedonia was prepared by the Ministry of Environment and Physical Planning (MEPP). Following the principles of the Convention on timely information and public participation, it was publicly accessible with a possibility for supplementing and commenting. Information together with the Report was disseminated on the web site of the MEPP, thus enabling access to every individual to the Draft Report and possibility to comment.

Question 2	750	<i>Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation.</i>
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1. Organization of the state authority in the Republic of Macedonia

In the Republic of Macedonia, the state authority is divided into legislative, executive and judicial. The Assembly of the Republic of Macedonia which is representative body of the citizens is the carrier of the legislative authority. The Government of the Republic of Macedonia is the carrier of the executive authority. Judicial authority is exercised by the courts. Under the Constitution of the Republic of Macedonia, the citizens are guaranteed the right to a local self-government.

Units of local self-government are municipalities and they have competences, inter alia, in:

1. Urban (urban and rural) planning
2. Protection of environment and nature
3. Public activities

2. International agreements – legal basis for their binding effect. The Constitution of the Republic of Macedonia in its Article 118 specifies that international agreements ratified in accordance with the Constitution are part of the internal legal order and may not be amended by law; Courts act on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution.

Based on the above, international agreements ratified in accordance with the Constitution are considered as internal law of the country and have the power of law and may not be amended by law.

Question 3	2500	<p>Explain how these paragraphs have been implemented. In particular, describe: (a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;</p> <p>(b) With respect to paragraph 3, measures taken to promote education and environmental awareness;</p> <p>(c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;</p> <p>(d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally;</p> <p>With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.</p>
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a) The Law on Environment exercises direct implementation of the requirements of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

Under the Law on Environment, the Ministry of Environment and Physical Planning is responsible for dissemination of environmental information and provision of easy access to information possessed by entities.

General law also regulating the obligation for provision of access to information of public nature is the Law on Free Access to Information of Public Nature (Official Gazette no. 13/2006). The Government of the Republic of Macedonia, at the proposal of the Ministry of Environment and Physical Planning, publishes and maintains the list of entities possessing information in the area of environment. The list further determines the information

possessed by each of the listed entities. Entities that possess information or on which information in the area of environment is possessed are obliged to update it constantly and submit it or make it accessible to persons that have requested access to information. All entities that possess environmental information are obliged to appoint authorized person to be responsible for the exercise of the right to an access to environmental information, as well as provide premises where requested information can be inspected.

b) For the purposes of promoting environmental education and public awareness rising, the Law on Environment stipulates the following possibilities:

- The Ministry of Environment and Physical Planning in cooperation with the Ministry of Education and Science should provide support to educational and scientific institutions, professional organizations and civil associations established for the purposes of environment protection and sustainable development and implementation of educational activities;

- The Ministry of Environment and Physical Planning should provide support to publication of books and brochures on topics related to environment protection and improvement and sustainable development in order to promote education;

- The Ministry of Environment and Physical Planning in cooperation with the Ministry of Education and Science should provide support to research in the state of the environment and environmental projects;

The Law also stipulates the above obligations to encourage development of education and public awareness in the area of environment for the units of the local self-government.

Furthermore, for the purposes of the public awareness rising, the Law on Environment stipulates awarding of prizes and acknowledgements for achievements in the area of environment protection and improvement, granted by the Ministry of Environment and Physical Planning. Prizes and acknowledgements are awarded to legal or natural persons having provided certain contribution to environment and they are awarded on the basis of competition announced by the Ministry. In addition to this, the Law on Environment stipulates obligation for the Ministry of Education and Science to incorporate environmental topics in the training plans for primary and secondary level of education.

c) Support to associations, organizations or groups promoting protection of the environment is provided under the Environmental Investment Programme adopted by the Government of the Republic of Macedonia at the proposal of the Ministry of Environment and Physical Planning. Beneficiaries of funds under the Programme may include natural and legal persons, including bodies of the state administration, units of the local self-government implementing programmes, projects and other similar activities for environment protection

and improvement. Programme funds can be used, *inter alia*, for public environmental awareness rising, encouragement of educational, research and development studies, programmes, projects and other similar activities for environment protection and improvement and support to non-governmental and non-for-profit organizations in the area of environment. Furthermore, the Government of the Republic of Macedonia has developed Strategy for cooperation with the civil associations according to which the Ministry prepares Programme and Action Plan for implementation and prepares Annual Reports.

Question 4	750	<i>Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.</i>
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In the course of the Convention implementation, the following deficiencies have been identified:

- Lack of financial resources necessary for dissemination of data and information, opening and furnishing information points with equipment
- Lack of available human resources at national and local level, as well as
- Need to strengthen the capacity of non-governmental sector,
- Lack of use of electronic tools and insufficient capacity for development of electronic tools for access to information on national and local levels (high number of registries in electronic version are not updated and not accessible for the public)
- Insufficient systemic level of development for the implementation of the third pillar of the Convention – access to justice.

Question 5	500	<i>Provide further information on the practical application of the general provisions of article 3.</i>
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The Ministry of Environment and Physical Planning includes the Department of Public Communication (DPC), through which the principles of the Aarhus Convention are implemented in practice. All environmental information of vital relevance for normal and healthy living from within the scope of the legal provisions is distributed to the public.

The Department has information technology intended for the public through which citizens concerned can access to useful and new information.

For the purpose of public awareness rising, DPC carries out campaigns on specific topics and organizes events to mark the days from the eco-calendar.

In the frames of the implementation of campaigns and many other activities, the Eco-Caravan is available as specific tool for communication and approaching the citizens. It is actually mobile Public Relation Office, technically fully equipped for its purpose. The Eco-

Caravan implemented series of successful activities throughout the country through direct contact with citizens, exchange of information and education.

Public education and awareness rising are also accomplished through cooperation with electronic and printed media. The Department is responsible for the maintenance of Facebook and Twiter sites of the Ministry and these are filled in and updated with new information on daily basis.

The Ministry also incorporates the Macedonian Environmental Information Centre (MEIC) which provides information on the quality of individual media of the environment (air, water, soil, noise) accessible to the generalpublic through the web site of the Ministry.

Question 6	250	<i>Give relevant website addresses, if available</i>
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www.moep.gov.mk

www.sinf.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>

Question(a) 7 to 10/Brief description

Question 7	3750	<p>Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe: (a) With respect to paragraph 1, measures taken to ensure that:</p> <ul style="list-style-type: none">(i) Any person may have access to information without having to state an interest;(ii) Copies of the actual documentation containing or comprising the requested information are supplied;(iii) The information is supplied in the form requested; <p>(b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;</p> <p>(c) With respect to paragraphs 3 and 4, measures taken</p>
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	<p>to:</p> <ul style="list-style-type: none"> (i) Provide for exemptions from requests; (ii) Ensure that the public interest test at the end of paragraph 4 is applied; (d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action; (e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented; (f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals; (g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.
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One of the basic civil rights defined in the Constitution of the Republic of Macedonia is the right to equal access of citizens under the Constitution and laws. Citizens of the Republic of Macedonia are equal in freedoms and rights, regardless of gender, race, skin colour, national and social background, political and religious beliefs, financial and social standing.

Furthermore, one of the principles upon the Law on Environment is based is the principle of public participation and access to information, according to which bodies of the state administration and bodies of the units of local self-government are obliged to secure all measures required and stipulate procedures to ensure exercise of the right to public access to information and participation in environmental decision making, as well as provide for public consultation in the procedure aimed at such decisions taking.

The requirements that arise from the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters are contained in the Law on Environment.

The Law stipulates that:

- Everyone is entitled to an access to information without having to prove their interest;
- The right to an access to information is exercised in a manner defined by law;
- All bodies set by the law are obliged to provide environmental information;
- Request for information can be rejected only in certain determined cases;

- Bodies set by this law are obliged to collect and disseminate information on environment from within the scope of their performance;
- Compensation of the costs for provision of the requested information should be at a level which is reasonable and does not exceed the real costs; and
- Unsatisfied party is entitled to an access to justice.

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

The manner and the procedure for provision of access to environmental information are regulated in detail in the Rulebook on the manner and the procedure for provision of access to environmental information.

The Law stipulates that bodies and legal and natural persons that possess or on which environmental information is possessed include: bodies of the state administration; units of local self-government, legal and natural persons which under the law are entrusted with public authorizations, including special duties, activities and services in the area of environment; as well as other legal and natural persons which under the law or contract are entrusted with performance of activities or services of public interest in the area of environment that are supervised by the above listed bodies.

Request for environmental information may be submitted to each of the entities that possess or on which environmental information is possessed. Entities are obliged, within shortest possible time, but not longer than one month from the receipt of the request, to provide access to information. If due to the scale or complexity of information, it is not possible to complete it within the specified deadline, the deadline for information provision will be two months from the receipt of the request. In such case, before the expiry of one day deadline, the entity is obliged to inform the requesting party of the need for extension and explain the reasons for that.

Information is delivered in the requested form except in cases when information already exists in certain form and is readily accessible to the public. If on the other side it is more favourable to deliver the information in form other than the requested, the entity is obliged within seven days from the day of receipt of the request to notify the requesting party of the reasons for which the information is delivered in different form.

For the delivery of the requested information, entities will not collect compensation. Search of the registers or data records, as well as checking of information on the spot where it is kept or maintained is free of charge. As an exception, entities may charge compensation for information delivery and the level of such compensation of the cost for

information delivery should be rational and not exceed real costs made for information delivery.

Question 8	1250	<i>Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.</i>
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The following obstacles have been identified in the implementation of paragraph 4:

- Lack of capacity to exercise the right to access to environmental information with regard to all information in written, visual, audio, electronic or any other available form,
- Lack of financial resources required for dissemination of data and information, opening and furnishing with equipment of information points,
- Lack of available human resources on national and local levels, as well as
- Need to strengthen the capacity of non-governmental sector.

Question 9	1000	<i>Provide further information on the practical application of the provisions on access to information in article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?</i>
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The Department for Public Communication takes records of the number of requests received in accordance with the Law on Free Access to Information of Public Nature.

In 2012-2013, total of 25 requests was received and responded within the legally set deadline and there was only one appeal filed to the Commission for free access to information due to untimely delivery of the answer.

Question 10	250	<i>Give relevant website addresses, if available:</i>
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www.moepp.gov.mk

<http://www.komspi.mk>

Question (a) 11 to 14/Brief description

Question 11	2500	<p>Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:</p> <p>(a) With respect to paragraph 1, measures taken to ensure that:</p> <p>(i) Public authorities possess and update environmental information;</p> <p>(ii) There is an adequate flow of information to public authorities;</p> <p>(iii) In emergencies, appropriate information is disseminated immediately and without delay;</p> <p>(b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;</p> <p>(c) With respect to paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;</p> <p>(d) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment;</p> <p>(e) Measures taken to disseminate the information referred to in paragraph 5;</p> <p>(f) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;</p> <p>(g) Measures taken to publish and provide information as required in paragraph 7;</p> <p>(h) With respect to paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;</p> <p>(i) With respect to paragraph 9, measures taken to establish a</p>
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		nationwide system of pollution inventories or registers.
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According to the Law on Environment, Environmental Information System (EIS) has been established within MEPP. With the support of project financed by UNDP, the **National Information System of biodiversity** was established. The National Information System of biodiversity is aimed at comparison, management, analysis or dissemination of information and data on Macedonian biological diversity. It serves as focal point for data exchange among governmental bodies, non-governmental organizations, research institutions and volunteers. The information system is accessible on Internet.

The Project “Strengthening of central and local level administrative capacity for waste management legislation implementation and enforcement, funded under IPA. **National Information System of waste management** was established and it is accessible on Internet.

The National Information System of air quality was implemented as part of the IPA funded Twinning Project “Strengthening of the capacity on central and local level for environment management in the area of air quality”. The Project established efficient national environmental information system in the area of air quality.

Information system is maintained and organized in a manner that provides database of relevant, comprehensive, accurate and publically accessible information on the state of nature, state and quality of environmental media and other environmental areas, noise, ionizing and non-ionising radiation, including electromagnetic radiation, as well as broadcasting by use of modeling techniques. The Information System includes systematization, storage and use of data produced by the state monitoring network, local monitoring network, monitoring conducted by operators as obliged by law, on individual environmental media and areas, and data from the Registers of polluting substances and data from Cadastres of environment polluters.

Owners or users of installations that are sources of emission and pollute one or more environmental media and areas are obliged under specific laws to conduct monitoring on the sources of emission into the environment and submit data to MEPP’s Information System.

Furthermore, they are obliged to use devices and instruments approved through procedure for verification of measuring instruments set in the law, and to maintain monitoring devices and instruments in proper operation condition.

Macedonian Environmental Information Centre (MEIC) in cooperation with other relevant

bodies prepares report of processed environmental quality data on yearly basis; it prepares Indicator Report every two years; and report on the state of the environment in the Republic of Macedonia every four years. These reports are accessible on the MEPP's web site and they are also sent to all relevant interested institutions. In cooperation with the State Statistical Office, publication Environmental Statistics is prepared every two years and it is accessible on the web sites of the two institutions. Every year, MEIC prepares popular brochures on individual environmental media (water, air, waste) and thematic brochures such as: cadastres, work of the European Environmental Agency, etc. MEIC has established and upgraded the "Environmental Cadastre" including cadastre of air and water resources polluters, and cadastre of waste generators with data from 2008 and 2009.

Depending on their function, entities are obliged to disseminate environmental information they dispose of or is kept by others on their behalfs, make it available to the public and maintain it in easily replicable formats and forms and accessible through electronic communication network. They are also obliged to enable public participation in the course of preparation of laws, regulations and other legal acts.

MEPP is responsible for dissemination of environmental information and provision of easier access to environmental information possessed by other ministries, municipalities, municipalities in the City of Skopje and the City of Skopje and other bodies and entities.

The right to an access to environmental information is exercised with regard to all information in written, visual, audio, electronic or any other available form, where information relates to:

- Factors like matter, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including also radioactive waste, emissions and other forms of releases into the environment that affect or might affect environmental media and human health;
- State of environmental media and areas such as air and atmosphere, water, soil, land, biological and landscape diversity, including genetically modified organisms, as well as interaction of those elements;
- Measures, including administrative, such as: policy, legislation, plans, programmes, environmental agreements, as well as activities that may directly or indirectly affect environmental media and factors, as well as measures or activities aimed at those elements protection;
- Reports on the implementation of environmental laws;
- Conditions related to human health and safety, safety of foodstuffs, including impacts of pollution in food chain, living conditions for people, places of significance for culture and built structures, to the extent that they are or might be under the influence of environmental media or through impacts on those media on any of the conditions of the above mentioned elements and factors.

Question 12	1250	<i>Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.</i>
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Amendments of bylaws concerning transfer of and access to information:

- National system on air emission inventory has not been established yet (GHG Inventory and CLRTAP Inventory are under preparation by different teams).
- Lack of national system to contain all available data on environmental media (currently, only individual databases exist)
- Lack of capacity on local level to collect and manage environmental data and information
- Lack of capacity to ensure that the right to access to environmental information is exercised with regard to all information, in written, visual, audio, electronic or any other available form
- Lack of financial resources required for collection and dissemination of data and information, opening and equipment of information points,
- Need to strengthen the capacity of the non-governmental sector.

- Question 13	1000	<i>Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g., are there any statistics available on the information published?</i>
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The development of Environmental Information System commenced under the REReP 1.8 Project (Development of National Environmental Information Systems in the countries of Southeastern Europe). However, due to limited resources of the system, only one of the system's parts is developed. So far, information systems have been developed for 3 environmental media: air quality, waste management and biodiversity. The implemented solutions are web based which means that users access the system through appropriate user interface. Data is publicly available on Internet. Further on, development of specific web portal on air quality presenting data from the state network of monitoring stations in real time, as well as model of dispersed air pollution, is underway.

Cooperation between the Ministry of Health and the Ministry of Environment and Physical Planning is crucial for proper designing and implementation of the policy concerning environment-human health relationship. The Ministry of Health, through the State Sanitary and Health Inspectorate and Public Health Institute takes part in the monitoring of environmental pollution, i.e. monitoring of air, water and foodstuffs pollution, surveillance and protection of the population from harmful effects of gases, ionizing radiation, noise and supervision over hygiene and epidemiological status of the population. Public health institutions involved in the monitoring are obliged to deliver data to MEPP on regular basis.

The Public Health Institute and 10 regional institutes for health protection include services for hygiene and environmental health, which in Skopje and Veles perform regular monitoring of the quality of the air, and the rest analyze parameters from human health point of view, as well as health safety of drinking water and surface waters. These activities are carried out by harmonized methodology and dynamics in accordance with the existing legislation and in a form of programme tasks. Regional institutes process and deliver data from the monitoring of air, drinking water and surface waters in a form of monthly and semi-annual reports to PHI. Monthly reports are also sent to MEPP. At the beginning of each year, Public Health Institute prepares synthesis annual report.

MEPP is obliged to report to international bodies. Reporting obligations, both national and international, are executed by the MEIC. On the basis of the processed data, MEIC also prepares monthly and annual reports. Printed reports are delivered to the relevant institutions. Official reports are accessible to different stakeholders and to the public in the Department for Public Communication (DPC) and on the web site of the Ministry. Major part of the information is published on the web site of the MEPP: data on air pollution, state of the environment report, etc. Since 1998, the National Focal Point for cooperation with the European Environmental Agency (EEA), through MEIC, has participated in regular activities of EEA and EIONET network of thematic experts and reports regularly through National Reference Centres by data and information on different environmental media in the Republic of Macedonia. The National Reference Centres are experts from several domestic institutions, whose obligations for timely delivery of the relevant data to EEA are assessed on the basis of the adopted criteria – Priority Data Flow – i.e. through regular flow of priority data on the state of the environment. All data delivered to EEA is of public nature and accessible to the public through numerous publications and EEA’s integrated web site. The public in the Republic of Macedonia has the possibility to use the mentioned data and be informed of the state of individual environmental media and make comparison with the conditions in other countries in Europe. Civil sector has established so called Coalition – Aarhus Family in the Republic of Macedonia the purpose of which is to utilize Internet and communication technology in order to strengthen the role of the civil sector in Convention implementation.

Question(a) 15 to 18/Brief description

Question 14	250	<i>Give relevant website addresses, if available</i> www.moepp.gov.mk
Question 15	3750	Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe: (a) With respect to paragraph 1 , measures taken to

ensure that:

- (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
- (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
 - (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
 - (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
 - (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

		(j) With respect to paragraph 10 , measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate.
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Subject of assessment of impacts on environment are projects which due to their nature, scope or location where they are to be implemented may have significant impact on environment. The assessment is compulsory for projects that meet the criteria determining the requirement to undertake environmental impact assessment, as well as for other generally determined projects that may have significant impact on environment. The requirement to undertake environmental impact assessment is determined by examination of each individual case with regard to nature, scope and location in accordance with the prescribed criteria and taking into account the latest scientific and technical knowledge and solutions in regulations specifying the lowest limits of release into the environment.

Body of the state administration competent to carry out activities in the area of environment is obliged to:

- publish the notification of the Investor's intention to carry out a project in two national daily newspapers and on the Internet site of the body of the state administration competent to carry out activities in the area of environment;
- publish the decision determining requirement to undertake environmental impact assessment in two national daily newspapers and on the notice board of the body of the state administration competent to carry out activities in the area of environment;
- publish that environmental impact assessment study is prepared and available for the public in two national daily newspapers, local radio and TV stations, and Non-technical report is published on the Internet site of the body of the state administration competent to carry out activities in the area of environment;
- publish the report on the adequacy of the environmental impact assessment study in two national daily newspapers and on the Internet site of the body of the state administration competent to carry out activities in the area of environment;
- publish the decision approving or rejecting the implementation of the project in two national daily newspapers and on the notice board of the body of the state administration competent to carry out activities in the area of environment;
- announce the place and the time of the public debate concerning the environmental impact assessment study and assure access to information that the public needs to take part in the public debate in two national daily newspapers and local radio and TV stations.

At request of a foreign country, information referred to in paragraphs 2, 3, 4 and 5 are made available to the competent bodies of the foreign country in accordance with the specified procedure.

The Law also stipulates that within seven days from the receipt of the application for issuance of integrated environmental permit, MEPP is obliged to publish the application in two daily newspapers available on the whole territory of the Republic of Macedonia and on its Internet site and within 15 days from the publication of the application provide access to the public to available information necessary to form opinions and views in accordance with the provisions of the Law. Every person, bodies of the state administration, as well as municipalities, the City of Skopje and Municipalities in the City of Skopje, can submit their opinion in writing to MEPP within 30 days from the day of publication of the environmental impact assessment study. MEPP is obliged to take into account such opinions while issuing the permit.

Units of the local self-government ensure public participation and access to all relevant information within the procedure for issuance of B-integrated environmental permits. Within 30 days from the publication of the application for issuance of integrated permit, the public concerned may submit their opinions and views in writing.

While preparing A-integrated environmental permit, MEPP is obliged to state in the explanation of the A-integrated environmental permits which of the opinions and views submitted by the public have been taken into account and which have not, as well as the reasons for that. At the request from the public concerned, the investor is obliged to organize public debate.

The Law is based *inter alia* on the principle of non-discrimination. According to the Constitution of the Republic of Macedonia, citizens of the Republic of Macedonia are equal in rights and freedoms, regardless of gender, race, national and social background, political and religious beliefs, economic and social position. Citizens are equal before Constitution and laws.

Question 16	1250	<i>Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.</i>
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- Required financial resources,
- Lack of capacity in all relevant parties in the process,
- Enhancement of personnel capacity of the Ministry of Environment and Physical Planning in the domain of provision of public participation in projects implementation, especially where application of national and international procedure for environmental impact assessment is required. The reason for this is that the public should be given sufficient time for information and preparation of efficient participation in the course of adoption of environmental decisions.

Question 17	1000	<i>Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g., are there any statistics or other information available on public participation in decisions on</i>
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		<i>specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.</i>
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Under the Law on Environment and relevant bylaws, the Ministry of Environment and Physical Planning implements the provisions on public participation in decision making process. Public is informed in early phases, i.e. as early as the phase of activities planning, with regard to adoption of pieces of legislation, plans, programmes, strategies, projects, permits, etc.

Furthermore, at the request of the public concerned, public debates are organized and according to the relevant legal obligations, the results from the public participation are taken into account.

Question 18	250	<i>Give relevant website addresses, if available.</i>
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www.moep.gov.mk

Question(a) 19 to 23/Brief description

Question 19	1250	<i>List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.</i>
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The Law on Environment stipulates the obligation for public participation in the adoption of programme and planning documents in the area of environment. Public participation in the preparation and adoption of the National Environmental Action Plan and local environmental action plans is performed in a manner and under conditions specified in Article 69 of this Law.

Prior to the commencement of the procedure for adoption of the planning document and within five days upon completion of environmental report, the body preparing the planning document publishes information on the draft planning document and environmental report, together with information on the public participation procedure. The body is at the same time obliged to submit the planning document and environmental report to the body of the state administration competent to carry out activities in the area of environment. The body of the state administration competent to carry out activities in the area of environment and bodies concerned with the implementation of the planning documents, legal and natural persons and the public may express their opinion on the draft planning document and environmental report to the body preparing the planning document within 30 days from the

day of submission i.e. publication of information related to them. In the process of preparation of the planning document, the body is obliged to take into account the opinions received on the draft planning document and environmental report and prepare special report.

In case of cross-border cooperation, under Article 93 of the Law on Environment, public participation is stipulated as follows:

(1) The body of the state administration competent to carry out activities in the area of environment in cooperation with the competent body of the country concerned is obliged to establish conditions for public information and gathering opinions and comments from the concerned public of the concerned country, in the same way as for the domestic public in accordance with the laws of the Republic of Macedonia.

(2) Information obtained from the concerned country together with the comments of its public shall be taken into account by the body of the state administration competent to carry out activities in the area of environment in the adoption of the decision approving the implementation of the project.

(3) If the body of the state administration competent to carry out activities in the area of environment receives notification from the other country that they have learned that there is intention to carry out project in the Republic of Macedonia that could have significant transboundary impact and that country has not been notified on that project by the Republic of Macedonia in accordance with this Law is obliged, if it is found out that there is transboundary impact, to enable participation of the country in the environmental impact assessment procedure in accordance with this Law.

Question 20	750	<i>Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.</i>
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The body of the state administration competent to carry out activities in the area of environment and bodies concerned with the implementation of the planning documents, legal and natural persons and the public may express their opinion on the draft planning document and environmental report to the body preparing the planning document within 30 days from the day of submission i.e. publication of information related to them. The body is obliged to take into account the opinions received on the draft planning document and environmental report and prepare special report.

Question 21	750	<i>Describe any obstacles encountered in the implementation of article 7.</i>
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- Required human and financial resources and capacity building of all relevant parties involved in the process.
- There is a need to supplement legal provisions in order to define in more detail the obligations for public participation in the implementation of Article 7 especially

concerning the obligation for the comments to be taken into account in the planning document.

Question 22	750	<i>Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.</i>
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Public participation in the preparation of planning documents is clearly stipulated in several legal acts also with regard to all strategic, planning and programme documents (Spatial Plan of the Republic of Macedonia, Water Management Master Plan of the Republic of Macedonia, Strategy for Economic Development, NEAP, LEAPs, etc.). It is legally prescribed that these documents are adopted in two phases: draft phase and proposal phase. Draft documents are published and public and expert debates are organized in relation to their content. Opinions, comments and suggestions are taken into account in the finalization of the document which as a Proposal is submitted for final adoption.

Question 23	250	<i>Give relevant website addresses, if available.</i>
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www.moep.gov.mk

www.sea-info.mk

Question(a) 24 to 27/Brief description

Question 24	1500	<i>Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.</i>
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The Ministry of Environment and Physical Planning while preparing environmental laws carries out compulsory procedure of public participation. Namely, draft texts of the laws are published on the web portal of the electronic registry of regulations (www.ener.gov.mk) where all laws and their amendments prepared in the Republic of Macedonia are published. Furthermore, it is compulsory that the draft texts of the laws are published on the Internet site of the Ministry of Environment and Physical Planning. The

public may submit all their remarks to the Ministry or enter them in the ener portal. In parallel with the law preparation, regulatory impact assessment procedure is carried out as well, where all opinions and comments received from the public and from all bodies concerned are taken into consideration and the report from the regulatory impact assessment contains explanation of the reasons why certain comments have not been accepted. If there is interest, public debates are organized for certain legal solutions.

Question 25	1000	<i>Describe any obstacles encountered in the implementation of article 8.</i>
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- Required human and financial resources and capacity building of all relevant parties involved in the process.

Question 26	500	<i>Provide further information on the practical application of the provisions on public participation in the field covered by article 8.</i>
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Additionally, MEPP makes efforts in the frames of the projects under which regulations and strategic documents are prepared, as for other regulations and documents, to provide transparency through the following forms: questionnaires, surveys of the public opinion (quantitative and qualitative polls), organization of workshops on the draft texts of the laws, etc. These workshops are attended by representatives of governmental and state institutions, units of local self-government, public enterprises, industry or the economic chamber of the Republic of Macedonia, other private and legal entities that are carriers of obligations, non-governmental organizations, scientific and professional organizations, and valid comments received were integrated in draft and proposal laws.

Question 27	250	<i>Give relevant website addresses, if available</i>
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www.moepp.gov.mk

www.ener.gov.mk

Question(a) 28 to 31/Brief description

Question 28	3750	<p>Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:</p> <p>(a) With respect to paragraph 1, measures taken to ensure that:</p> <p>(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;</p> <p>(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;</p> <p>(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;</p> <p>(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;</p> <p>(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;</p> <p>(d) With respect to paragraph 4, measures taken to ensure that:</p> <p>(i) The procedures referred to in paragraphs 1, 2 and 3</p>
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		<p>provide adequate and effective remedies;</p> <p>(ii) Such procedures otherwise meet the requirements of this paragraph;</p> <p>(e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.</p>
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The Law on Environment, in its Article 55 clearly defines the cases in which the competent entity responsible to provide information may reject the request for information, as follows:

- It does not possess the requested information. In such case, the entity is obliged within seven days from the receipt of the request to forward it to the entity that possesses the requested information, provided that they know of that and to inform the applicant on that. If they do not know who possesses the requested information, they will inform the applicant accordingly, i.e. they inform the applicant which entity most probably possesses the requested information;
- The request is obviously irrational;
- The request is too general. The entity is obliged, within deadline that may not be longer than 15 days from the receipt of the request, to instruct the applicant in writing on the form, content and scope of the request, and/or
- The request concerns information which is in a phase of finalization or serves internal purposes and communications. In the case of information which is in a phase of preparation, the entity will inform the applicant for the information on the entity that prepares the information and the time within which it will be completed.

The entities may reject to allow access to information only if its dissemination would have negative impacts on:

- 1) confidentiality of procedures managed by competent bodies, in cases in which confidentiality is stipulated under law or regulation adopted on the basis of law;
- 2) international relations, public safety and defense of the country;
- 3) court procedure, rights of legal and natural persons to fair court proceedings as well as the right to initiate court or disciplinary procedure;

- 4) confidentiality of trade or industrial information in cases in which such confidentiality is guaranteed by law in order to protect legitimate economic interest, including also public interest in keeping the statistical confidentiality and secrecy of taxes;
- 5) protection of persons and confidentiality of personal data;
- 6) protection of the rights to intellectual and industrial property;
- 7) interests or protection of every person that has submitted the requested information without any obligation whatsoever to submit it in case that person does not agree to have that information disseminated, and / or
- 8) protection of the environment especially protection of certain wild species and/or types of habitats;

The entities will not reject the request in the cases referred to in paragraphs 1, 4, 5, 7 and 8 if that request concerns releases or other emissions into the environment.

In each of the above described cases, the entities are obliged to assess whether protection of public interest to which the requested information relates is of greater importance than the interest served by the information submission.

Upon receipt of the request for information, the entities are obliged to make accessible the requested information within shortest possible time, but not later than one month from the day of receipt of the request or two months at latest from the receipt of the request if due to the size and the complexity of information it can not be completed within one month.

If there are reasons for which it is not possible to act upon the request, the entity to which the request is submitted will reject it by issuing a Decision for rejection of the request, i.e. conclusion where the reasons for the request rejection are stated and legal remedy is included instructing the applicant on the possibilities to file an appeal to decision or conclusion.

Right to an appeal against issued decision or conclusion before the second instance body is legally stipulated. The body to which the appeal is submitted differs depending on the body issuing the decision. Namely, if the decision or the conclusion is issued by the Government of the Republic of Macedonia and the bodies of the state administration, the applicant is entitled to file an appeal to the Commission for protection of the right to a free access to information of public nature settling administrative matters at second instance in the area of environment.

The applicant is entitled to file an appeal to MEPP against decision or conclusion issued by the bodies of the municipality, City of Skopje and municipalities in the City of Skopje; legal and natural persons that have been under the law granted public authorizations, including special duties, activities and services in the area of environment, under supervision of the bodies or the persons. The procedure concerning appeal is carried out in accordance with the Law on General Administrative Procedure.

The right to an appeal is also stipulated in the Law on Environment in order to provide organizations and natural persons with access to justice. It specifies the cases in which civil associations established for the purposes of the environment and the public are entitled to file an appeal in the area of environment to protect their rights and interests in several cases which include:

- a) right to access to environmental information
- b) rights within environmental impact assessment procedure
- c) rights within the integrated environmental permitting procedure

The right to access of organizations and individuals to justice for the purpose of protecting their rights and interests within administrative procedure is also regulated by sectoral environmental laws regulating the rights of legal and natural persons in the area of environment.

The applicant is entitled to file charges against decisions issued in second instance procedure for initiation of administrative dispute before the competent court. According to Article 13 paragraph 4 of the Law on Courts, court decisions are binding for all legal and natural persons.

Protection of the rights of individuals and organizations is also provided for by the institution Ombudsman. The Ombudsman institution in the Republic of Macedonia has a legally founded function and obligation to protect the rights of the citizens and all other persons where those are guaranteed by the Constitution, laws and international acts and documents ratified by the Assembly of the Republic of Macedonia. This also covers the protection of the right to free access to environmental information. Within the constitutional system, the Ombudsman of the Republic of Macedonia is appointed as independent authority , a mechanism through which constitutional and legal rights of citizens and all other persons are protected when those are violated by the bodies of the state administration and other bodies and organizations holding public authorizations through acts, actions or failure to take actions. The manner of election of the Ombudsman guarantees her/his independence in the execution of the position. The Law on the Ombudsman (Official

Gazette of the Republic of Macedonia no. 60/2003) in its Articles 11 - 18, specifies that the submitting party is exempted from charges payment before Ombudsman.

Article 2 of the Convention is implemented in the following Articles of the Law on Environment (LE):

- Article 5 of LE:

The public shall mean one and/ or more legal and/or natural persons and their organizations and associations established in accordance with the law;

The public concerned shall mean the public concerned by or having an interest in - at present or in future, environmental decision making, with which it has specific relation through particular procedure. The public concerned shall include the citizens' associations established for the purpose of environment protection and improvement, as well as individual with regard to whom there is a high probability to experience the effects of decision making;

Definition: Environmental information is implemented in Article 51- Access to environmental information:

(1) Everyone shall have the right to request validated environmental information and data from public authorities and legal and natural persons as defined in Article 52 paragraph (1) of this Law without having to prove their interest. Environmental information may be possessed by, or on behalf of the bodies and legal and natural persons referred to in Article 52 paragraph (1) of this Law.

(2) The right of access to environmental information shall be exercised in respect to all information in written, visual, audio, electronic or any other available form, pertaining to:

- **the state of environmental media and areas**, such as air and atmosphere, water, soil, land, biological and landscape diversity, including genetically modified organisms, as well as interaction among these elements;
- **factors**, such as substance, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including radioactive waste, emissions and other releases into the environment, affecting or likely to affect the environmental media and areas and the human life and health;
- **measures**, including administrative measures, such as policy, legislation, plans, programmes, agreements on environmental issues, as well as activities which may directly or indirectly affect the environmental media, areas and factors, and measures or activities designed to protect those elements;
- **reports** on the implementation of environmental laws and other regulations and acts;
- **costs/benefit analysis** and other financial and economic analyses and assumptions applied as part of the measures and activities aimed at environment protection and improvement referred to in indent 3 of this paragraph; and
- **conditions related to human life and health and safety**, safety of foodstuffs, human living conditions, sites of importance to culture and man built structures, to the extent to which they are affected, or are likely to be affected by the environmental

media and areas, or through the impact of such media and areas on any condition of the aforementioned elements and factors.

Definition “Public authority” is implemented in Article 52 - Entities holding environmental information

(1) The bodies and the legal and natural persons (hereinafter: entities) holding environmental information or on which environmental information is held shall be:

- The Government of the Republic of Macedonia;
- Bodies of the Municipality, of the City of Skopje and of the municipalities of the City of Skopje;
- legal and natural persons that have been entrusted in accordance with the law to perform public authorizations, including special environmental duties, activities and services; and/or
- legal and natural persons performing, on the basis of the law or an agreement, environmental activity or service of public interest, under supervision of the bodies or entities referred to in indents 1, 2 and 3 of this paragraph.

(2) The Government of the Republic of Macedonia shall, upon a proposal made by the body of the state administration responsible for the affairs of the environment, publish and maintain a List of entities holding environmental information or on which environmental information is held. The List shall also specify the information held by each of the stated entities.

(3) The entities referred to in paragraph (1) of this Article shall appoint authorized person to be responsible for the exercise of the right to an access to environmental information, as well as to provide premises where applicants can consider and review the requested environmental information.

(4) The entities referred to in paragraph (1) of this Article shall submit and make available environmental data and information to persons that have requested access to information in accordance with Article 51 of this Law.

Further harmonization with the provisions of the Convention is also achieved in the adopted bylaws, namely: Decision to publish the entities that possess environmental information or on which environmental information is possessed (Official Gazette of the Republic of Macedonia no. 82/07) and Rulebook on the manner and procedure of providing access to environmental information (Official Gazette of the Republic of Macedonia no. 93/07).

Article 3 of the Rulebook on the manner and procedure of providing access to environmental information (Official Gazette of the Republic of Macedonia no. 93/07) reads:

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

Requests for access to environmental information are responded by order of received requests and in line with the schedule required to prepare the answers to requests and this implements paragraph 9 of Article 3 of the Convention.

Question 29	1250	<i>Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.</i>
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- Insufficient capacity of competent authorities for implementation of the right to access to justice, especially among authorities of executive and judiciary power

Question 30	1000	<i>Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?</i>
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The Law on the Ombudsman (Official Gazette of the Republic of Macedonia no. 60/2003) in its Articles 11-18 stipulates alleviation in terms that the applicant is exempted from payment of charges for the procedure initiated before the Ombudsman.

In addition to the above, the Ombudsman provides for submission of complaint by each citizen of the Republic of Macedonia when certain of his/her basic human rights is not respected or is violated by an institution of the system or some other legal or natural person. Taking into account Article 44 of the Constitution of the Republic of Macedonia which guarantees conditions for living in a healthy and clean environment to each citizen, the Ombudsman also takes into consideration the complaints referring to violations of this right, too.

In 2012, the NGO CED Florozon from Skopje initiated the implementation of the Project “Greening Macedonian Justice“ aimed at strengthening of the capacity of the Ombudsman for practical implementation of the right to access to justice. Namely, the goal of the project was to strengthen the capacity of the Ombudsman, representatives of the civil sector, central and local government in relation to provisions and obligations deriving from the Third Pillar of the Aarhus Convention; it identified the need for greater uniformity in its use and imposition of alternative mechanisms for expedient and fast processes, as well as efficient and adequate measures towards elimination of consequences. The programme provided benefits for representatives of the 7 regional offices of the Ombudsman, including lawyers, representatives of the Ministry of Justice and Ministry of Environment and Physical Planning and representatives of the civil sector. The programme was implemented in cooperation with expert team in environmental law from EMLA (Environment Management and Law Association) from Hungary.

In 2011, Ecological Civil Association Front 21/42 initiated the implementation of environmental law programme which included assistance in securing the rights defined in the Aarhus Convention. So far, 10 administrative procedures have been initiated in relation

to environment connected with the provisions of the Aarhus Convention (access to information, public participation, EIAS, etc).

Question 31	250	<i>Give relevant website addresses, if available</i>
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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

Question 32	1500	<i>If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.</i>
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Aarhus Convention as a multilateral agreement is one of the most important instruments for protection of the right of the citizens to a healthy environment. The public is entitled and needs to be informed, to take part in environmental decisions making and have free access to those. Implementation of the Aarhus Convention enables promotion of the access to information, enhancement of the public participation in decision making which in turn improves the quality of decisions and all this results in improved quality of the environment. Implementation of the Aarhus Convention contributes to the protection of the right of each individual of present and future generations to live in environment that is appropriate to their health and wellbeing and enabling of access to information, public participation in environmental decision making and access to justice in environmental cases and all in line with the Law on Environment.