

VI National Implementation Report under Aarhus Convention of the Republic of
North 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: Naser Nuredini - Minister

Signature: 

Date:

Implementation report

Please provide the following details on the origin of this
report

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VI National Report on Implementation of the Aarhus Convention in the Republic of North Macedonia

Draft version

Question 1	Process by which the report has been prepared
Question 1	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 or contributed for its preparation, how was the public 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.

The draft version of the VI National Report on Implementation of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention) is developed by the Ministry of Environment and Physical Planning in collaboration with Aarhus Centre.

Ministry of Environment and Physical Planning in cooperation with Aarhus Centre, which was established in October 2019, developed several different questionnaires regarding implementation of Aarhus Convention which were distributed to local self governments in Republic of North Macedonia, other competent public authorities (competent Ministries), Competent courts, NGOs in RNM.

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.

Question 2	Particular circumstances relevant for understanding the report
Question 2	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 a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to

implementation (optional).

This is sixth report on the implementation of the Aarhus Convention in the Republic of North Macedonia. On July 1, 1999, the Parliament of the RNM 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 RNM (no. 40/99 from July 6, 1999).

The Republic of North Macedonia has also ratified the Kyiv Protocol on Pollutant Release and Transfer Registers (PRTR) in 2010 (Official Gazette of the RNM, no. 135/2010).

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

In accordance with the Constitution of the Republic of North 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 North 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 based on the Constitution and the laws and international agreements ratified in accordance with the Constitution.

Question 3	Legislative, regulatory and other measures implementing the general provisions in Article 3, paragraphs 2, 3, 4, 7 and 8
Question 3	List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention. Explain how these paragraphs have been implemented in particular, describe: <ul style="list-style-type: none"><li data-bbox="456 1654 1406 1728">(a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;<li data-bbox="456 1728 1406 1801">(b) With respect to paragraph 3, measures taken to promote education and environmental awareness<li data-bbox="456 1801 1406 1879">(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
- (d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally; including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in formulating the Party's official position for such negotiations), including the stages at which access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
 - (e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

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 North Macedonia no. 101/19), 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 North 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 to improve education.
- The Ministry of Environment and Physical Planning in cooperation with the Ministry of Education and Science should support research regarding conditions related to the environment and the projects on the environment.

Such an obligation to support the development of education and public awareness regarding 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 based on 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 North 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 the framework of the Government's policy for continuous and effective cooperation with the civil society and institutionalization of the cooperation, in December 2004 in the General Secretariat - Sector for Policy Analysis and Coordination a Department for Cooperation with Non-Governmental Organizations was established. Also, a Cooperation Council was established between the Government of the Republic of Northern Macedonia and the civil society, as Advisory body of the Government for promotion of cooperation, dialogue and encouragement of the development of the civil society in the Republic of North Macedonia, which consists of 16 representatives of civil society organizations and 15 representatives of competent public authorities. Network of Civil Servants for Cooperation with the Civil Society has been established, also.

In addition, the Government of the Republic of North 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. Strategy for Cooperation with civic associations has prepared each two years. The Strategy of the Government of the RNM for cooperation with and development of the civil sector, for the period 2018-2020, has following priority areas: Normative, institutional, and financial framework for citizens' development; Democratization, active participation of the civil sector in the social processes, in the creation and follow-up of politics, with special focus on EU integration process; Civil society as a stakeholder in socio-economic development. Strategy provide measures which provide support of the associations, organizations, or groups, including NGOs that promote environmental protection, such as: establishment of a transparent and trustworthy model for the state financing; establishing a fund for institutional development of civil society organizations and co-financing EU projects, etc.

Each year, Government of the Republic of North Macedonia - General Secretariat publish Announcement for financial support of associations and foundations for distribution of funds from the Budget of the Republic of North Macedonia, that will be used to finance the program activities of associations and foundations, through program grants (projects), which are divided in 4 priority areas, including activities related to environmental protection.

d) Representatives of civil society organizations have participated in numerous conferences, meetings and workshops organized by Ministry of Environment and Physical Planning (MoEPP), for example:

- Following the bilateral screening for Chapter 27 - Environment and climate change with civil society organizations engaged in issues as part of negotiation chapter 27, with the aim of informing them on issues represented in the bilateral screening and on further cooperation.
- MoEPP at the Climate Change Conference (COP22) in Marrakech, invited the associations Milieukontakt Macedonia and Eco-Sence to participate on the event. The event called “The Role of the Civil Sector and Local Self-Governments in the Implementation of National Objectives of Reduction of Greenhouse Gas Emissions” was held on 18 November 2016.
- NGOs were invited and participated on 1st Session of Working Group V - Environment (Chapter 27), on Topic: Climate change – Global Challenges and National Possibilities, which was held on 17th of December 2019. Because of the pandemic with Covid 19, regular meetings on Working Group V - Environment (Chapter 27) was postponed.
- MoEPP sign the memo Friends of Aarhus. To enable better implementation of the three pillars of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice on Environmental Matters (Aarhus Convention), the Ministry of Environment and Physical Planning and the Aarhus Center, established by the Association for Sustainable Development Milieukontakt Macedonia Skopje signed a Memorandum of Cooperation. Signing of the memo, means full support of the MoEPP to this initiative, and the MoEPP became part of the Friends of Aarhus Network. This cooperation is expected to better involve the public in environmental processes.
- Few NGOs participated of the 24th meeting of the Working Group of the Parties to the Aarhus Convention that was held through WebEx Meeting platform. The meeting was held from 1-3 July 2020.
- Few NGOs participated of the 28th OSCE Economic and Environmental Forum, on the topic “Promoting security, stability and economic growth in the OSCE area by preventing and combating corruption through innovation, increased transparency and digitalization”. The forum was held on 10-11 September 2020.
- Few NGOs were involved in the process of preparation of Long-term Strategy and Law on Climate Action. The Project is implemented by a GFA Consulting Group led consortium with financial support from Central Financing and Contracting Department (CFCD). Overall Objective of the project is to support the Beneficiary Country in achieving the long-term goals of climate action: full transposition/implementation of

the EU acquis enabling a low carbon emissions and climate resilient development of the Beneficiary Country.

e) The Republic of North Macedonia has adopted environmental laws and subsidiary regulations which prescribes and ensures the right for healthy environment, public access to information, public participation in decision making and access to justice to implement Aarhus Convention.

Question 4	Obstacles encountered in the implementation of Article 3
Question 4	Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

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.
- The pandemic Covid 19 has slowed the implementation of the provisions of the Aarhus Convention, especially access to information on environmental issues and the public participation in decisions regarding environmental issues.

Question 5	Further information on the practical application of the general provisions of Article 3
Question 5	Provide further information on the practical application of the general provisions of article 3

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 MoEPP 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 are 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 and the projects of the MoEPP.

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.

Each year, Ministry of Environment and Physical Planning supports the annual meetings of the citizens' associations working in the field of environment and sustainable development, called as National Strategy Meeting (NSM) both financially and with the participation of representatives from the Ministry. The NSM in 2019 was focused on Aarhus Convention and its implementation in practice.

The first Aarhus Center has been operating in the country since November 2019. The aim is to raise awareness by disseminating environmental information to the public, as well as to monitor the implementation of the Convention by state authorities. The Aarhus Center in the country was established by Milieukontakt Macedonia as part of the project "Capacity Building of Environmental CSOs to Increase Democratic Processes in Macedonia", funded by the EU through a horizontal capacity building measure. The work of the Aarhus Center is based on the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention).

Within the MoEPP 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 public through the web page of the MoEPP.

In the process of public consultations, a special model was developed for more complete involvement of the public due to the pandemic with COVID 19, the inability to maintain them with physical presence.

Ministry of Environment and Physical Planning conducted an extensive public consultation process on the Draft Law on declaring part of Sharr Mountain as a National Park. The draft law was available on ENER and on the website of the MoEPP. Public consultation process was conducted for four months. A special title, visible and easily accessible with all the information related to the process was opened on the website of the MoEPP.

The following activities were carried out in the public consultation process:

- Video presentation of the Draft Law for declaring a part of Shar Mountain as a National Park in Macedonian and Albanian language on the national television and social networks,
- Conduction of three focused separate hearings, online through Zoom platform with relevant target groups/stakeholders: Civil Societies; Mayors of the region where the protected area is declared, ZELS (AULSG), representatives of the local communities and Chambers of Commerce and local business sector.

- On 5.11.2020, an official public hearing was held on the ZOOM platform (with simultaneous translation provided in both languages).
- During the whole consultation process, a telephone line was opened in the Aarhus Center for submitting remarks and comments on the Draft Law.
- After November 15, 2020, meetings were held (in small groups) with the rural communities on the topic with identification of local needs and promoting traditional activities in the future protected area.
- A written request for an opinion was sent to all identified stakeholders and institutions by referring to the link to which the Draft Law is available (ENER and the MoEPP website).

Question 6	Website addresses relevant to the implementation of Article 3
Question 6	Give relevant web site addresses, if available

www.moepp.gov.mk

<http://airquality.moepp.gov.mk>

<https://uslugi.gov.mk/>

<https://m.facebook.com/MOEPPMKD>

<https://twitter.com/MOEPPMKD>

<http://ripz.moepp.gov.mk/>

<http://ebiblioteka.moepp.gov.mk:8080/library/home>

<http://exim.gov.mk/EILWeb/>

[Слободен пристап до информации | МЖСПП \(moepp.gov.mk\)](http://www.moepp.gov.mk)

[Електронски национален регистар на прописи на Република Северна Македонија \(ener.gov.mk\)](http://ener.gov.mk)

[3rd Environmental Performance Review of North Macedonia | UNECE](http://www.unece.org)

<http://arhus.mk>

[Одделението за соработка со невладините организации \(nvosorabotka.gov.mk\)](http://www.nvosorabotka.gov.mk)

<https://www.nvosorabotka.gov.mk>

[Klimatski promeni](http://www.klimatskipromeni.mk)

<https://klimatskipromeni.mk/news#/index/main>

[ЈАВНА РАСПРАВА по Нацрт Планот за управување со Национален Парк Пелистерза период 2020-2030 година | МЖСПП \(moepp.gov.mk\)](http://www.moepp.gov.mk)

Question 7	List legislative, regulatory and other measures that implement the provisions on access to environmental information in Article 4.
Question 7	<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 requirements in Article 3, paragraph 9. Also, and describe:</p> <p>(a) With respect to paragraph 1, measures taken to ensure that:</p> <p>(i) Any person may have access to information without having to state an interest.</p> <p>(ii) Copies of the actual documentation containing or compressing the requested information are supplied.</p> <p>(iii) The information is supplied in the form requested.</p> <p>b) Measures taken to ensure that the time limits provided in paragraph 2 are respected</p> <p>(c) With respect to the paragraphs 3 and 4, measures taken to:</p> <p>(i) Provide for exemptions from requests.</p> <p>(ii) Ensure that the public interest test at the end of paragraph 4 is applied.</p> <p>(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;</p> <p>(e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented.</p> <p>(f) With respect to paragraph 7, measures taken to ensure that the refusals meet the time limits and the other requirements with respect to refusals;</p> <p>(g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met</p>

One of the fundamental civil rights that are defined in the Constitution of the RNM is the right to equal access of the citizens before the Constitution and the laws. The citizens of the Republic of North 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 transposed in the Law on the Environment.

The Law provide 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 regarding 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 provides 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.

Relevant bylaws which regulated access to information concerning environment are:

- Rulebook on way and procedure for ensuring access to information concerning environment (Official Gazzete of RNM, Nb. 93/07)
- Decession on announcing list of subjects who hold information concerning environment (list of holders of information), (Official Gazzete of RNM, Nb. 82/07)

Law on Free Access to Public Information (Official Gazette of the Republic of North Macedonia no. 101/19), determines the conditions, the way, and the procedures of performing the right of accessing the public information held by the state authorities and other organizations and institutions (holders of information) which are determined by Law.

This Law contains following chapters/articles:

- Commission for Protection of the Right to Free Access to Public Information developed manual containing the methods and procedures for implementation of this Law.
- Commission is transformed in Agency for protection of the right to free access to public information. The vision of the Agency is to be recognized and respected by the holders, applicants, and the public as a basic institution responsible for exercising the right to free access to public information, which contributes to increased accountability and transparency in society.
- Law provides transparency in the working of the holders of information and enables the physical and legal entities to practice their right to free access to public information.
- Holders of information are obligated to provide the public with information concerning their work.
- Law provides free access to information for all legal and physical entities. The free access to information is provided also for foreign physical and legal entities.
- Law defines exclusion from free access to public information.
- Every holder of information should appoint one or more official mediator persons for implementation of the right to free access to information.

- The holders of information are obligated to regularly update the list of information they own and to publish them in a way accessible by the public.
- Law provides information about procedure for implementation of the right to free access to information (Oral or written request, Content of the request, Submitting the request, Supplementing and denying the request, resending of the request, Acting on the request, Extension of the dead line for presenting of the requested information, Answered requests, Presenting answer on requested information, Denial of request and informing about it, Right to a legal protection, Procedure on complaints...)
- Costs for mediating the information (The viewing of the requested information is free of charge; The applicant pays the material costs of the received rewriting, photocopy or electronically received information)
- Commission for protection of the right to free access to public information (Status of the Commission, Structure, appointing and dismissing of the Commission, Jurisdiction of the Commission, Way of functioning, Expert staff, Court protection)
- The holders of information will introduce the public with the way and the conditions for access to information.
- The holders of information will cooperate with other holders of information and with the Commission concerning the application of the provisions of this Law.
- The official person of the holder of information is obligated to prepare an annual report for implementation of this Law for the previous year and to present it to the Commission no later than January 31 in the current year.

Question 8	Obstacles encountered in the implementation of Article 4
Question 8	Describe any obstacles encountered in the implementation of any of the paragraphs or article 4

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 regarding 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 in Aarhus Convention pillars.

Question 9	Further information on the practical application of the provisions of Article 4.
Question 9	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?

The number of received requests is evidenced by Department of Public Relations in accordance with the Law on Free Access to Information.

In the reporting period, 45 requests were received, which were answered within the legal deadline and there are six complaints submitted to the Commission for Free Access to Information due to untimely delivered response and the way the complaints were resolved.

Regarding information published by Directorate for Security of Classified Information, annual report for implementation of Law on Free Access to Public Information for 2020 year:

- were received: 8 requests for free access to public information.
- positively were answered: 3 requests for free access to information.
- 5 requests for free access to public information were rejected.

All 5 rejected requests were submitted by the same legal entity and were rejected due to lack of information for further proceedings. Directorate for Security of Classified Information, as the holder of public information, does not have the requested information and has no obligation to prepare new information.

- There are no unanswered requests for free access to public information
- There are no appeals against first instance decisions
- There are no appeals adopted by decision of the Agency
- There are no changed first instance decisions after the Agency acting
- There are no complaints rejected by the Agency

Question 10	Website addresses relevant to the implementation of Article 4
Question 10	Give relevant website addresses, if available:

www.moepp.gov.mk

<http://www.komspi.mk>

[Дирекција за безбедност на класифицирани информации \(dbki.gov.mk\)](http://dbki.gov.mk)

Question 11	Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5.
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Question 11

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5. 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, describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) public authorities possess and update environmental information.

(ii) there is an adequate flow of information to public authorities.

(iii) in emergencies, appropriate information is disseminated immediately and without delay,

(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.

(c) With respect to paragraph 3, measures taken to ensure that the environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks.

(d) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment.

(e) Measures taken to disseminate the information referred in paragraph 5;

(f) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regulatory of the environmental impact of their activities and products.

(g) Measures taken to publish and provide information as required in paragraph 7;

(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; (i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers.

In accordance with the Law on the Environment, Ministry of Environment and Physical Planning has established National Information System, which is means general data basa about on the status of all media and environmental zones and includes the Pollutant Release and Transfer Register (RRTR) as well as the Cadastre on environment.

Article 40 - Environmental Information System

(1) In order to manage the data on the state of environment on the territory of RNM, state administration body competent for issues in the field of environment shall establish, develop, maintain, and coordinate Environmental Information Center.

(2) The issues regarding the Information System shall be realized by the state administration body competent for issues in the field of environment - **Macedonian Environmental Information Center - MEIC.**

(3) The information system is established, developed, managed and coordinated in a way that provides a relevant database - comprehensive, accurate and available information for public regarding the state of nature, quality and trends of all environmental media, as well as forecasts using techniques for modeling of integrated management for environmental protection and / or individual media or areas, as well as for monitoring the

implementation of documents for sustainable development and environmental protection.

(4) The information system includes collection, processing, systematization, storage, use, distribution and presentation of the data and information obtained from the state monitoring network, the local monitoring network, from the monitoring performed by the legal and natural persons that have sources of emission of certain media and areas of the environment as well as data from the Pollutant Release and Transfer Register, the Environmental Cadastre, and the National List of Indicators.

(5) The form, content, manner of storage and maintenance of the National Environmental Information System, form and content of the forms and deadlines for submission of data and information on the environmental status shall be prescribed by state administration body competent for issues in the field of environment, as well as the manner of managing these data and their publication by the Government of the RNM upon the proposal of Minister of the state administration body competent for issues in the field of environment.

Article 40-a Submission of data

(1) In order to maintain and develop the Environmental Information System, the legal and natural persons that monitor the environment as part of the state and / or local network collected environmental information are obliged to submit these data and information to the state administration body competent for issues in the field of environment and procedure determined by Law continuously and efficiently.

(2) The state administration body competent for issues in the field of environment may request from the subjects to submit occasionally and / or periodically, processed or unprocessed data and information from the environment that they possess and that refer to the decision making and the implementation of environmental legal obligations.

(3) The data and information, based on the request of the state administration body competent for issues in the field of environment, may be submitted in written, visual, audio, electronic and / or any other form in which they are located.

(4) The state administration bodies that possess information, including statistical data necessary for the preparation of the reports on the state of the environment from this Law are obliged to make them available free of charge to the state administration body competent for performing activities in the field of environment.

(5) The legal and natural persons that monitor the environment are obliged to provide to the state administration body competent for issues in the field of environment uninterrupted access and use of the data necessary for the National Environmental Information System, for free.

Article 41 - Register for release and transfer of pollutants

(1) The state administration body competent for issues in the field of environment shall establish and maintain a Register for release and transfer of pollutants, which is an integral part of the Cadastre of environment.

(2) The Minister of the state administration body competent for issues in the field of environment shall prescribe the form, the content, the methodology and the manner of maintaining the Register.

(3) The municipality, the City of Skopje and other municipalities may establish and maintain a Register of polluters for their areas. The data from the Municipal Register, the City of Skopje and the municipalities in the City of Skopje, the Mayor of the City of Skopje and the mayors of the City of Skopje, at least once a month, in accordance with this Law, shall be submitted to the state administration body competent for issues in the field of environment.

(4) The legal entities and natural persons are responsible to establish data for the preparation and maintenance of the Register of polluters in accordance with this Law and in accordance with the issued integrated environmental permits. Operators of installations that generate emissions and pollute one or more media in the environment and its areas are obliged, in accordance with special laws, to monitor the sources of emissions in the media of environment and submit the data to the National Environmental Information System.

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.
- The state of the environmental media and the environmental areas, such as air and atmosphere, water, soil, soil, biological and landscape diversity, including genetically modified organisms, and the interaction of 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 elements and factors.

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 state of the environment in the Republic of North Macedonia. These reports are available on the website of MoEPP 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.

Reports are prepared in accordance with Rulebook on the content of the report on the state of the environment (Official Gazzete on RNM, Nb. 35/06).

Pollutant Release and Transfer Register (PRTR) is a comprehensive database of national emissions and transmission of pollutants in the Republic of North Macedonia. The PRTR is a register of annually updated data on emissions of 91 pollutants in the environmental media (air, water, and soil) as well as their transfer outside the site of creation. The PRTR portal provides access to the PRTR register and contains information and data on the prevention and control of environmental pollution, pollutants, and their impact on human health. Macedonian Environmental Information Center (MEIC) is integrated in PRTR.

Question 12	Obstacles encountered in the implementation of Article 5
Question 12	Describe any obstacles encountered in the implementation of any of the paragraphs of Article 5

The national inventory system of air emissions (the GHG inventory) and CLRTAP inventory are separately prepared by different teams.

In the previous period, the work of the GHG inventory was supported by UNDP projects, but the transfer of knowledge to Macedonian experts and the transparency of the GHG inventory are limited. A recommended step forward, in terms of saving resources as well as in terms of achieving maximum efficiency and quality of work is integration of air pollutant inventories with greenhouse gas emissions in a comprehensive regular annual program, as well as the appointment of sector experts who will be responsible for developing the GHG inventory and the inventory of air pollutants in their area of expertise (energy, transport, industry and product use, agriculture, land use and waste). This will improve the consistency and accuracy of the inventory (for example, the same data will be used), efficiency will increase (for example, only one quality assurance / quality control system should be established) to provide centralized inventory knowledge base.

- Non-existence of a national system that would contain all available data on the environmental media (currently there are individual databases).

- 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.

Question 13	Further information on the practical application of the provisions of article 5
Question 13	Provide further information on the practical application of the provisions on collection and dissemination of environmental information in Article 5, e.g., are there any statistics available on the information published?

In accordance with Law on Environment, 3 Information Systems for 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 National Air Quality Information System is implemented as part of the twinning project funded by IPA "Capacity building at central and local level in environmental management in the field of air quality". The project has established an efficient national air quality information system in the field of air quality. With the support of the UNDP-funded project, the National Biodiversity Information System was established.

The National Biodiversity Information System serves to compare, manage, analyze and disseminate data and information on biodiversity in RNM. Serves as a key contact for the exchange of data between government bodies, NGOs, research institutions and volunteers. The information system can be accessed online. The project "Capacity building at central and local level in environmental management in the field of air quality" funded through the IPA program, established the National Waste Management Information System (EWMIS).

EWMIS collect municipal waste data at the local, regional, and central levels. This electronic information system is not fully operational due to the inadequacy of the legislation, as well as in accordance with the manner and form of data collection recorded in the Rulebook on the form and content of the diary of Waste Management, the form and content of the form for identification and transport of waste and the waste management form of the annual waste treatment report.

EWMIS does not follow the legislation on data collection for packaging, waste batteries and accumulators, waste from old vehicles and electrical waste. The manner and methodology for collecting data for different types of waste are specified in special laws and regulations. After the ratification of the Pollutant Release and Transfer Protocol, the Register has been constantly maintained and updated using the PRTR online tool which is intended for publishing environmental data by all registered PRTR operators in the

MoEPP. The data entered by the operators through the PRTR online are published on the national web portal for the PRTR (<http://ripz.moiepp.gov.mk/>).

The portal provides public access to data on emissions and pollution of environmental media, as well as other relevant environmental issues. The Macedonian Environmental Information Center, in cooperation with other relevant national institutions, prepares an Annual Report on the processed data on environmental quality, prepares a Report on environmental indicators every two years, and prepares a Report on the status of the environment in RNM, every four years. Based on the collected environmental data, the MEIC also prepares thematic monthly and annual reports, for example, the Monthly Air Quality Report. An annual inventory report that mentions aspects of air emissions and is published annually.

Air quality assessment reports are also being prepared as an additional effort to supplement the availability of thematic assessments. Then, in cooperation with the State Statistical Office, every second year, the publication of Environmental Statistics is prepared, which is available on the websites of those two institutions. MEIC also prepares popular thematic brochures for individual environmental media (water, air, waste, etc.) on an annual basis. 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 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. Regarding the data on environmental noise, the relevant information is collected from the public health offices in the cities of Bitola, Kumanovo and Kicevo.

At the beginning of each year, the Institute of Public Health prepares a Summary Annual Report. The Ministry of Environment and Physical Planning, according to Law on Environment, article 46, is obliged to notify the international authorities and provide them with relevant thematic data, information, and reports. The obligations for notification, both national as well as international, are performed by the Macedonian Environmental Information Center, which is also the National Coordinator for Cooperation with the European Environment Agency (EEA).

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 North 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 can 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.

Question 14	Website addresses relevant to the implementation of Article 5.
Question 14	Give relevant web-site addresses, if available:

<http://www.moepp.gov.mk/>

<http://airquality.moepp.gov.mk/>

<http://ewmis.moepp.gov.mk>

<http://ripz.moepp.gov.mk>

Question 15	Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in Article 6
Question 15	List legislative, regulatory and other measures that implement the provisions on the public participation in decisions on specific activities in article 6. 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: <ul style="list-style-type: none"> (a) With respect to paragraph 1, measures taken to ensure that: <ul style="list-style-type: none"> (i) The provisions of Article 6 are applied with respect to the decisions on whether to permit proposed activities listed in Annex I of 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 the procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant for 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 the activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

(k) With respect to paragraph 11, measures taken to apply the provisions of Article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

The Law on Environment is the principal piece of legislation regulating the participation of the public in the process of making decisions on activities listed in Article 6 of the Aarhus Convention.

The following bylaws are related to public participation:

Environmental impact assessment (EIA)

- Decree and Decree on amendment the decree which determine the projects and the criteria based on the need for conducting the procedure for environmental impact assessment. (Official Gazzete on RNM, Nb. 74/05, 35/06).
- Rulebook on information that should be included in the notification/intention for realization of project and the procedure for determination of the need for environmental impact assessment of the project. (Official Gazzete on RNM, Nb. 33/06).
- Rulebook on the content of the study for environmental impact assessment of project implementation. (Official Gazzete on RNM, Nb. 33/06).
- Rulebook on the form, content, procedure, and the way of preparation of the

report on the adequacy of the study for environment impact assessment, as well as the procedure for authorization of the persons from the list of experts for environmental impact assessment, who will prepare the report. (Official Gazette on RNM, Nb. 33/06).

- Rulebook on the content of the announcement of the notification for the intention to implement a project, the decision on the need for environmental impact assessment of the project, the study on environmental impact assessment of the project, the report on the adequacy of the environment impact assessment study and the decision for approving or rejecting the implementation of the project, as well as the way of public consultation. (Official Gazette on RNM, Nb. 33/06).

Integrated pollution prevention and control (IPPC)

- Decree which determine the activities of the installations for which an integrated environmental permit is issued, i.e a permit for compliance with the operational plan and a time schedule for submitting a request for a permit for compliance with the operational plan. (Official Gazette on RNM, Nb. 89/05).
- Rulebook on the procedure for issuing a permit for compliance with the operational plan. (Official Gazette on RNM, Nb. 04/06).
- Rulebook on the procedure for obtaining a B-integrated environmental permit. (Official Gazette on RNM, Nb. 04/06).
- Rulebook on the procedure for obtaining A-integrated environmental permit. (Official Gazette on RNM, Nb. 04/06).

Genetically modified organisms (GMOs)

- Rulebook on content on information for realization of risk assessment since of intentional release of GMOs. (Official Gazette on RNM, Nb. 148/09).

The EIA Procedure is defined in Law on Environment and relevant bylaws. Subject of environmental impact assessment 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, based on 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 based on 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 administration body competent for issues in the field of 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 body competent for issues in the field of environment.

- to publish the decision on determination of the need of environmental impact assessment in two national daily newspapers, on the website and on the board in the state administration body competent for issues in the field of environment.
- to announce that the EIA study 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 body competent for issues in the field of environment.
- to publish the report on the adequacy of the EIA study, in two national newspapers and on the website of the state administration body competent for issues in the field of 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 board in the state administration body competent for issues in the field of environment.
- to announce the time and place of the public hearing regarding the EIA study 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 stations.

At the request of a foreign country, the information listed above are available to the competent authorities of the foreign country, in accordance with the Espoo Convention.

The Law on Environment provides 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 RNM 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 application of integrated environmental permit. The Ministry of Environment and Physical Planning is obliged to consider 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.

In process of issuing 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 North Macedonia, the citizens 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 intentional release of genetically modified organisms (GMOs) in the environment is regulated in chapter 5.1 Intentional 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 intentional 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 assessing the risk because of the intentional release of GMOs and risk assessment.

Within five days from the day of receipt of the complete notification, the Ministry of Environment and Physical Planning 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 North Macedonia. The public can deliver its opinion within 30 days from the day of publication. The Ministry is obliged to provide public access 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 intentional release of GMOs or with a decision it rejects the notification if the requirements for intentional release of GMOs have not been met.

Question 16	Obstacles encountered in the implementation of Article 6
Question 16	Describe any obstacles encountered in the implementation of any of the paragraphs of Article 6.

- The pandemic Covid 19 has slowed the preparation of EIA studies, procedures, and the public participation in decisions regarding environmental issues.
- 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.
- The existing institutional and other capacities of the MoEPP and the competent local self-government bodies are not sufficiently developed; therefore, it is necessary to implement the measures aimed at their strengthening. The reactions of citizen's associations indicate that insufficient capacity, especially at the local

level, is often taken advantage of to push less than well-argued studies through and obtain permits.

- Low public participation in the EIA procedures at the local level. The absence of the obligation to inform the public concerned about the assessments in writing may be one of the factors contributing to that. Certain non-governmental organizations states that participation of public is low because decisions are adopted regardless of the adequate comments.
- The most frequent obstacles and problems in the implementation of regulations related to public participation in decision-making affecting environmental impact assessments are insufficient public participation due to being uninformed, uninterested, late inclusion during the case after the deadlines for the right to complaint have expired, as well as lack of trust in the work of the competent body regarding the protection of their interests.

Question 17	Further information on the practical application of the provisions of Article 6
Question 17	Provide further information on the practical application of the provisions on public participation in the decisions on specific activities in Article 6, e.g. are there any statistics or other information available on public participation in the decisions on specific activities or on decisions non to apply the provisions of this Article to proposed activities serving national defense purposes.

In accordance with the Law on the Environment and the appropriate by-laws, the Ministry of Environment and Physical Planning conducts the obligations from the provisions on public participation 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 means adoption of legislation, plans, programs, strategies, projects, permits and procedures for assessing 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, 38 public hearings have been realized regarding the Environmental Impact Assessment.

Question 18	Website addresses relevant to the implementation of Article 6.
Question 18	Give relevant websites addresses, if available:

www.moepp.gov.mk

[Environmental Impact Assessment Studies | МЖСПП \(moepp.gov.mk\)](#)

[Minutes of public hearings | МЖСПП \(moepp.gov.mk\)](#)

Question 19	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.
Question 19	List the appropriate practical and/or other provisions made for the public to participate during the preparation of the 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 requirements in Article 3, paragraph 9.

The Law on Environment is the principal piece of legislation regulating the participation of the public in the process of preparation of plans and programmes relating to the environment listed in Article 7 of the Aarhus Convention.

The following bylaws are related to public participation in the process of preparation of plans and programmes relating to the environment:

Strategic environmental assessment (SEA)

- Decree on the strategies, plans and programs, including the changes of those strategies, plans and programs, for which procedure for assessment of their impact on the environment and health of the people is obligatorily (Official Gazzete on RNM, Nb. 153/07).
- Decree on the criteria based on which decisions are made on whether certain planning documents could have a significant impact on the environment and human health (Official Gazzete on RNM, Nb. 144/07).
- Decree on the content of the strategic environmental assessment report (Official Gazzete on RNM, Nb. 153/07).
- Decree on public participation in the preparation of regulations and other acts, as well as plans and programs in the field of environment (Official Gazzete on RNM, Nb. 147/08).

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 provides 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 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 provided 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 regarding 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 North 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 it has learned that a project would be implemented in the Republic of North Macedonia which might have significant cross-border impact, and the affected country was not informed about such project by the Republic of North 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.

Question 20	Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to Article 7.
Question 20	Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7

The public participation in the preparation of the planning documents is established by several legal acts, and regarding 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 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 of Environment and Physical Planning, as well as through holding public hearings regarding the planning document.

Law on Ambient Air Quality

Article 33, Reporting and participation of the public, from the Law on Ambient Air Quality, refers that the Mayor of the municipality and the city of Skopje are obliged to take all measures to inform the public and to provide access to information and participation in the preparation and adoption of the planning documents: Air quality plan and Short-term action plan in accordance with the procedure established by the Law on Environment which refers to the adoption of planning documents.

Law on nature protection

Principle of public participation - the public has the right to free access to information on the state of nature, the right to timely reporting on damage to nature and the activities undertaken to eliminate the damage, as well as the right to participate in decision-making regarding nature protection (Article 7, Principles of nature protection)

Article 156, Participation of the public in deciding on issues in the field of nature protection, of the Law on Nature Protection, ensures participation of the public in the preparation of regulations and documents arising from the provisions of this law, and especially for: acts for declaring protected area, spatial planning documentation for a protected area, management plans for a protected area, plans and projects for the use of natural resources that have an impact on nature. The public is informed by public announcement or individual notification to the interested subjects for the act or activity that can affect the state of nature. Public notification is mandatory in the cases prescribed by this law.

The National Strategy for Nature Protection is adopted in a procedure that ensures public participation in decision-making (Article 159, Law on Nature Protection).

The five-year plans for nature protection and the one-year programs for nature protection are prepared and adopted by the state administration body competent for issues in the field of nature protection, in a procedure that ensures public participation, and with previously obtained consent from the state administration body responsible for performing on matters in the field of nature protection. (Article 160, Law on Nature Protection).

Law on protection against environmental noise

(Article 18, Public participation in planning the protection against environmental noise)
During the preparation of the noise action plans, the competent bodies shall organize a public debate where all interested parties may take part: state administration bodies, legal entities and natural persons, public institutions, scientific and expert institutions, citizens' associations, urban communities, municipalities, City of Skopje and the municipalities in the city of Skopje, as well as other interested parties. The bodies competent for preparation of the action plans for environmental noise, prior to the public debate, shall enable a public insight in the draft proposals of the action plans for environmental noise in duration of 30 working days. They shall inform the parties through the media: by publishing an announcement in at least one newspaper distributed throughout the territory of the Republic of North Macedonia and/or in other appropriate manner, about the place where the insight in the proposed noise action plans can be performed, together with the information on the procedure for public participation, as well as about the manner, place and date of the public debate. The competent bodies for adoption of noise action plans shall be obliged, during the preparation of the plan document, to take in consideration the public opinion and to prepare a separate report which shall be an integral part of the documentation for adoption submitted to the competent body for their adoption. The manner of information publishing and the public participation in the procedure for preparation of the noise action plans and the manner of preparing the report from the public debate shall be carried out in accordance with the provisions on strategic assessment of the impact on the environment of the Law on Environment.

Law on waters

(Article 5, Principles of sustainable water resources management)

Principle of public participation and access to information the public should have access to all information related to the water status and water resources management, and especially to the information needed for its participation in the procedure for decision making pertaining to the water resources management.

Principle of stakeholders' participation – the competent bodies shall be obliged to ensure that the interests of all stakeholders are taken into consideration in the procedure for adoption of regulations, strategic, planning and program documents, and decisions related to the water resources management.

(Article 35, Announcement of the application and participation of the public in the procedure for issuance of a permit)

The state administration body competent for issues in the field of environment, within a period of seven working days as of the day of receipt of the application, shall be obliged to announce the application in at least one daily newspaper accessible throughout the territory of the Republic of North Macedonia and on its website. The state administration body competent for issues in the field of environment, shall be obliged to provide the public with access to the information necessary for forming the opinions and attitudes, in accordance with the Law on Environment. The public may state its opinions and comments in relation to the application within a period of 15 days as of the day of announcement.

(Article 62, National Water Strategy)

The participation of the public in the procedure for adoption of the National Water Strategy shall be conducted under the conditions and in the manner determined in the Law on Environment.

(Article 64, Preparation, revision and updating of the Water Resources Management Basis and informing and consulting with the public)

The participation of the expert public in the preparation of the water resources management basis shall not replace the procedure for participation of the public in the adoption of the planning documents determined in accordance with the Law on Environment.

(Article 66, River basin management plans) regulates public participation in preparation of plans.

(Article 223, Council for River Basin Area Management). In these Councils are nominated and participated at the working meetings representatives from non-governmental organizations.

Law on genetically modified organisms

(Article 12, Public consultations, and notifications)

The public and the citizens' associations can submit their opinion on the notification on receiving a license for limited application of GMO, the notification on receiving a license for intentional release of GMO in the environment, and the notification on receiving a license for releasing GMO products on the market to the state administration body competent for issues in the field of environment, 30 days from the day of publication.

The state administration body competent for issues in the field of environment shall be obliged to enable the public and the citizens' associations to insight into the notification data, including the emergency cases plan, the report on GMO product assessment, the opinion received from the Scientific Committee on GMO, opinions received by other competent bodies, as well as other information following the notification.

The manner and procedure for public participation in issuing licenses for limited application of GMO, intentional release in the environment, placement of GMO products on the market as well as other information related to GMO application shall be

prescribed by the Minister on the state administration body competent for issues in the field of environment. In the process of issuing a license for limited application of GMO, license for intentional release of GMO in the environment and/or license for releasing GMO products on the market, the state administration body shall take into consideration only promptly submitted opinions and comments.

Law on waste management

(Article 20, Waste Management Program) The waste management program is adopted by the state administration body competent for issues in the field of environment, which is obliged to make it available to the public.

(Article 118, Obligation to inform the public) The state administration body competent for issues in the field of environment, the mayor of the municipalities and the city of Skopje are obliged to inform the public during the year about the current state of waste management, the achieved progress, the future and directions for improving the state of waste management and make a comparison and assessment of the current and past state of waste management.

Law on Spatial and Urban Planning

Spatial and urban planning determines the basic principles in the process of spatial planning and arrangement, including public participation in the procedure for adoption and implementation of plans.

Question 21	Obstacles encountered in the implementation of Article 7.
Question 21	Describe any obstacles encountered in the implementation of Article 7.

- Strengthening of the administrative and the financial capacities of all relevant entities in the process.
- Public participation in designing strategic state documents and processes related to drafting laws, by-laws and rule books is not at a satisfactory level.
- The role of the media, namely, media coverage of environmental issues is also unsatisfactory.

Question 22	Further information on the practical application of the provisions of Article 7.
Question 22	Provide further information on the practical application of the provisions on public participation in the decisions on the specific activities in Article 7.

In the reporting period several procedures for strategic assessment of the environmental impact were conducted:

- Strategic environmental assessment for the regional waste management plan for the Polog planning region.
- Strategic Environmental Assessment for the Energy Development Strategy in the Republic of Northern Macedonia until 2040

- Strategic Environmental Assessment for the National Transport Strategy (2018-2030)
- Strategic environmental assessment for the National Action Plan for Combating Desertification in the Republic of North Macedonia
- Strategic environmental assessment for State Urban Planning Documentation for determining the construction plot with purpose G1 - heavy industry for exploitation of mineral raw material copper on the locality Borov Dol, in the Municipality of Stip, the Municipality of Radovish and the Municipality of Konce
- Strategic Environmental Assessment for the Regional Waste Management Plan for the Skopje Region
- Strategic Environmental Assessment for the Regional Waste Management Plan for the Vardar Region
- Strategic Environmental Assessment for the Regional Waste Management Plan for the Pelagonija Region
- Strategic Environmental Assessment for the National Strategy for Nature Protection 2017-2027

The public was involved in the strategic environmental assessment procedure for the above documents.

Question 23	Website addresses relevant to the implementation of Article 7.
Question 23	Give relevant website addresses, if available:

www.moep.gov.mk

[Department for spatial planning | МЖСПП \(moep.gov.mk\)](http://www.moep.gov.mk)

Question 24	Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to Article 8.
Question 24	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 requirements in Article 3, paragraph 9.

To preparation of laws and during their modification and amendment, an assessment of the regulation's impact is mandatorily conducted in the Republic of North Macedonia. The procedure for assessment of the regulation's impact is stipulated in the Law on the Government of the Republic of North Macedonia, the Rules of Procedure of the

Government of the Republic of North 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 of Environment and Physical Planning, 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.

Question 25	Obstacles encountered in the implementation of Article 8.
Question 25	Describe any obstacles encountered in the implementation of Article 8

- Strengthening the capacities of the central government entities for implementation of the procedure for assessment of the regulation's impact.
- Raising public awareness and promoting the IAR as a tool for public participation in the adoption of laws.
- 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.
- Relatively low interest of the public to participate in the procedures related to drafting legislation.
- Insufficient knowledge of the public concerned as to how, when and to whom to submit their opinions.

Question 26	Further information on the practical application of the provisions of Article 8
Question 26	Provide further information on the practical application of the provisions on public participation in the field covered in Article 8.

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 RNM, other private-legal responsible persons, non-governmental organizations, scientific and professional organizations, and the obtained valid comments were incorporated in the draft and proposal laws.

Question 27	Website addresses relevant to the implementation of Article 8.
Question 27	Give relevant websites addresses, if available:

https://www.moepp.gov.mk/?page_id=1091

www.ener.gov.mk

Question 28	Legislative, regulatory and other measures implementing the provisions on access to justice in Article 9
Question 28	<p>List legislative, regulatory and other measures that implement the provisions on access to justice in article 9. 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:</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, the 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 the 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 the paragraphs 1, 2 and 3 provide adequate and effective remedies;</p> <p>(ii) Such procedures otherwise meet the requirements of this paragraph; In regard to paragraph</p> <p>(e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to the administrative and justical review.</p>

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 based on 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, 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 North 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, 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, 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, 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 RNM 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 North 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 North 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 North 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 now is affected and/or in the future may be affected or has an interest regarding 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 regarding 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 be

affected by the environmental media and areas or through the impacts of such media and areas on any of the conditions of the 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 North 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 paragraphs.

(2) The Government of the Republic of North 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 RNM 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 period required for preparation of the responses to requests, paragraph 9 of Article 3 of the convention is implemented.

Question 29	Obstacles encountered in the implementation of Article 9.
Question 29	Describe any obstacles encountered in the implementation of any of the paragraphs of Article 9.

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.

Question 30	Further information on the practical application of the provisions of Article 9.
Question 30	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?

The Law on the Ombudsman (“Official Gazette of the RNM” 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 RNM, 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 RNM, 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.

Question 31	Website addresses relevant to the implementation of Article 9
Question 31	Give relevant website addresses, if available:

<https://www.pravda.gov.mk/>

<http://ombudsman.mk/en>

<https://www.sobranie.mk/home-en.nspix.mk>

<https://www.stat.gov.mk/mk>

<https://myla.org.mk/?lang=en>

<https://arhus.mk>

Question 32	General comments on the Convention's objective.
Question 32	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.

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 regarding issues related to environmental protection, and in accordance with the Law on the Environment.

Question 33	Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to Article 6 bis and Annex I bis
Question 33	Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in the article 6 bis, describe: (a) With respect to paragraph 1 of article 6 bis and:

- (i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) Paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) Paragraph 3 of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) Paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) Paragraph 5 of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example: a. The nature of possible decision; b. The public authority responsible for making the decision; c. Public participation arrangements laid down pursuant 1 of annex I bis; d. An indication of the public authority from which relevant information can be obtained; e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
 - (vi) Paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
 - (vii) Paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
 - (viii) Paragraph 8 of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;
- (b) With respect to paragraph 2 of article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Law on genetically modified organisms

Article 12, Public consultations, and notifications. The state administration body competent for issues in the field of environment shall be obliged, within five days after receiving the complete notification, to announce short contents of the notification on receiving a license for limited application of GMO, the notification on receiving a license for intentional release of GMO in the environment, and the notification on receiving a

license for releasing GMO products on the market on its web site and in two newspapers available throughout the territory of the Republic of North Macedonia, on account of the user, that is the notifier.

Data regarding the place where insight in the notification data is enabled shall be indicated in the announcement.

The public and the citizens' associations can submit their opinion on the notifications referred to in paragraph to the state administration body competent for issues in the field of environment within 30 days from the day of publication.

The state administration body competent for issues in the field of environment shall be obliged to enable the public and the citizens' associations to insight into the notification data, including the emergency cases plan, the report on GMO product assessment, the opinion received from the Scientific Committee on GMO, opinions received by other competent bodies, as well as other information following the notification.

The form and content of the announcement shall be prescribed by the minister of the state administration body competent for for issues in the field of environment.

The manner and procedure for public participation in issuing licenses for limited application of GMO, its intentional release in the environment, placement of GMO products on the market as well as other information related to GMO application shall be prescribed by the minister heading the state administration body competent for issues in the field of environment.

In the process of issuing a license for limited application of GMO, license for intentional release of GMO in the environment and/or license for releasing GMO products on the market, the state administration body shall take into consideration only promptly submitted opinions and comments.

In the process of issuing the licenses, the time necessary for the public consultation shall not be calculated into the deadline determined for license issuance.

Based to Article 12 of the Law on Genetically Modified Organisms (Official Gazette of RSM no. 35/08 and 163/13), the following bylaws were adopted:

- Rulebook on the form and content of the form of the license for export of GMO and / or GMO products (Official Gazette of RSM no. 23/14)
- Rulebook on the manner and procedure for public participation in the issuance of permits for limited use of GMOs, for intentional release of GMOs in the environment, for placing GMOs on the market, as well as other information related to the use of GMOs (Official Gazette of RSM No. 23/14).

Question 34	Obstacles encountered in the implementation of Article 6 bis and annex I bis.
Question 34	Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

There is a need to increase the number of people responsible for implementing GMO legislation.

Question 35	Further information on the practical application of the provisions of Article 6 bis and annex I bis
Question 35	Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

The practical application of the provisions on public participation in decisions on intentional release into the environment and placement of genetically modified organisms in accordance with Article 6 has not been initiated.

Question 36	Website addresses relevant to the implementation of Article 6 bis
Question 36	Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms.

https://www.moepp.gov.mk/?page_id=1091

<http://fva.gov.mk/>

Question 37	Follow-up on issues of compliance.
Question 37	If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures, and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention. Please include cross-reference to the respective sections, as appropriate.

The practical application of the provisions on public participation in decisions on intentional release into the environment and placement of genetically modified organisms in accordance with Article 6 has not been initiated.