

## **Chapter 27: Environment**

EU environment policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, fighting environmental damage at source, shared responsibility, and the integration of environmental protection into other EU policies. The *acquis* comprises over 200 major legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs), noise and forestry. Compliance with the *acquis* requires significant investment. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment *acquis*.

Ensuring compliance with the *acquis* requires significant investment, but also brings significant benefits for public health and reduces costly damage to forests, buildings, landscapes and fisheries. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment *acquis*. The Constitution of the former Yugoslav Republic of Macedonia enshrines the key principles of sustainable development and provides for specific protection for all natural resources, flora and fauna. The **basic legal framework** for environmental protection is provided by the new Law on Environment, applied since September 2005. One of the aims of the Law is to bring the legal framework into line with Community legislation, but a large number of by-laws must still be adopted before the Law can be fully implemented. In addition, some environmental issues are governed by sectoral legislation, which shows some measure of alignment with the *acquis*. There is no National Strategy for Sustainable Development and the Second National Environmental Action Plan should be developed as a priority.

Regarding *administrative capacity*, the Ministry of Environment and Physical Planning (MEPP) is in charge of formulating and implementing environmental policy. It is under an obligation to prepare a report on the state of the environment every three years. The MEPP has insufficient staff and, in particular, lacks specialised staff in areas such as environmental impact assessment, monitoring, integrated pollution prevention and control, and climate change. The Environmental Laboratory (12 staff and well equipped) carries out measurements and analyses of pollution. Staff levels and skills should be enhanced to ensure adequate performance. The Spatial Information System and the Environmental Information System cover spatial information and environmental data management respectively. The State Environmental Inspectorate (8 inspectors in mid-2005, of whom 4 in Skopje), which operates within the MEPP, supervises the implementation of laws and other acts, as well as enforcement of and compliance with the conditions stipulated in individual permits. The number of inspectors is clearly insufficient while the number of prosecutions for breaches of environmental law indicates that enforcement levels are very low. This can be attributed to various factors, such as the lack of human and financial resources, the weakness of the legal system and the judiciary, and deficiencies in the legislation.

In addition to the MEPP, a number of other ministries and bodies are directly responsible for environmental matters. The existing fragmentation is partially being overcome by the adoption of new environmental laws providing for greater integration of environmental management. Monitoring of different environmental sectors is not clearly defined and coordinated between the competent institutions and the situation is similar with enforcement.

The environmental administration will need to be significantly strengthened to implement the *acquis*, as well as to ensure the necessary planning and preparation of financing strategies. At local level particular care should be taken to ensure that local self-government units have the resources necessary to implement their responsibilities effectively.

To ensure proper enforcement of environmental legislation, the country's constitutional order would need to be changed, without prejudice to the right of judicial review, so that the State Environmental Inspectorate and other relevant enforcement bodies could impose fines or other sanctions directly, without having to pass through the courts.

The former Yugoslav Republic of Macedonia has either ratified or signed a number of major international and/or European agreements and participates actively in various regional environmental initiatives such as the Regional Environmental Reconstruction Programme. It also co-operates with the European Environment Agency.

With regard to **climate change**, the country is a party to the UN Framework Convention on Climate Change. It is also a party to the Kyoto Protocol, which it ratified in 2004. Implementation of the Action Plan for the abatement of greenhouse gas emissions, the clean development mechanism and the emissions trading scheme will require substantial management resources and organisational arrangements.

**Investments** in environmental infrastructure are very low and will need to be increased significantly in order to comply with the requirements of the *acquis*. An overall environmental investment plan specifying the investments required for implementation of the *acquis* as well as financing sources is missing. This will be particularly important in areas such as water treatment and waste management. The main economic instruments foreseen in the Law on Environment are the national budget and specific charges. Sectoral legislation provides for the collection of fees, taxes and customs duties, also used for environmental protection activities.

There are mechanisms for the **integration** of environmental aspects into other policies, particularly at the level of strategic documents and in sectors where the link with the environment is clear, such as spatial planning, energy efficiency, health, agriculture and research. However, the actual use made of them appears to be limited.

Regarding **horizontal legislation**, the former Yugoslav Republic of Macedonia acceded to the Aarhus Convention in 1999. A strategy for implementation of the Aarhus Convention has been prepared and guides have been produced, but implementation of

the Convention is only partial at present. Alignment with horizontal legislation, particularly concerning environmental impact assessment and strategic impact assessment, needs to be pursued as a matter of priority.

On **environmental liability**, the Law on Environment, the Law on Waste Management and the Law on Nature Protection contain elements of the *acquis* on environmental liability concerning prevention and remedy of environmental damage.

**Civil protection** activities are regulated by the Law on Protection and Rescue, which includes specific measures to protect the environment in case of disaster. There is no national protection and rescue strategy at present.

**Air quality** legislation is not aligned with the *acquis*. Work is ongoing to identify all pollution sources in the country. Air quality standards should be further aligned with the Guidelines on Air Quality of the World Health Organisation. Data collection should be unified, and a National Programme for Ambient Air Quality Monitoring should be drawn up. Standards on liquid fuel quality and volatile organic compound (VOC) emissions need to be further aligned with the *acquis*. The country ratified the Stockholm Convention on Persistent Organic Pollutants in 2004.

**Waste management** is one of the most serious environmental issues in the former Yugoslav Republic of Macedonia. The Law on Waste Management needs to be aligned with the *acquis* and the waste management policy defined in the National Environmental Action Plan of 1996 needs to be reviewed to include *acquis*-related targets. Moreover, there is a need to develop and implement waste management plans in accordance with the *acquis*. A register and maps for pollutants and polluting substances for solid and hazardous waste and waste waters were completed in June 2005. The lack of suitable infrastructure hampers adequate waste disposal in general and disposal of hazardous waste in particular. There is only one licensed (though not *acquis*-compliant) landfill in the country compared to around a thousand illegal dumps, there are no incineration (except for medical waste), no composting and few recycling facilities. Hazardous waste is exported in accordance with the Basel Convention. Responsibility for waste management is split among several institutions. There is a need to reinforce administrative capacity by completing the establishment of the relevant institutions and procedures as well as strengthening the enforcement capacity of inspectors.

The Law on Waters provides the legal basis for **water quality** and management, although it is not based on the concept of integrated water management. In addition a wide range of laws, decrees and rulebooks regulate specific aspects of water management, water classification, water quality, drinking water, water protection, prevention of pollution at source, emissions control, water extraction, storage and handling of substances endangering or potentially endangering waters. They provide a good basis for alignment with the *acquis*. A Water Management Master Plan exists. Water management is undertaken at the level of river basins, but responsibilities are fragmented. There are persistent problems with the quality of the water in the Vardar, the country's main river. In order to comply with the *acquis* in the field of water quality,

significant investments will need to be made in the area of drinking water treatment and supply as well as wastewater collection and treatment. There is active international co-operation with neighbouring countries.

The legal basis for **nature protection** is found in the Constitution, the Law on Environment, international agreements signed or ratified by the country and laws regulating the use of certain natural resources. Most of the EU legislation on nature conservation has been transposed in the Law on Nature Conservation. However, significant efforts are required on the development of secondary legislation as well as to ensure the implementation of legislation. The CITES Convention has been ratified but the former Yugoslav Republic of Macedonia is not fully compliant with its provisions and is required (following a decision of the Conference of the Parties) to enact adequate legislation by September 2006. Protected areas cover 7.3% of the country and there are plans to increase this to 11.6%. Management of protected areas is incomplete, with the exception of national parks, and is non-existent in certain cases, despite legislation providing for integrated protection both inside and outside protected areas.

Regarding **industrial pollution control and risk management**, the MEPP has compiled an inventory of installations to be subjected to integrated environmental permits, but an integrated pollution prevention and control system has yet to be fully established. The law requires operators of industrial sites to prepare contingency plans but it does not seem to have actually been implemented. Some elements of EU legislation on the control of major accident hazards involving dangerous substances appear to have been transposed into national law, but full transposition still has to be completed. The capacity of the MEPP and other concerned parties (local governments, businesses) to implement industrial pollution control and risk management measures needs to be strengthened.

The Law on Environment provides a basis for the application of **environmental audit schemes** (EMAS) and **eco-labelling**. However, further alignment of legislation with the *acquis* is needed and structures have to be put in place to implement EMAS and apply the European eco-label scheme.

There is no general law on **genetically modified organisms** (GMOs). However, there are several laws which directly or indirectly regulate specific aspects of GMOs. The National Overview for Biosafety has been completed, and a National Strategy and Action Plan for Biological Diversity have been adopted. Legislation dealing with **biotechnology** is dispersed. There is no complete system for the protection of **laboratory animals** as required by EU legislation.

There is no framework law on **chemicals** which would regulate the management of chemicals in line with EU legislation. Major efforts will be needed to align chemical legislation with the *acquis* and implement it effectively. There is no official register of chemicals meeting EU requirements, although there is a register of poisons and a list of plant protection materials, both of which, however, need to be aligned with the requirements of the *acquis*. Regarding “new” chemical substances, in accordance with

existing national legislation only poisons have to be identified. There is no competent authority for the notification of “new” substances. There is no single data collection and risk assessment procedure for chemicals in conformity with EU legislation, and there is a lack of integrated chemicals management. Health risk assessment is regulated under the World Health Organisation Guidelines of 2000. There is specific legislation on inflammable and explosive substances and on precursors. The distribution of responsibilities concerning the management of chemicals among the involved institutions is not clearly defined. There is no specific legislation on biocides and major efforts will need to be made to comply with the *acquis* in this area. The national legislation also needs to be aligned with EU legislation on import and export of chemicals and transposing the Rotterdam Convention on Prior Informed Consent.

Efforts are required to align national legislation with the *acquis* taking on board the commitments under the Montreal Protocol on **substances that deplete the ozone layer**. A National Programme for the elimination of substances that deplete the ozone layer was adopted in 1996, since when consumption of ozone-depleting substances has been reduced by more than 90%.

Regarding **noise**, legislation needs to be aligned with the *acquis*, and existing national standards (measuring methods) need to be harmonised with European norms.

As regards **forestry**, there is a centralised system for the collection of data on all forest fires. Although forest owners and entities in charge of management are required to take preventive measures, there is no strategy for forest fire prevention. Forestry management issues are the responsibility of the Ministry of Agriculture, Forestry and Water Economy.

## **Conclusion**

The basic elements of a legislative framework are in place, although much of the legislation is quite recent. Implementation and enforcement are in some cases only in their initial stages. Major weaknesses in the country’s enforcement capacity need to be addressed before the *acquis* can be effectively implemented. Data collection needs to be strengthened in a number of areas to enable the country to adopt, implement and enforce legislation in a satisfactory manner.

*Administrative capacity* needs to be significantly reinforced. There is a need to streamline the management of responsibilities currently fragmented between different ministries and bodies. In some sectors there is a need to clearly define responsibilities in order to ensure that existing legislation is implemented in the most efficient and effective way. At local level particular care should be taken to ensure that local self-government units have the resources necessary to implement their responsibilities effectively.

Overall, the former Yugoslav Republic of Macedonia will have to make considerable and sustained efforts to align its legislation with the environmental *acquis*, and especially to implement and enforce it, in the medium term. However, effective compliance with EU

legislation requiring a high level of investment and considerable administrative effort (e.g. in the areas of waste management and water treatment) could be achieved only in the long term.