

Policy brief

HOW IS THE ENVIRONMENT “performing” IN THE WESTERN BALKAN AND TURKEY?

Some perceptions from ENV.net network on specific environmental situation in some part of the region

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Abbreviations

AGS	Albanian Geological Survey
CLP	Classification Labelling and Packaging
CSO	Civil Society Organizations
DB	Drainage Board
ECHA	European Chemicals Agency
EIA	Environmental Impact Assessment
EQS	Environmental Quality Standards
EU	European Union
GDWA	General Directorate of Water Administration
GIS	Geographic Information System
HPP	Hydro Power Plants
IGSEWE	Institute of Geology, Science, Energy Water and Environment
IEMS	Integrated Environmental Monitoring System
IPCC	Intergovernmental Panel on Climate Change
KLMC	Kosovo Landfill Management Company
LC	Law on Chemicals
LBP	Law on Biocide Products
MAEP	Ministry of Agriculture and Environmental Protection
MESP	Ministry of Environment and Spatial Planning
NEA	National Environmental Agency
NGO	National Governmental Organization
NIP	National Implementation Plan
NWC	National Water Council
PIC	Priority Informed Consent
POP	Persistent Organic Pollutants
REA	Regional Environmental Agency
REACH	Regulation, Evaluation, Authorisation of Chemicals
RBA	Regional Basin Agency
RBC	Regional Basin Council
SEA	Strategic Environmental Assessment
SEPA	Serbian Environmental Protection Agency
WFD	Water Framework Directive

I. Executive summary

During these three years of the ENV.net, the team has worked on establishing and building capacities on monitoring the process of environmental *acquis* transposition in each partner countries (Albania, Kosovo, Macedonia, Serbia and Turkey). The network has built a monitoring platform online, where there were picked three main pieces of legislation (horizontal legislation, water management, climate change) to be monitored. In the mean time, the network has increased its capacities on having a concrete impact at policy level and decision making processes on environmental issues, through producing every two months short bulletins on key messages on environmental issues in partner countries.

In this framework the network has prepared the first policy paper, where all partners contributed through their environmental local cases, focusing mainly on water, waste, chemicals and EIA procedure and transparency on the process.

The focus of the case study for Turkey presents the situation of rivers basins usage and conditions due to lack of water legislation in line with EU directives. It tackles issues related to urban areas, industries and agriculture located near river basins, and how the usage of water resources in these areas has impacted on water scarcity. Kosovo case is mainly set on the situation of waste management, including difficulties on implementation of existing legislation, definition of waste management hierarchy, and roles and responsibilities of mechanism in waste management. In Albania, the issue of water management legislation was raised, where an analysis of the existing legal framework and institutional framework on water management issues was prepared and several recommendations were given in this regard. Serbia brought the process of transposition and implementation of chemicals and biocide products management legal frame work in the country and its efforts to fulfil its commitment at international level. Macedonia first introduces its actual legal framework on public access to environmental information and the status of EIA and SEA in relation to EU directives and international commitments of the country. A case study illustrates perfectly the strange situation between transposition and implementation of the legal framework on public access to environmental legislation.

II. Case studies from the region

2.1 Recommendation at policy, institutional and implementation level for the region regarding water framework in Turkey

Under different scenarios, Turkey's population is expected to increase up to 93-111 million by 2050. Under these projections, it is expected that Turkey becomes a 'water scarce' country by 2050. Current policy is to reach full utilization of the river potential for mostly energy production and partly irrigation, by 2025. However, considering that Turkey already faces to become a water scarce country in the future, using 100% of its water potential will only put more pressure on already expected water scarcity. Also, when the water usage and distribution differences between river basins are considered, the full utilization of water potential will also bring up the issue of water transfer between river basins. Furthermore, another problem that Turkey faces in relation to significant rate of water loss is due to leakage and evaporation through open channels and small ones.

Today, water intensive crops are being cultivated in basins such as Konya Closed Basin, Gediz, Büyük Menderes and Çukurova, which experience water stress. As the agricultural production does not suit the climate of the region, it is already destroying the scarce water resources in these regions, which simultaneously will decrease the production



in the long run. Due to water scarcity in different regions of the country, harvest yields are being decreased. This becomes a push factor and causes high rates of rural to urban migration.

However water usage in the industry sector is relatively low, unsustainable water usage without any appropriate treatment processes has resulted in high level of pollution in many river basins in Turkey. This is especially the case in the river basins of Ergene, Büyük Menderes, Gediz and Sakarya, where there is a large historical agricultural production and current industrial regions. Hence agriculture sector lose precious water at its source due to high level of industrial pollution. In these basins, water is of quality 4, the lowest one. This situation endangers not only the human and ecosystem health, but also the agricultural and industrial production.

The water consumption in cities and other semi-urban settlements constitute the 16 percent of the total consumption in the country, which is relatively low considering other sectors such as industry and agriculture. Nevertheless, the increase of urban populations (due to migration) and life standards have put great pressure on the surroundings of river basins, putting at risk cities to reach clean/potable drinking water during droughts seasons. This may require water transfer between basins causing deterioration of sustainability of basins and ecosystems with a high financial bill to deal with.

Half of Turkey's annual water flow is in five basins (Fırat, Dicle, Doğu Karadeniz, Doğu Akdeniz and Antalya) out of the 25 existing basins. The impact of this imbalance in the distribution of water flows among basins grows with the surrounding population intensity. For example Marmara Basin that hosts 28 percent of the Turkey's population only possesses four percent of the total water flow.

There is also an alarming increase of water consumption in the energy production sector, especially in polluting energy plants such as coal fired power plants that need water to function. For energy production from fossil fuels, water is required in the initial production, transportation, preparation for usage, and cooling units. On top of that, discharged water creates yet another problem, putting sensitive ecosystems in great danger.

Turkey is located in the Mediterranean basin, which according to the IPCC Fourth Assessment Report, is one of the most vulnerable regions to climate change. Scientific research shows that the water basins in Turkey are already on drought tendency during the last 10 years. By 2030, it is forecasted that water stress will further increase between 20 to 40 percent in the eastern and south-eastern regions, and over 40 percent in the central and western regions.

Despite the fact that there are over 40 legislative clauses under different laws and regulations about water, Turkey still lacks a Legal Framework and a specific Law on Water. Turkey, as a candidate country, is in urgent need to adapt to EU Water Framework Directive. There are initial attempts and efforts towards the approximation to EU framework Directive. These efforts are more from an institutional point of view. In 2011, Turkey established the General Directorate of Water Affairs under the Ministry of Forestry and Water Affairs, in order to carry out the legislative process in Turkey. Later in 2012, the Regulation regarding Protection of Water Basins and Preparation of Management Plans has been enacted as well.

There are 25 basins which are defined by the Ministry in Turkey and each basin has its River Basin Protection Plans prepared according to the Turkish legislation, which is not compatible with EU standards yet. The Regulation regarding Protection of Water Basins and Preparation of Management Plans has been enacted in 17th October in 2012, containing elements for approximation of EU legislation, such as turning the "River Basin Protection Plans" into "River Basin Action Plans". There is now work in progress in this policy area and currently there are four pilot action plans conducted in Meric-Ergene, Menderes, Susurluk and Konya Closed Basins.

Recommendations

There is the need to convert the currently available River Basin Protection Plans to EU compatible River Basin Action Plans for 25 river basins in Turkey. (This number is too high compared to other candidate countries which means large amount of financial and human resources is needed for such an adoption).



According to the EU legislation each river basin must have a river basin council. In Turkey the river basin councils have been recently set up in every 25 basins. As they lack capacities to run properly, the ministry is conducting training of trainers for those basin councils. 4 TEMA representatives have become members of those councils. Besides, a technical upgrade of operation is needed for the river basin management as well. Identification of problems of the river basins and the water quality is outdated and it requires an EU competency in terms of conservation approach, measurement techniques and reference values.

- To decrease water consumption in agriculture, it is needed to shift to water efficient irrigation systems and the usage of closed channels for water transfer is of great importance
 - Agricultural crop incentives should consider the effects of climate change and promote suitable crops to the soil and climate conditions of their region with low level of required irrigation
 - In industrial water consumption, water usage should be officially registered. Industries should be collected in organized industrial zones and water treatment plants establishments and operations should be given incentives
 - Urban infrastructure has to be improved and rural employment opportunities should be provided to prevent urban migration
 - Water should be put under a guarantee with an inclusive water law and efficient and dynamic institutional structure
 - Turkey should invest in its renewable energy potential, especially in less water consuming wind, solar and geothermal energies.

To sum up, the main problem in Turkey is the lack of appropriate legal framework. As such, legislation in line with EU directives is urgently needed. TEMA Foundation, in cooperation with other stakeholders, drafted a framework law on water. The draft has been published with the support of ENV.net project. There is also need for improvement for the implementation. For instance, water usage and consumption should be out under record at sector basis in different basins. Furthermore, river basin integrated water usage and plans have to be implemented as soon as possible. In line with this, planning work for decisions on the allocation of water distribution among sectors has to be conducted beforehand.

2.2 Waste management situation in Kosovo

3.2.1 Background on waste management

The current situation of the waste management in the Republic of Kosovo is very difficult. According to the environmental report from the state and the waste situation report in Kosovo, the amount of waste is increasing continuously, while the process of integrated waste management is lacking behind¹. The whole system of waste management is not properly in place causing negative impacts on the environment as water, air, land and human health. The situation is rather difficult in urban areas due to changed demographics and the pressure of migration from rural areas. This is reflected in unplanned constructions, poorly managed urban environment and inefficient public services provision such as waste collection, waste and wastewater treatment etc. Pollution from power plants and mining activities are adding to already difficult situation and pose serious threat to the health of citizens.

Industrial and chemical waste constitutes a serious problem for the country. Large companies accumulate in their premises large amount of industrial and hazardous waste posing high negative impacts to the ground water of the areas. Large quantities of chemicals, industrial and mining leftovers containing high levels of heavy metals were inherited from the pre-war Kosovo industry of the socialist time, which never run any treatment from that time. Due to obsolete processing technologies, which failed to provide sufficient use of raw materials, there are huge amounts of mining waste in the dumpsites, which are actually causing pollution to the environmental elements as air, land, surface water and groundwater. Real interventions are needed to improve the situation, from the feasibility studies to



the appropriate financial resources to ensure the appropriate technological equipment for their rehabilitation. On the other side Post-war emergency aids have brought certain amounts of medicaments, pesticides and expendable products, whose deadline have expired. The state "*got rid of them*" by throwing them in the dumpsites, but through time they turned into hazardous waste.

The war in Kosovo, apart from the human and heritages loss have caused issues with waste also. Large amount of food products were imported by that time without thinking of their final treatment. Now that the country is free, the past residues are becoming the present problem.

Environmental pollution caused by improper waste management is one of the greatest challenges that Kosovo is facing toward environmental protection. In addition to the need to harmonize the national legal framework with the EU laws, the country must take important steps on defining appropriate policies and increase law enforcement. As the competences of many institutions have not yet been clearly explained, the strategy, now in place, aims to improve the competences and determine the main objectives, measures and concrete activities that Republic of Kosovo should fulfil throughout the ten year period² related to integrated management of waste. It is important for all competent authorities on waste management, first to understand the strategy aim and then to enforce its implementation in their cases.

3.2.2 Legal Framework on waste management in Kosovo

Waste Management Strategy 2013-2022³

Republic of Kosovo approved in 2013 the National Waste Management Strategy for a ten year period, up to 2022. The main objective of the strategy is to establish a sustainable waste management system, where a set of instruments and measures will be introduced to reach the goal of certain percentage of waste reduction through different time period within the decade of the strategy lifetime. The Waste management strategy document addresses the role of central and local governments, as well as different governmental and non-governmental sectors, in the field of water, mining, health, veterinary, spatial planning, construction, industry etc. More concretely the National Waste Strategy defines the following objectives for the ten year period 2012-2022:

- Reduction of waste generation at the source and waste amount being disposed;
 - Establishment of an integrated waste management system to provide effective waste management processes (collection, transport and final treatment) through the appropriate infrastructure;
 - Mitigate potential hazards from waste;
 - Introduction of waste management schemes that will increase employment in the country;
 - Capacity building for waste management;
 - Transposition of EU legislation to the national legal framework

National Waste Management Plan 2013-2017⁴

Together with the National Waste Strategy, the National Waste Plan was approved also. The main objectives of the Waste Management Plan 2013 - 2017, are:

- Strengthening the waste management system,
 - Investing in the areas of significant problems, and on waste infrastructure,
 - Raise the level of awareness, and information on waste management.

It also describes the mechanisms of implementation, monitoring, evaluation, update, review as well possible sources of financing

Waste management in Kosovo is regulated by the waste law (The law Nr. 04/L-060)⁵.



The Law on waste management in Kosovo aims to: elude and reduce as much as possible generation of waste; reuse of used components from waste; sustainable development through protection and preservation of human resources; prevention of negative effects of the waste in environment and in human health; final storage of waste in acceptable environmental manner.

Environment legislation, drafted in accordance with the EU 'Acquis' requirements covers most of the sub-sectors, but still enforcement remains the real challenge. The Republic of Kosovo has a rich legal framework that covers 26 administrative instructions of waste categories and legal acts for the construction and operations of landfills.

As the strategy and the national plans indicate, 20 municipalities have developed their local waste management plans following objectives and targets sets at national level. The other municipalities are under the process of complying with national requirements. Also regarding chemical waste, most of EU Directives are being transposed to the national level as mentioned in the table below:⁶

EU Directive	Level of transposition In national legislation
Waste Framework Directive 75/442/EEC & Amended Waste Framework Directive 91/156/EEC	80%
Directive on packaging waste 94/137/EEC	87%
Directive on PCB/PCT (96/59/EC)	66%
Directive on end of life vehicles 2000/53/EC	100%
Directive on Landfill 99/31/EC	100%
Directive on waste from electrical and electronic equipments (2012/19/EU WEEE)	46%
Directive on Mining Waste (2006/21/EC Mining Waste	91%

3.2.3 Institutional Framework on waste management

At the highest level, the Ministry of Environment and Spatial Planning (MESP) is in charge of the overall legal framework—including primary and secondary legislation—regulating waste management, storage, recycling, and the related standards.

At the mid-level, Kosovo Environmental Protection Agency is the executive environmental institution, covering the following responsibilities under the waste sector:

- Data collection and data processing in the waste sector;
 - Development and maintenance of the waste information system;
 - Preparation of reports for waste management situation in the country;
 - Monitoring of municipal and regional sanitary landfills.

Also regional waste collection companies that collect waste from various private and public waste containers in Kosovo, and transport it to large waste collection centres, commonly dubbed “waste depots” are part of the mid-level.

The third level includes Local governments units (Municipalities) that are in charge to organize and deliver the service of waste management within their spatial territory. They are responsible for:



- Establishment of a waste management system in their territory in compliance with hierarchy principle for waste management;
 - Development and implementation of local waste management plan;
 - Setting out responsibilities and tasks for waste management services provision, from the organization, implementation and maintenance services within their jurisdictional territory; etc.

Kosovo Landfill Management Company (KLMC). The Kosovo Landfill Management Company is a public owned enterprise for management of sanitary waste landfills in the Republic of Kosovo. It falls under the Ministry of Economic Development and is limited supervised by Municipalities. The primary activity of this Institution is the management of sanitary landfills for solid waste, delivering its services by the Sanitary landfills in Kosovo.

Despite progress made in approximation of the legislation, the environmental sector in general and in particular waste management faces serious challenges when it comes to implementation and enforcement. Further efforts are needed to establish an effective institutional and administrative infrastructure and improve the channels of coordination between institutions with environmental responsibilities at all levels and civil society. The main challenges that are related to the waste management are the following:

- Lack of vision and adequate policies on waste;
 - Lack of control of generation of waste;
 - Lack of collection and transport and storage facilities of waste, including construction debris;
 - Lack of institutional capacity to implement the existing legislation;
 - Lack of adequate policies and implementation on prevention of dangerous pollution;
 - Inadequate and uncontrolled disposal of waste, including the problems of the past;
 - Lack of adequate waste treatment and disposal infrastructure;
 - Lack of waste separation/categorization policy and implementation measures;
 - Lack of policies and measures for recycling or processing of waste.

Due to the above mentioned situation, there are some immediate recommendations that should need attention and be addressed at all related levels:

- Strengthen the capacities of central, local institutions, and waste management companies;
 - Increase the inter-institutional cooperation in the waste sector;
 - Complete legal framework and effective implementation of laws in the waste and chemicals sector;
 - Adoption of waste strategies and management plans at central and local levels;
 - Development and implementation of projects, plans and programs for waste recycling, reuse and treatment;
 - Awareness raising about waste disposal in appropriate locations and for payment of services;
 - Prohibiting the disposal of waste in illegal landfills;
 - Establish programs to reduce the risk from waste;
 - Development of Waste Information System and data mapping;
 - Development of Local waste action plans

2.3 River Basin Management in Albania, Legal and institutional framework so far, Improvements and further actions in the future



2.3.1 Background of EU Water Framework Directive

The process of European integration aims to bring peace and economic prosperity to Europe through the integration of markets and the presence of a safety net for its citizens. Within the EU and its member-states, management of water resources is one of the most pressing issues of today.

EU Water Directive 2000/60/EC provide a legal framework for the management of water quality within Member States – the Water Framework Directive (WFD). It establishes the basic principles of sustainable water policy in the European Union through an integrated management structure for future European water policy, relying on close cooperation and coherent action at the Community. The WFD seeks close involvement of the public and close cooperation with non-Member States and assistance of relevant international water protection bodies. Based on WFD European member states are committed to achieve good qualitative and quantitative status of all water bodies (including marine waters up to one nautical mile from shore) by 2015.

Two of the main goals of the WFD⁷ are the protection and improvement of the aquatic environment and the contribution to sustainable, balanced and equitable water usage. Instruments introduced in the EU water policy to protect and improve all European waters are the following: (i) An ecological and holistic water status assessment approach; (ii) River basin planning; (iii) A strategy for elimination of pollution by dangerous substances; (iv) Public information and consultation and finally, financial instruments.

The three main obligations under the WFD are: (i) The organization and regulation of water management at the level of river basins; (ii) Protection of physical and biological integrity of aquatic systems and hence the basis of human water withdrawals; (iii) The uniformity of standards for certain chemicals by setting Environmental Quality Standards (EQSs) for all identified pollutants.

2.3.2 Water Management sector in Albania, the existing situation and steps further

Albania is a country, whose water surface and ground water resources far exceed their usage. Most of economic activities relay on utilization of water resources, where over 90% of energy production comes from Hydro-Power Plants (HPPs), and agriculture fully depends on irrigation. Also other sectors of economy like mining, industrial sector and tourism are also relayed on clean and sufficient fresh water resources.

During the last decade, monitoring activities of water resources have been carried along the basins catchment in the whole territory of the country: in Drini, Mati, Ishem-Erzen, Shkumbini, Seman, Vjosa River basins, and in the coastal Ionian area. Data obtained from these monitoring campaigns, are published every year on the Report of Environmental Conditions, published by the Ministry of Environment.

During 2010-2013, Ministry of Environment implemented a National Monitoring Project⁸ through the expansion and consolidation of an operational Integrated Environmental Monitoring System (IEMS), by using environmental standards and EU directives as a general reference framework. In regard to water management resources, first it was conducted a desk review of existing data for the assessment of the water resources, establishing both water resources inventory for Albania and utilization patterns in the country. A delineation of the aquifers, definition of the GIS maps for the ground water aquifers was developed, followed by the development of a national inventory for water resources taking into account the preparation of the inventory for "Mati" river basin. The evaluation system was based on a series of requirements with particular attention to obligations under the WFD and related legislation. Evaluation had indicated that the Albanian Geological Survey (AGS) was deemed to be the most appropriate institution to function as the NRLW due to its current operational competence nationally, as well as the capability of the AGS to monitor water "status".

Almost six years from now, Ministry of Environment had been assisted by projects funded by EU, on Implementation of National Plan for Approximation of Environmental Legislation (INPAEL 2009-2011), followed by Strengthening Environmental Law Enforcement in Albania (SELEA 2012-2014). Regarding water subsector, SELEA had been

assisting the Ministry on developing new legislation framework through transposing respective requirements of the environmental *acquis* into the national legislation. They also have assisted the drafting of a number of strategies and planning documents in the water sector as Protected Areas Management Plans, River Basin Management Plans etc.

Apart from these significant attempts, it is hard to not encounter heavy pollution of water resources, especially when compared with the plentiful freshwater resources. These problems of quality are exacerbated by a growing demand for limited water resources in some parts of the country. A comprehensive and sufficient monitoring system is missing, followed by a weak regulatory and financial framework together with the lack of a long-term strategy, which should act as a schedule for all activities and projects in the water sector.

Along river streams HPP are raising more and more, causing a serious issue for the rivers' life stream. Their construction process is continuously being contested by the civil society working in the field of environment, as the no attention was taken while designing and applying the project.

Given the situation, and the fact that just one River Basin Plan is in place, the country has a fragile and fragmented management of water resources.

2.3.3 Actual legal and institutional framework of Water Management in Albania

Strategies documents, policies and programs

Water policies and legislation in Albania, as a requirement to be an EU member, are under process of further approximation to fundamental changes. Giving the situation, Albania has started a process of revising its legal and institutional framework regarding water management in accordance with European Union Water Framework Directive under the support of SELEA project. A range of strategic documents to set out an appropriate legal framework for protection and management of water resources has started to be prepared by several ministries of the line, which are in charge on water sector management, but an updated water resources management strategy including mid-term and long-term financial planning is still on the way to be prepared.

In terms of strategic instruments, River Basins Management Plans play an important role, as they describe the approach and offer the appropriate tools to ensure sustainable management of water resources. Development of Management Plan of Mati River Basin is already completed in 2010, by the Ministry of Environment, under the assistance of INPAEL project (Implementation of National Plan for Approximation of Environmental Legislation) funded by EU, and is under the process to be properly implemented. In 2010 it was prepared the Plan Management of Wetland Area of Kune-Vain 2010-2019, Natural Managed Reservoir (IUCN category IV) aiming future conservation of the area, through preparation of long-term action plan for management of natural resources and creation of economic incentives. It was approved Action Plan for Lake Shkodra, and Buna and Drini river between Albania and Montenegro, and it was signed an Understanding Agreement for Drini River⁹. In 2004 Ministry of Environment, under the MedWet Coast Project¹⁰, prepared the Management Plan of Protected landscape of Vjosa River and Narta Lagoon.

National Water Strategy of 2004 is under revision, due to several changes of the legal and institutional framework. For a better administration of water resources there has been developed and presented to the National Water Council for approval, the register of water resources and river inert permits, through development of a database. These data will serve to prepare the electronic cadastre of water resources in Albania¹¹.

So far Albania has made attempts to start fulfilling only one of the obligations of the WFD, i.e. preparation of only one River Basin Management Plan (still 5 are in the raw to be prepared), which is yet not being implemented properly. The other two obligations on “good status” of ground and surface waters and “good ecological status”

Law 111/2012, date 15.12.2012 “On Integrated of Water Resources”¹² – it fully complies with EU Directive 2000/60/EC of European Parliament and the Council, date 23.10.2000 “Establishment of a legal framework for community actions in the field of water policies”. The aim of the law focuses on: (i) environmental protection and improvement of water, surface water, either temporary or permanent, internal sea waters,



territorial waters, exclusive economic zones, continental shelf, trans-boundary waters, groundwater, and their status; (ii) security, protection, development and rational utilization of water resources; (iii) equitable distribution of water resources, by using goals and direction their effective administration; (iv) protection of water resources from pollution, overuse and consumption on actual needs; (v) determination of the institutional framework, at national and local level, for the implementation of a national policy for the administration and management of water resources for the good of the community and social and economic interests of the country.

Albania has signed and supported several international conventions and protocols during the last two decades on water management resources as the following: **(i)** Convention for the Protection and Development of the Marine Environment and Coastal Region of the Mediterranean Sea, Barcelona Convention, Barcelona, 1976; **(ii)** Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea; **(iii)** Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources and Activities; **(iv)** Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea; **(v)** Protocol on the Prevention of Pollution of the Mediterranean Sea by Trans-boundary Movements of Hazardous Wastes and Their Disposal; **(vi)** Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean Sea; **(vii)** Protocol for the protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil; **(viii)** Protocol on Integrated Coastal Zone Management in the Mediterranean Sea.

Institutional framework

In Albania, water resources management involves a lot of ministries and other institutions at regional and local level. Due to this fragmented institution framework, sometimes coordination between subordinate levels institutions with each other and the central level ones, as they focus on their own sector's water usage is not always sufficient.

Institutions in charge to manage protection and development of water qualities in the country are: Ministry of Environment (*the principle responsible institution to draw up and implement policies, strategies, national plans and legislation for protection of aquatic resources from pollution; rational exploitation of water resources; improvement of aquatic environment; protection of inland water surface, temporary water surface, marine water, ground water and their status*) and institutions under its responsibility, Ministry of Economic Development, Trade and Enterprise, Ministry of Transport and Infrastructure, Ministry of Health and institution under its responsibility and local government units.

National Water Council (NWC)¹³ is the main central decision – making institution directed by the Prime Minister, which has the responsibility to approve water national strategy and national plan for water resources. In 2011¹⁴ an important reform was developed in the water sector, when the NWC Technical Secretariat was replaced by the General Directorate of Water Administration (a Ministry of Environment inner directorate) provided the NWC with its three directorates.

NEA¹⁵ (National Environmental Agency under the supervision of Ministry of Environment) is responsible for monitoring quality and quantity of water resources. Also it has supervision to the work of relevant institutes on monitoring activities, being the main beneficiary of the data provided by these institutes. Alongside NEA, various institutions are involved in monitoring water resources as follows: (i) IGSEWE (Institute of Geological Science Energy, Water and Environment under the supervision of Polytechnic University of Tirana), conducts the assessment of surface water quality for rivers, lakes, underground and marine water and the monitoring of rainfall, temperature and other hydro-meteorological parameters; (ii) IPH (Institute of Public Health under the responsibility of Ministry of Health) is responsible for monitoring drinking water.

At local level Water Resources Management are organized within six administrative river basins (Drini, Mati, Ishmi–Erzeni, Shkumbini, Semani and Vjosa). Based on this approach the following institutions are the one responsible for implementing issues of water resource management at local level: (i) 6 river basin councils (RBCs), headed by prefects of the regions, act as the administrative body; each is responsible for the protection, development,



distribution and operation of water resources within its own basin boundaries; (ii) 6 river basin agencies (RBAs) act as executive and technical bodies of the RBCs under the supervision of the GDWA (General Directorate of Water Administration); they are responsible for on-site inspection of all activities in terms of water resource usage; however, they have little authority to enforce legal and regulatory procedures, resulting in poor coordination of local sectors in water resources management; (iii) 13 drainage boards (DBs), supervised by MoARDWA (Ministry of Agriculture Rural Development and Water Administration), are currently the key operators responsible for major irrigation systems, drainage management and flood protection including reservoir dam safety; (iv) 12 REAs (Regional Environmental Agencies) are responsible for the permitting and enforcement of environmental legislation.

2.3.4 Recommendations

Clear definition of institutions competencies involved in water resources management, improvement of inter institutional coordination, further legislation approximation and implementation enforcement¹⁶, drafting management plans for all river basins in compliance with EU Water Directive 2000/60/EC and EU Flooding Directive 2007/60/EC, and establishment of the electronic cadastre for water resources; drafting National Strategy of Integrated Water Management; and establishment of environmental quality norms for surface water resources in compliance with EU Directive, are some of the immediate steps to be accomplished within a short and mid - term period in water sector management.

The monitoring process of permits for exploitation of river basin and their inert materials should be improved, followed by information and awareness session with local authorities, CSOs, groups of interest for protection and conservation of quality and quantity of water resources.

According to the ISES (2013-2020), riverbeds rehabilitation should be 60% (by 2015) compared to the situation in 2011, and 90% (by 2020). Furthermore, monitoring of legislation implementation and routine controls to ensure good administration and protection of water resources, quality of groundwater resources; enforcement of law implementation to protect environment from activities that damage and pollute water resources, and the one that exploit river basins should continue at regular basis.

Also collaboration and meetings with neighbour countries for common exploitation of cross-border water resources according to environmental standards should follow a continual improvement approach.

During the last decade, management of water resources had undergone several changing development reforms. Still the institutional framework for management of water resources is fragmented and needs further improvements as the followings:

2.4 Management of Chemicals in Serbia

Chemicals are essential components of our daily lives, but some of them can severely damage our health and the environment. Some man-made chemicals are found everywhere, even in the most remote places in the environment and in our bodies. On the other side chemicals are market products and as such they are regulated by the internal market *acquis*, as well as by the environmental *acquis*. There are important linkages between the recently established EU framework promoting the sustainable use of pesticides, the Water Framework Directive, the Habitats Directive and the Birds Directive. In addition, there are some important linkages with pieces of legislation related to Horizontal, Air, Waste and Industrial Pollution sectors.

2.4.1 Background of chemical management in Serbia

In recent years Serbia has been developing and implementing contemporary chemical management systems. They were developed having in mind all features of the sound chemical management, emphasised at the Earth Summit on Environment in Rio de Janeiro 1992 (Chapter 19 of Agenda 21). As Serbia is committed to the EU integration, all

efforts are put to streamline national legislative framework with the EC legislation on chemicals developed in accordance to the European Commission White Paper in 2001 (*Strategy for a future Chemicals Policy setting goals and procedures for improving chemical safety in the EU internal market*). The former Ministry of the Environment and Spatial Planning (MESP) in Serbia introduced to different stakeholders in 2008 SAICM (Strategic Approach for International Chemicals Management), which was adopted at the International Conference on Chemicals Management in 2006 in line with the global policy framework of 2002 Earth Summit in Johannesburg.

This Strategy seeks to ensure high level of protection of human health and the environment, while ensuring the efficient functioning of the internal market and stimulating innovation and competitiveness in the chemicals industry. Part of this Strategy is the Registration, Evaluation and Authorisation of Chemicals (REACH) and Classification, Labelling and Packaging (CLP) regulatory regime, and Serbian first goal was to cope with the general principles of this regulatory regime at national level.¹⁷

2.4.2 EU legal framework on chemical management

In the EU, comprehensive chemicals legislation is established, spearheaded by REACH and CLP, which aim to ensure a high level of protection of human health and the environment. Specific groups of chemicals, such as biocides, pesticides, pharmaceuticals or cosmetics, are covered by their own legislation. There are twenty seven pieces of EU legislation in the sector with most of the legislation consisting of Regulations.

The growing need for data on properties and risks of chemicals in the environment has lead the EU to introduce a framework Regulation (EC) No. 1907/2006 concerning Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to assess the impact of chemical substances (as such, in mixtures or in some products) on health and environment.

REACH aims to improve the protection of human health and the environment through the better and earlier identification of the intrinsic properties of chemical substances. This is done by four processes of REACH, namely the registration, evaluation, authorisation and restriction of chemicals. REACH also aims to enhance innovation and competitiveness of the EU chemicals industry.

European Chemicals Agency (ECHA) in Helsinki is the central point in the REACH system: it manages the databases necessary to operate the system, co-ordinates in-depth evaluation of suspicious chemicals and is building up a public database in which consumers and professionals can find hazard information. The European Chemicals Agency (ECHA) is the driving force among regulatory authorities in implementing the EU's ground-breaking chemicals legislation for the benefit of human health and the environment as well as for innovation and competitiveness. ECHA helps companies to comply with the legislation, advances the safe use of chemicals, provides information on chemicals and addresses chemicals of concern.

2.4.3 Legislative framework on chemical management in Serbia

The national legal framework in Serbia related to chemical sector is guided by the following approved strategic documents: i) National Plan for the Adoption of the Acquis¹⁸; ii) National Programme for Environmental Protection (2010 – 2019); iii) National Environmental Approximation Strategy for the Republic of Serbia (EAS).

Adoption of the Law on Chemicals and Law on Biocide Products in 2009, in full compliance with EU regulations, followed by a number of bylaws for the sector, initiated the establishment of a legal framework for proper management of chemicals and biocide products in the Republic of Serbia. Starting from 2010, institutional and administrative capacities were strongly developed enabling high degree of implementation of the mentioned pieces of legislation. Upon the institutional changes which occurred by the end of 2012 (closure of the Chemical agency), administrative capacities for chemical management were reduced. Therefore in certain specifically professional areas, such as risk assessment on human health and environment, the scientific and research sector were engaged for execution of these tasks

The Law on Chemicals (LC)¹⁹ presents a legal ground for EC harmonised chemicals management system. The LC regulates integrated management of chemicals as classification, packaging and labelling of chemicals; the integral registry of chemicals and the registry of chemicals placed on the market; restrictions and ban on production; placing on the market and use of chemicals; import and export of certain hazardous chemicals substances; licenses for trade and licenses to use particularly hazardous chemicals; placing detergents on the market; systematic supervision of chemicals; availability of data; monitoring and other issues relevant for managing chemicals. Furthermore, the LC enabled establishment of national helpdesk as envisaged by the REACH and CLP Regulation aiming to support enterprises and other stakeholders to navigate through the national legislation on chemicals. **REACH (Regulation 1907/2006)** is transposed through several laws and by laws in the country.²⁰

Export/Import of Chemicals (Regulation (EU) No 649/2012 on export and import of hazardous chemicals)

With the adoption of the Law on Ratification of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ("Official Gazette of the Republic of Serbia - International Agreements" No 38/09), this convention became part of the legal system of the Republic of Serbia.

Law on Chemicals²¹ represents the regulatory mechanism for conducting the provisions of the Rotterdam Convention and the national provisions aligned with provisions of the Regulation (EU) 649/2012. National legislation has been harmonised with EU Regulation concerning export and import of hazardous chemicals since 2009, except provisions prescribed only for EU members (e.g. reporting to the Commission). Additionally, amendments to the PIC Regulation are continuously followed and implemented. Next amendment of the Rulebook on Import and Export of Certain Hazardous Chemicals is foreseen 4th quarter of 2015.

POPs (Regulation (EC) No 850/2004 on persistent organic pollutants)

Republic of Serbia has established legislative and institutional framework for POPs management. Present system of POPs chemicals and POPs waste management is almost fully harmonised to the EU system. POPs-harmonised legislation has been in force since 2010. Republic of Serbia has taken over EC Regulation on POPs No 850/2004 with amendments (EU Regulation No 756/2010, 757/2010 and 519/2012 on amendments to the EC Regulation No 850/2004) into national legislation through the legal acts. Grounds for implementation of the Stockholm Convention have been prepared on the basis of the NIP which was adopted by the Government of the Republic of Serbia in 2009. During the 2009 – 2015 time periods, Serbia established institutional framework for POPs management and started implementation of the national POPs-harmonized legislation according to the activities defined in the action plans of the original NIP.

Last April the NIP was updated through the UNIDO/GEF Project “Enabling activities to review and update the National Implementation Plan for the Stockholm Convention on Persistent Organic Pollutants (POPs)”.

Another important law in the chemical sector is the one on Biocide Products (LBP). Since its adoption in 2009²² it enabled the establishment, maintaining and development of a unique system for placing on the market and use of biocide products in Serbia. The main objective of this law is to assure that biocide products placed on the Serbian market are efficient enough to destroy or control harmful organisms and do not present unacceptable risk for humans, target organisms, other organisms and/or environment. The LBP is harmonized with Directive 98/8/EC concerning the placing of biocide products on the market to the extent that was feasible and justified; general principles and rules have been transposed into the national LBP while with regard to the procedures centralized at the EU level final decisions of the Commission are directly taken over into the national legislation.

The Ministry of Agriculture and Environmental Protection (MAEP)²³ shall carry out risk assessment on the basis of data provided in the biocide product dossier and authorize biocide product if the conditions laid down in the Law Biocide Products (LBP) are met. Serbia is aware that the EU legal framework regulating biocide products has changed recently and the Biocide Products Directive (BPD) is repealed by the Biocide Products Regulation (BPR). In order to remove obstacles to trade in biocide products, facilitate implementation and enforcement of the BPR upon accession and ensure that industry is well acquainted with the respective responsibilities and obligations upon



accession, rules and procedures as referred in the BPR will be introduced into the national legislation by the new Law on Biocide Products. Adoption of the new Law is envisaged by the end of 2016.

2.4.4 Institutional analysis on chemical and biocide products management

As of 26th of April 2014, the Ministry of Agriculture and Environmental Protection (MAEP), under the law on chemical and biocide products, is the competent authority for management of chemicals and biocide products. The ministry has a specific department (Department of Chemicals) dealing with management of chemicals and biocide products. Furthermore, after the accession, the Ministry competent for the environment is foreseen to become competent authority under EC-chemicals legislation. Main responsibilities of the Department of Chemicals in the MAEP are more likely on policy and legal acts enforcement. More concretely the department is in charge of: i) Enforce implementation of the law on Chemicals and Biocide Products; ii) Establishment and continuous data records on the Chemicals Registry Keeping the Integrated Chemicals Registry; iii) Issuing of decision on inclusion of biocide product in the Temporary list for submission of technical dossier; iv) Issuing of the authorization for placing the biocide product on the market. On the other side the respective Inspectorates in three different Ministries, for environmental protection inspectorate²⁴, sanitary inspectorate²⁵ and trade inspectorate²⁶ play the executive role on controlling if installation activities on chemicals and biocide products are in compliance with the legal acts into force.

Unit established within the Sector for inspection over environmental protection, Department for Major Chemical Accidents, Chemicals and Biocide Products is responsible for inspection duties and control of compliance with the national legislation on chemicals and biocide products.

Ministry of Agriculture and Environmental Protection (MAEP) is CA responsible for implementation of Stockholm Convention (the SC) and POPs harmonized national legislation. Department for Chemicals of the MAEP is responsible for the implementation of the Stockholm Convention on POPs (prohibitions or restrictions of produce, placing on the market and use of POPs chemicals). Department for Waste Management of the MAEP is responsible for implementation of provisions of the SC related to POPs waste management. Serbian Environmental Protection Agency (SEPA) is responsible for monitoring and reporting of POPs in environment. Plan Protection Directorate, MAEP is responsible for implementation of provisions of the SC related to POPs pesticides in plant protection products. Responsibilities for inspection and control over the implementation of the national legislation on POPs (as chemicals) management are laid on the Environmental Inspection (MAEP) and Sanitary Inspection (Ministry of Health). Environmental inspectors are in charge for inspection and control over the implementation of the legislation on the POPs waste management

Having in mind Member State CA' tasks established by EC Regulations which Serbian CA for REACH, CLP, BPR and PIC will have to perform after the accession, strengthening of administrative capacity will continue during the pre-accession period. This is particularly important in terms of technical posts covering relevant soft skills, especially in the field of risk assessment.

In order to improve the implementation process, several addition activities were performed such as

- Establishment of the helpdesk within the Ministry, which provides the information about chemicals, and
- Trainings to citizens, industry, traders and other stakeholders.

2.4.5 Conclusion on chemical and biocide products management in Serbia

With regard to up to date experience on applying the legislation we would like to highlight the following:

- Adequate knowledge on chemicals is available and will be continuously improved. Numerous educations and trainings since 2009 have laid a base for REACH-harmonized rules within the core administration. The core administration staffs benefit from the guidance, FAQs and other information on REACH provided on the ECHA's website as well as on the DG Environment and DG GROWTH web sites. There is also access to a broader cluster of scientific expertise.

- Data on legal entities and chemicals placed on the Serbian market are collected via the function of Chemicals Registry.
 - In line with its importance, communication within the supply chain has been implemented. Legal entities placing chemicals on the market provide SDS together with the chemical and the form and content are in line with REACH, Annex II.
 - Arrangements have been implemented to ensure implementation of national legislation as well as the REACH Regulation after accession by chemicals industry sector. A number of seminars with industry participation were organized during the 2010-2012 time period to ensure that chemicals industry in Serbia becomes informed about its roles and its obligations under REACH.
 - National helpdesk established by the Law on Chemicals provides help to manufacturers and importers and in particular SMEs and micro enterprises to fulfill their obligations prescribed by the national REACH - harmonized legislation and navigates interested parties through the REACH Regulation (e.g. to support exporters). The Helpdesk function also prepared guidelines on REACH, Guidance on Safety Data Sheet, Guidance on implementation of bans and restrictions regarding asbestos, national FAQs etc.
 - System of certified chemicals advisors has been established in order to ensure that industry has access to knowledge for the purpose of fulfilling the requirements imposed by the legislation.
 - Within the framework of the IPA 2008 Guidance on application of REACH requirements for exporters, Guidance for substance identification and a brochure on export of products containing SVHC were prepared.
 - Operators are well aware of the List of SVHC.
 - Cooperation and permanent dialogue with industry is established.
 - Active cooperation with the civil sector with regard to chemicals and product safety is established. NGOs are among the main partners when it comes to dissemination of information about chemicals to the public.
 - Only BPs complying with the requirements of the Law on Biocide Products are placed on the market.
 - There is register of biocide products placed on the market as well as of active substances contained in.
 - There is information on number of legal entities placing biocide products on the market that will have to comply with the requirements of the BPR, especially with Article 95 obligation.

2.5 Public Access to environmental information & Environment Impact Assessment (EIA) in Macedonia – Case study Construction of a Foundry industry with high Environmental Impacts/Focus on – River basin Management – Urban Waste Water Treatment and Water Pollution

What are the obstacles to effective public participation in environment related decision-making? Are legal provisions in place sufficient to ensure public access to environmental information? Are governments providing early public notification (and participation), even when all options, including the one of “doing nothing”, are open?

What is the best way to effectively notify the public concerned about proposed activities affecting the environment?

Is it right if at public hearings the audience consists only of a "large group of men in suits" with no civic representation, like elderly persons or women?

2.5.1 EU legal framework on Public Access to Environmental Information and EIA

In 2003 two EU Directives concerning the first and second "pillars" of the Aarhus Convention²⁷ were adopted. These Directives were supposed to enter the national legal framework of all EU Member States by 14th of February and 25th of June 2005 respectively. The Decision on the conclusion of the Aarhus Convention by the EC was adopted on 17th of February 2005 [Decision 2005/370/EC]. The EC is a Party to the Convention since May 2005. The application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p.13) entered into force on 28th of September 2006 and became of an application on 17th of July 2007.

The "Aarhus Regulation" covers not only the institutions, but also bodies, offices or agencies established by, or on the basis of the EC Treaty. The Aarhus Regulation furthermore requires those institutions and bodies to provide



information for public participation during the preparation, modification or review of "plans and programmes relating to the environment". The Aarhus Regulation also enables environmental NGOs to meet certain criteria, to request an internal review under the environmental law of acts adopted, or omissions, by Community institutions and bodies.

Directive 2003/4/EC²⁸ of the European Parliament and of the Council of 28th of January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC

Directive 2003/35/EC²⁹ of the European Parliament and of the Council of 26th of May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC

Both Directives 2003/4 and 2003/35 contain provisions on access to justice.

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment³⁰: It contains a legal requirement to carry out an environmental impact assessment (EIA) of public or private projects likely to have significant effects on the environment, prior to their authorisation. There is a consensus that the main objective of the Directive has been achieved. The principles of environmental assessment have been harmonised throughout the EU by the introduction of minimum requirements concerning the type of projects subject to assessment, the main developer's obligations, the content of the assessment and the participation of the competent authorities and the public. In parallel, as part of the development consent process, the EIA is a tool to assess the environmental costs and benefits of specific projects with the aim of ensuring their sustainability. Hence, the Directive has become a key instrument of environmental integration and has also brought environmental and socio-economic benefits.

Directive 2001/42/EC of the European Parliament and of the Council of 27th of June 2001 on the assessment of the effects of certain plans and programmes on the environment³¹: The objective of this Directive is to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development. By ensuring that, in accordance with this Directive, a strategic environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

2.5.2 Legal framework on public access to environmental information, EIA and SEA in Macedonia

In terms of ratification of international documents and transposition of EU directives into the national legislation related to public access to environmental information and environmental impact assessment, it could be noted that the Republic of Macedonia is on the good track.

As part of its horizontal legislation, the country³² has ratified the following international and trans-boundary documents:

- Convention on Environmental Impact Assessment in a Trans-boundary Context (EIA)³³
- The Protocol for Strategic Environment Assessment (SEA)³⁴
- The Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Trans-boundary Context³⁵
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)³⁶
- The Protocol on Pollutant Release and Transfer Registers³⁷

Macedonia fully transposed Directive 2003/4/EC of the European Parliament and of the Council of 28th of January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC into the Law on the environment and relevant sub-legislation. These legal acts have started to be implemented since 2009 and considerable progress is made in this regard. Still a number of gaps are identified in terms of lack of appropriate instruments provision in the existing legislation, such as no clear rules on implementation of exceptions, lack of prescribed reasonable fees for access to environmental information, no efficient mechanisms for access to justice, and no activities for improvement of the system for dissemination/access to information on environment. In addition, for full implementation, certain measures still need to be carried out, such as:

- To update the list of entities possessing information about the environment,
- To strengthen capacities on central and local level,
- To develop electronic database easily accessible for the public, etc.

Although most of the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment are transposed into the environmental national legislation, full implementation of this Directive is expected at the beginning of 2017. So, there are legal gaps (such as: need for transposition of requirements related to climate change projects, need for preparation of guidelines that will be used by central and local government for implementation, etc.) that could ensure overcoming of some of the challenges related to its implementation (such as lack of public participation in the EIC procedure, information for access to justice, monitoring of the implementation of measures prescribed in the study for prevention and reduction of pollution, promotion of public participation into the decision-making process), as well as strengthening of the capacities at central and local level for implementation of the legislation.

The Directive 2001/42/EC of the European Parliament and of the Council of 27th of June 2001 on the assessment of the effects of certain plans and programmes on the environment is fully transposed into national environmental law, but implementation guidelines for regulatory authorities are still missing. In addition, the SEA procedure is not implemented for all plans and programs prescribed by the legislation. There is a need for strengthening capacities at central and local level. Notably, there is a lack of access of the public to environmental information as well as public participation in the SEA procedure. Even the web –portal www.sea-info.mk that aimed to serve as SEA platform for all relevant authorities as well as for the public is not functioning anymore.

The Kyiv (SEA) Protocol, which entered into force on 11th of July 2010, requires its Parties to evaluate the environmental consequences of their official draft plans and programmes. Strategic environmental assessment (SEA) is undertaken much earlier in the decision-making process than project environmental impact assessment (EIA), and it is therefore seen as a key tool for sustainable development. The Protocol also provides for extensive public participation in government decision-making in numerous development sectors. The Republic of Macedonia ratified this protocol in 2013.

Remarks

At the 5th session of the Meeting of the Parties to the Aarhus Convention³⁸ held on 30th of June and 1st of July 2014 in Maastricht, the Netherlands, it was noted that it was necessary for timely submission of national implementation reports, in order to ensure a good quality of the synthesis report and its timely submission for translation. It was also noted with regret that 1/3 of Parties did not submit their reports by the submission deadline, among them the Republic of Macedonia. The Meeting of the Parties expressed their deep concern that the Republic of Macedonia did not submit even its national implementation report for the third reporting cycle — the only country that had not done so. Given the situation, it is clear that the state government commitment to access to information and public participation in environmental is lacking behind.³⁹

In support to all stated above, as noted in the EU Progress report for Macedonia for 2015, “public communication and access to environmental information is improved, **although public consultations still need to do so.**”

2.5.3 Public Access to environmental information & Environmental Impact Assessment (EIA) in practice?

Access to relevant environmental information can help, from one side, the authorities to determine the environmental profile of certain industries (and their production process) in order to improve the industrial ecology, and on the other side to inform the public about the environmental impacts from the industrial sector. In almost all our laws the issue of public participation in decision-making processes is more or less anticipated. However, no matter how well or detailed are the legal provisions that regulate this issue written, if the government and the public do not recognise it as a two-way process, and if any of the parties involved does not contribute to or demonstrates no interest in the matter, it will not be successful.

The term "public" denotes one or more natural or legal persons, and in compliance with the national legislation or practice, it refers also to their associations, organisations and/or groups. There is another term "public concerned", which refers to citizens and non-governmental organisations and associations that represent their interests, which are affected or are likely to be affected, or have interest in environmental or other decision-making issues.

Therefore, it is very important for the citizens to be aware of their rights to access information and to participate in public debates/public hearings and meetings in order to actively play a part in decision-making processes that affect or may affect in the future the environment and the territories where they live.

2.5.4 Case: Construction of a Foundry industry with high Environmental Impacts

The information about a foreign investment (Construction of a Foundry) promoted by the government provoked numerous reactions among the citizens from Probistip (a small industrial town in the north-eastern part of Macedonia). As proscribed by the legislator, for this type of industrial facilities, it is necessary to perform Environmental Impact Assessment. The public hearing on the Environmental impact assessment study for the project "Construction of an iron foundry and iron products in Probistip" was organised by the Ministry of Environment and was held in Probistip.

Representatives from the ENV.net team from Macedonia together with a number of civil society organisations, environmentalists and concerned citizens participated at the hearing. After the presentation of the study participants had many comments and questions, such as where the waste from the foundry would be stored, how would that affect surface and ground waters, air and noise pollution, etc. All remarks on the study from the hearing were submitted to the Ministry of Environment in written for further consideration.

However, follow-up mechanisms on the progress of the process are missing. However, the public hearing took place in September 2015, still there is no official information (presented by the Ministry of Environment as a responsible party in the process) on the remarks presented by the citizens in the public hearing, whether they were taken in consideration or not.

2.5.5 Concluding Remarks & Recommendations

At a number of occasions, it has been demonstrated that if the public is able to participate in decision-making from the outset, it is likely that the final outcome (for example, construction of a project) will be more acceptable to them and less harmful to the environment. It also means that hidden or unexpected aspects of a proposed activity can be uncovered early, helping to avoid costly mistakes.

- **Legal framework in line with the EU *acquis*:** National legal frameworks in line with the EU *acquis* are needed to pave the way for implementation of policies and practical measures that will facilitate public access to environmental

information and their participation in environmental decision-making. In addition, stronger political will is needed for the transposed and harmonised legislation not to end up as a “toothless tiger”

- **Identification and notification of the public:** Respective national and local governments units need to further consider how to address the challenges to effective identification and notification of the public concerned. Notable, there is a strong need to train those responsible for identification and notification, for which adequate resources need to be allocated.
- **Provision and demand for accurate and timely environmental information:** The provision and demand for accurate and timely environmental information should be increased among all stakeholders. Governments and state agencies can benefit by making issues public and engaging the public in the early stage of decision making. Additionally, access to environmental information has been shown to be effective in raising public awareness on environmental issues. Public-interest groups should be more active in demanding environmental information to monitor governments (and companies) performance and influence public policy

References

- ¹ Infrastructure provided is very poor and concrete interventions are needed
- ² The strategy has a period of implementation of ten years
- ³ http://mmpf-rks.org/repository/docs/Strategy_for_Republic_Kosova_for_WM_2013-2022_eng._945753.pdf
- ⁴ http://mmpf-rks.org/repository/docs/Planne_of_Public_Kosova_for_WM_2013-2017_Eng._644818.pdf
- ⁵ <http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Waste.pdf> Law No.04/L-060 LAW ON WASTE
- ⁶ Monitoring transposition and implementation of the EU environmental acquis' ECRAN project funded by EU
- ⁷ Lanz K., Scheuer S. 2001, *EEB Handbook on EU Water Policy under the Water Framework Directive*
- ⁸ CEMSA Project (Consolidating the Environmental Monitoring System in Albania) 2012, Ground water Monitoring in Albania
- ⁹ Called "A Common Strategic Vision for River Drini"
- ¹⁰ Financed by GEF/UNDP MM Ruajtja e Ligatinave dhe Ekosistemeve Bregdetare ne Rajonin e Mesdheut
- ¹¹ Action Plan for Implementation SAA_Ministry of Integration

¹² Within 2016 it is forecasted to approve all bylaws according to the new law requirements

¹³ CMD no.125, date 02.03.2006 "On Establishment of WNC", defining that WNC comprises 7 ministers that manage different problems in the water sector

¹⁴ United Nations Economic Commission for Europe 2012, Albania Environmental Performance Reviews

¹⁵ Remark: DCM no.46, date 29.01.2014 "On establishment of Inspectorate of State for Environment Forestry and Water" – central and regional offices

¹⁶ According to the "Inter Sector Environmental Strategy 2013-2020, Albania should accomplish 60% of compliance of water sector legislation with the EU one within 2015, and 100% compliance within 2020

¹⁷ Furthermore, recent developments in the EC - legislative framework on chemicals resulted in regulations which are directly applicable in its totality in all the EU member states. The consequence is that transposition of those acts into the national legislation is not required but the candidate country shall ensure the capacity for full implementation and enforcement after the accession: i) Cooperation with the ECHA, other national agencies and Secretariats of International Conventions which regulate chemicals and other international organizations dealing with different aspects of chemicals management; ii) Carrying out activities of awareness rising about the effects of chemicals on human health and environment, risk reduction measures and sound use of chemicals.

¹⁸ NPAA 2014-2018

¹⁹ The LC is harmonised with the Regulation 1907/2006/EC (REACH) and Regulation 1272/2008/EC (CLP) to the most possible extent for the candidate country. General principles and procedures of REACH and CLP Regulation that are not too membership dependent (e.g. rules on Safety Data Sheet (SDS), bans and restriction of substances) have been transposed into the Serbian national legislation.

²⁰ Law on Chemicals ("Official Gazette of the Republic of Serbia", No 36/09, 88/10, 92/11, 93/12 and 25/15); Rulebook on manner of conduction of chemicals safety assessment and content of chemicals safety report ("Official Gazette of the Republic of Serbia", number 37/11); Rulebook on criteria for identification of substances such as PBT and vPvB ("Official Gazette of the Republic of Serbia", number 23/10); Rulebook on content of Safety Data Sheet ("Official Gazette of the Republic of Serbia", number 100/11); List of Substances of Very High Concern ("Official Gazette of the Republic of Serbia", number 94/13); Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals ("Official Gazette of the Republic of Serbia" number 90/13 and 25/13); Rulebook on Methods for Testing of Chemicals' Hazardous Properties ("Official Gazette of the Republic of Serbia", No 117/13).

²¹ "Official Gazette of the Republic of Serbia" No 36/09, 88/10, 92/11, 93/12and 25/15), Article 51-57 and Rulebook On Import and Export of Certain Hazardous Chemicals ("Official Gazette of the Republic of Serbia" No. 89/10, 15/13 and 114/14)

²² Law on Biocide Products ("Official Gazette of the Republic of Serbia" No. 36/09, 88/10, 92/11 and 25/15); entered into force in 2009

²³ Ministry for Agriculture, and Environmental Protection, since 2014

²⁴ Compliance control over most of the provisions of the national legislation on chemicals and biocide products

²⁵ Responsible for inspection of compliance with the legislation on bans and restrictions in chemicals and products intended for general use

²⁶ Responsible for control of national provision regarding conditions for keeping of hazardous chemicals in retail

²⁷ The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, usually known as the Aarhus Convention, was signed on 25 June 1998 in the Danish city of Aarhus. It entered into force on 30 October 2001. As of March 2014, it has 47 parties—46 states and the European Union. All of the ratifying states are in Europe and Central Asia. The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and trans-boundary environment. It focuses on interactions between the public and public authorities.

²⁸ Source: <http://ec.europa.eu/environment/aarhus/legislation.htm>

²⁹ Source: <http://ec.europa.eu/environment/aarhus/legislation.htm>

³⁰ Source: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2012:026:FULL&from=en>

³¹ Source: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0042>

³² Source: MoEPP, Ratified Conventions http://www.moepp.gov.mk/?page_id=4200

³³ Ratification Act, Official Gazette of RM, 44/99, <http://www.unece.org/env/eia>

³⁴ Ratification Act, Official Gazette of RM, 120/2013 http://www.unece.org/env/eia/sea_protocol.html

³⁵ Ratification Act, Official Gazette of RM, 157/10 http://www.unece.org/env/eia/subregions/se_europe.html

³⁶ Ratification Act, Official Gazette of RM, 40/99 <http://www.unece.org/env/pp/treatytext.html>

³⁷ Ratification Act, Official Gazette of RM, 135/10 <http://www.unece.org/env/pp/prtr.html>

³⁸ The **Meeting of the Parties** is the main governing body of the Aarhus Convention. It comprises all Parties to the Convention. In its meetings, other Signatories and other States as well as intergovernmental and non-governmental organisations participate as observers. The mandate of the Meeting of the Parties is to keep under continuous review the implementation of the Convention and take the necessary measures required to achieve the purposes of the Convention.

³⁹ Source: http://www.unece.org/env/pp/reports_trcImplementation_2014.html