



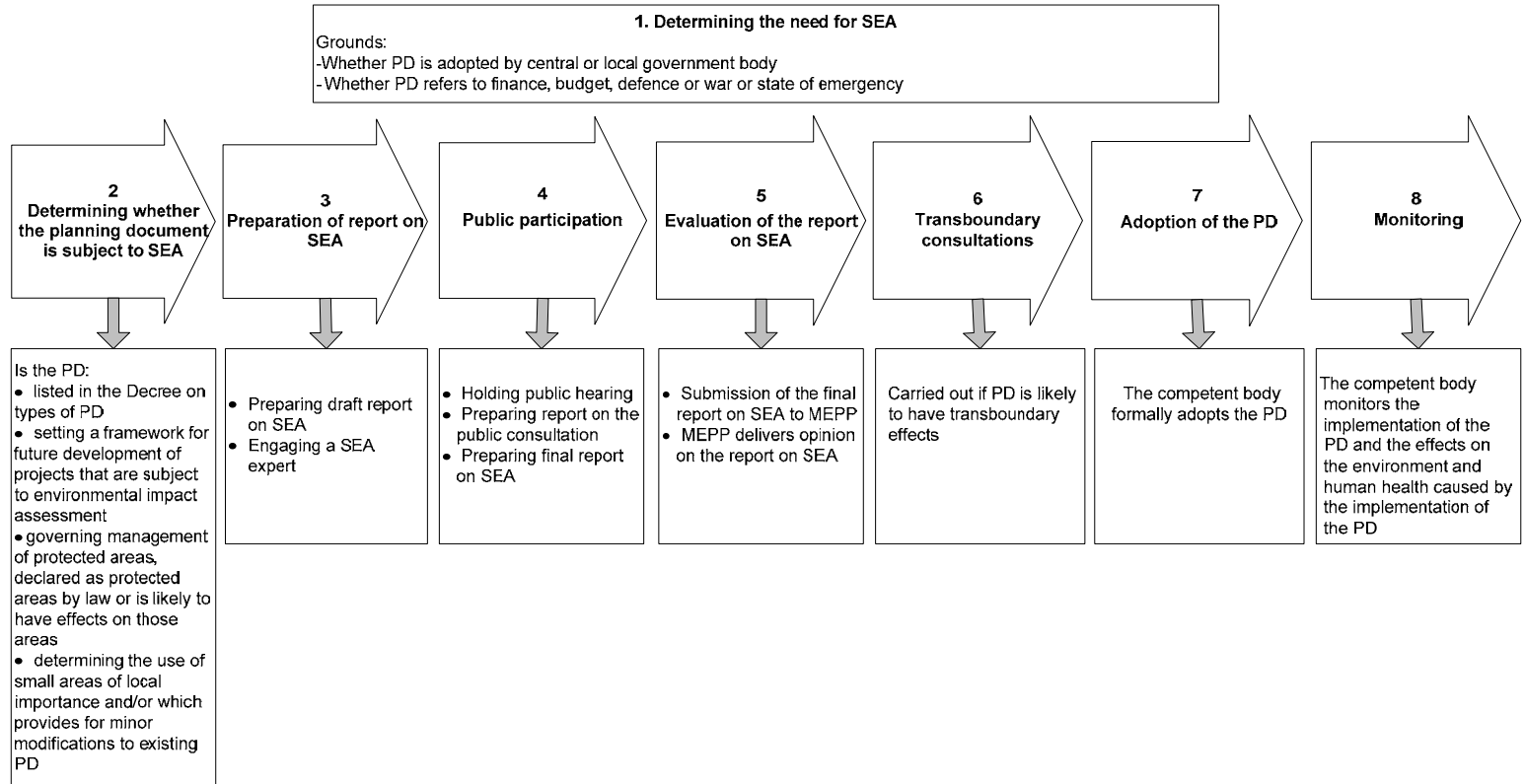
# Strategic Environmental Assessment Implementation Step by Step!

## 2 Brochure Strategic Environmental Assessment – Implementation Step by Step!

*Dear readers,*

*We have designed this Brochure in order to introduce to you briefly the steps to be taken for implementation of strategic assessment of the effects of strategies, plans and programmes on the environment and human health. It is designed for anyone who wants to be informed on the strategic assessment (SEA) or in need of its implementation. We hope this brochure will be useful and allow you to deal easily with the challenge standing before you for successful implementation of the SEA procedure.*

*The brochure was prepared under the project "Supporting Strategic Environmental Assessment (SEA) practice in Macedonia" implemented in cooperation with the Netherlands Commission for Environmental Assessment and financially supported by the Dutch Government.*



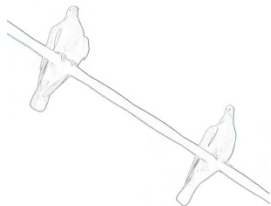
## STRATEGIC ASSESSMENT ON THE EFFECTS OF STRATEGIES, PLANS AND PROGRAMMES TO THE ENVIRONMENT AND HUMAN HEALTH IN THE REPUBLIC OF MACEDONIA

### WHAT IS STRATEGIC ASSESSMENT

Strategic assessment of the effects to the environment and human health (hereinafter: SEA) is a procedure implemented by the state administrative bodies and local self-government units when adopting strategies, plans and programmes (hereinafter: planning documents), for the purpose of:

- Securing high level of environmental protection;
- Promoting and integrating the principles of sustainable development into the planning document, and
- Improving the planning process by integrating the environmental aspects early in the phase of preparation and prior adoption of the planning documents

The SEA procedure in the European Union was introduced with the Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, which has been fully transposed in the Law on Environment.



## SEA IN THE REPUBLIC OF MACEDONIA

The SEA procedure is prescribed in the Law on Environment ("Official Gazette of the Republic of Macedonia" No. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10 and 51/11), in chapter 10 - Assessment on the effects of certain strategies, plans and programmes on the environment. Bylaws regulating the SEA procedure in detail are the following:

1. Decree on the strategies, plans and programmes, including amendments to such strategies, plans and programmes, that are subject to a mandatory procedure for assessment of their impact on the environment and human health (hereinafter: Decree on types of PD) ("Official Gazette of the Republic of Macedonia" No. 153/07 and 45/11);
2. Decree on the content of the report on the strategic environmental assessment (hereinafter: Decree on report on SEA) ("Official Gazette of the Republic of Macedonia" No.153/07);
3. Rulebook on the composition of the commission and the manner of its work, the programme and manner of taking the exam, the amount of the fee for taking the exam and for establishment and maintenance of the List of experts for strategic environmental assessment and the manner of acquisition and loss of the status of an expert for environmental impact assessment, as well as the manner and procedure for a person to be included in and excluding from the List of experts ("Official Gazette of the Republic of Macedonia" No. 129/07);
4. Decree on the criteria on the basis of which the decision as to whether a given planning document is likely to have a significant effect on the environment and human health shall be issued (hereinafter: Decree on the criteria for SEA) ("Official Gazette of the Republic of Macedonia" No. 144/07);
5. Decree on the public participation in the process of preparation of environmental regulations and other acts as well as environmental plans and programmes (hereinafter: Decree on public participation) ("Official Gazette of the Republic of Macedonia" No. 147/07 and 45/11);
6. Rulebook on the manner of carrying out transboundary consultations ("Official Gazette of the Republic of Macedonia" No. 110/2010), and
7. Rulebook on the format, contents and form of the decision for implementation or non-implementation of strategic assessment and the forms for the need for implementation or non-implementation of strategic assessment ("Official Gazette of the Republic of Macedonia" No.122/11).

### SCOPE OF SEA

The SEA procedure is implemented for strategies, plans and programmes (hereinafter: PD) that are:

- Prepared, amended and/or adopted by the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia, state administrative bodies, bodies of the municipality, the city of Skopje and municipalities in the city of Skopje;
- Financed or co-financed by the European Union, and
- Prepared pursuant an obligation stipulated in law and/or regulation adopted pursuant to law.

PD which are prepared for agriculture, forestry, fisheries, energy, industry, mining, transport, regional development, telecommunications, waste management, water management, tourism, spatial and urban planning and land use shall be subject to SEA if they set a framework for future development of projects that are subject to environmental impact assessment.

SEA is implemented for all PD governing management of protected areas, declared as protected areas by law, or that are likely to have effects on those areas.

PD requiring implementation of strategic assessment are listed in the Decree on types of PD.

SEA is also implemented for PD not listed in the Decree on types of PD only if:

- The PD sets a framework for future development of projects that are subject to environmental impact assessment , and/or
- Is likely to have significant effects on the environment.

SEA will not be implemented for PD listed in the Decree for types of PD if such PD determine the use of small areas of local importance and/or provide for minor modifications to existing PD.

Whether PD is likely to have a significant effect on the environment and human health is determined by the body preparing the PD in accordance with the Decree on the criteria for SEA and the Rulebook on the format, contents and form of the decision for implementation or non-implementation of strategic assessment, that prescribes the forms based on which the need for implementation or non-implementation of strategic assessment is determined.

## SUBJECTS INCLUDED IN THE PROCEDURE FOR IMPLEMENTATION OF SEA AND THEIR RESPONSIBILITIES

**State administrative bodies/local self-government units** preparing/adopting PD are responsible to implement SEA and to initiate the procedure on time. Pursuant the Law on Environment, they have to:

- prepare the report on SEA;
- publish information on commencement of preparation of PD and public participation in the consultation process;
- publish information on the draft PD that is being prepared and the draft report on SEA;
- prepare the report on public consultations based upon the received comments and opinions from the public consultations;
- complete the report on SEA and PD with the received opinions and comments, and
- monitor the effects of the implementation of PD and in case of negative effects, notify the MEPP.

**MEPP** is responsible for:

- preparation of a decision in cases when it does not agree with the decision for implementation or non-implementation of SEA or with the scope of SEA determined in the decision;
- preparation of a decision for adequacy of the report on SEA for the PD, and
- establishment and maintenance of List of experts for SEA.

**The Ministry for Foreign Affairs** is responsible for carrying out transboundary consultations for SEA in respect of failure of delivery of notification to the neighbouring country that may be affected by the preparation of the planning document or when the Republic of Macedonia may be affected by a preparation of a PD in the neighbouring country.

**Experts from the List of experts for SEA** are responsible for preparation of the report on SEA, if they are engaged by the body preparing the PD, and

**NGO, the public and other bodies concerned by the implementation of PD** are included in the process of consultation and may present their own view in respect of the preparation of PD and in respect of the preparation of the report on SEA, in particular for determining the alternatives and effect on the environment and human health.

## PROCEDURE FOR SEA

SEA STEPS				
1. Determining the need for SEA				
Activities	Responsible body	Parties concerned	Documents	Deadline
It is determined whether implementation of SEA is needed for the PD	<p>The body which according to law is responsible for preparation of PD determines:</p> <ul style="list-style-type: none"> <li>- whether PD is adopted by central or local government body</li> <li>- whether PD refers to finance, budget, defence or war or state of emergency</li> </ul>			When determining the need for preparation of PD
2. Determining whether the planning document is subject to SEA				
Check whether the PD needs implementation of SEA	<p>The body preparing the PD prior initiation of the preparation, checks if the PD:</p> <ul style="list-style-type: none"> <li>- is listed in the Decree on types of PD</li> <li>- sets a framework for</li> </ul>	The body may contact MEPP during checks if it has any ambiguities whether or not implementation of SEA is need.	Notification for the preparation of PD is completed in accordance with the Decree for public participation and such notification is published on the internet site of the body.	Before commencement with the preparation of PD and in the phase of determining the need for implementation of PD.

	<p>future development of projects that are subject to environmental impact assessment</p> <ul style="list-style-type: none"> <li>- governs management of protected areas, declared as protected areas by law or is likely to have effects on those areas</li> <li>- determines the use of small areas of local importance and/or which provide for minor modifications to existing PD</li> </ul>			
Filing out the forms from the Rulebook <sup>1</sup>	The body preparing the PD is obliged to fill out the forms contained in the Rulebook <sup>1</sup> , taking into account the criteria determined in the Decree on the criteria for SEA.	At filling out the forms, the body should determine bodies concerned with the implementation of the PD. Determination of the public concerned is done in accordance with the Decree on public participation.	Forms are signed by the person in charge of the body/ municipality (minister, mayor or director).	Forms are filled out prior to adoption of the Decision for implementation or non-implementation of SEA.
Decision for implementation or non-implementation of SEA	The need for implementation of SEA for the PD is determined based upon the filled out forms and the criteria for which the body	Compulsory elements of the decision are: <ul style="list-style-type: none"> <li>- the reasons for implementation or non-implementation of SEA;</li> </ul>	Decision is signed by the minister, director or mayor of the municipality.	After filling out the forms

<sup>1</sup> Rulebook on the format, contents and form of the decision for implementation or non-implementation of strategic assessment and the forms for the need for implementation or non-implementation of strategic assessment ("Official Gazette of the Republic of Macedonia" No.122/11)

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	preparing the PD adopts a decision.	<ul style="list-style-type: none"> <li>- the scope of SEA and</li> <li>- the bodies concerned by the implementation of the PD.</li> </ul>		
Publishing the decision on the internet site of the body/municipality	The body publishes the decision along with the forms on its internet site for a period of not less than 15 days.			Five days from the date of adoption of the decision
Decision along with the forms and other supporting documents described in the Rulebook <sup>1</sup> are submitted to MEPP in written and electronic form	The body preparing the planning document	MEPP publishes the decision and the form on its internet site (this is not mandatory).	The decision and the forms and supporting documents are published on the internet sites for a period of not less than 15 days.	Immediately after receiving the forms, decision and supporting documents.
NGO and other parties concerned may lodge a complaint against the decision adopted by the body	MEPP decides upon complaints lodged against decisions adopted by the mayors or directors of other bodies, while the State Commission for Deciding in Administrative Proceedings and Proceedings Arising from Employment in Second Instance decides upon complaints lodged against decision adopted by a minister.	NGO, legal entities and natural persons concerned by the implementation of the PD.	In a case of a complaint against a decision adopted by a mayor, the complaint is addressed to MEPP, whereas the decision is adopted by a minister, the complaint is addressed to the State Commission for Deciding in Administrative Proceedings and Proceedings Arising from Employment in Second Instance.	Within 15 days from the date of publishing the decision on the internet site of the body adopting the decision.
MEPP adopts a decision only in cases when it does	MEPP based on the submitted decision and		Decision adopted by the minister in charge of MEPP.	15 days from the date of receipt of the decision and forms. If

not agree with the decision adopted by the body.	forms assesses whether it agrees with the decision adopted by the body. If MEPP does not agree, it adopts a decision by which it obliges the body to implement SEA or may contest the scope of SEA if it determines that the scope was not determined completely.			MEPP does not adopt a decision within the deadline of 15 days from the date of receipt of the decision, it shall be deemed that it does not have comments regarding such decision.
The decision is published on the internet site of MEPP and submitted to the body preparing the PD.	MEPP submits the decision to the body preparing the PD and it also publishes it on its internet site.	MEPP publishes the decision on its internet site.		Five days from the date of adoption of the Decision.
A right to lodge a complaint against the decision	Against the decision adopted by MEPP, the public as well as the body preparing the PD has a right to lodge a complaint with the State Commission for Deciding in Administrative Proceedings and Proceedings Arising from Employment in Second Instance.	The public and the body preparing the PD.		For the public - 15 days from the date of publishing the decision of MEPP on its internet site For the body – 15 days from the date of receipt of the decision
<b>3. Preparation of report on SEA</b>				
Commencement with the preparation of the planning	The body preparing the PD engages a SEA expert from	The preparation of the report on SEA should commence		Once it is determined that SEA is needed, the body selects an

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document	the List of experts who will be responsible for preparation of the report on SEA. The expert must be in contact with the developers of the plan the whole time.	simultaneously with the preparation of the plan and consultation with bodies concerned should be enabled during the whole time.		expert from the List. The commencement of the preparation of the plan runs simultaneously with the commencement of the preparation of the report on SEA.
Preparation of draft report on SEA	The SEA expert prepares the draft report on SEA based upon available data and taking into considerations other adopted DP and legal acts.	The expert should be regularly involved in consultation with the public and bodies concerned, as well as with the people preparing the PD.	At first, a draft report on SEA is prepared.	Throughout the preparation of the PD.
<b>4. Public participation</b>				
Publishing data on the draft report on SEA	The body preparing the PD on its internet site publishes information on the draft PD, the draft report on SEA and information on the location where the draft PD may be reviewed along with information for the public participation procedure.			Within five working days from the date of completion of the draft report on SEA and the draft PD.
Submission of the draft report on SEA and the draft PD to MEPP	Simultaneously with the publication on its internet site, the body submits the draft PD along with the draft report on SEA to the MEPP.			Within five working days from the date of completion of the draft report on SEA

Public consultation	The body preparing the PD carries out consultations in accordance with the Decree for public consultation	MEPP, bodies concerned by the implementation of the PD, legal entities and natural persons and the public submit their opinions to the body preparing the PD.		30 days from the date of publication of the draft PD and report on SEA on the internet site of the body
Public hearing	The body preparing the PD has to carry out consultations on the draft report on SEA. Public hearings for the PD and draft report on SEA may be organized jointly.	Persons who participate to the public hearing are identified in accordance to the Decree <sup>2</sup>		The public hearing is held as early as 15 days from the date of publishing the PD and the draft report on SEA on the internet site, but no later than five days after the last day of the public examination namely before the expiry of the 30 <sup>th</sup> day (between 15 <sup>th</sup> and 25 <sup>th</sup> day)
Report on the conducted public hearing and public consultation	The body developing the PD prepares a report on the public consultation based on the held public hearing and received opinions from the public consultation.			Within 30 days from the date of completion of the public examination.
Development of the final report on SEA and PD	The body preparing the PD incorporates the opinions obtained from the public consultation in the report on SEA and PD.		Prepares final report on SEA and final PD	After the end of the period set for public consultation

<sup>2</sup> Decree on the public participation in the process of preparation of environmental regulations and other acts as well as environmental plans and programmes ("Official Gazette of the Republic of Macedonia" No. 147/07 and 45/11)

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5. Evaluation of the report on SEA				
Submission of the report on SEA, draft PD and the report on the public consultation to MEPP	The body preparing the PD			
Evaluation of the adequacy of the report on SEA	MEPP evaluates the adequacy of the report on SEA and submits its opinion to the body adopting the planning document.	The public and the legal entities and natural persons concerned.	MEPP submits its own opinion on the report on SEA to the body preparing the PD. MEPP may delegate the evaluation of the report on SEA to a SEA expert.	60 days from the date of submission of the final report on SEA and PD.
6. Transboundary consultations				
Assessment of transboundary effects of PD	When the implementation of a planning document in the Republic of Macedonia is likely to have a transboundary effect on the environment and human life and health in another country or information is received that another country prepares a PD that is likely to have effects in the Republic of Macedonia, actions are	The public and legal entities and natural persons concerned	MEPP is notified on the preparation of PD in another country that is likely to have effects in the Republic of Macedonia. When PD is prepared in Macedonia, it is noted in the forms respectively.	

	taken in accordance to the Rulebook <sup>3</sup> and procedure for assessment of transboundary effects is initiated.			
<b>7. Adoption of the PD</b>				
Adoption of the PD	The body preparing the PD adopts appropriate decision on adoption of the PD or submits it to the competent body for adoption of the PD, if it is adopted by another body.	Opinions and comments received from MEPP are incorporated in the PD.		
<b>8. Monitoring</b>				
Monitoring the implementation of PD	The competent body for implementation of the PD also monitors the implementation of the PD and the effects on the environment and human health caused by the implementation of the PD.	All bodies concerned that have an obligation for implementation, as well as the public	Possibility for adoption of a decision for revision of the PD if the monitoring shows negative effects on the environment and human health	To full realization of the PD

<sup>3</sup> Rulebook on the manner of carrying out transboundary consultations ("Official Gazette of the Republic of Macedonia" No. 110/2010)





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