

## Annex 1 Legal Framework

### 1 LEGAL FRAMEWORK

#### 1.1 Overview of the Main Relevant National Legislation

##### 1.1.1 National legislation for environmental impact assessment

The Law on environment ("Official Gazette of RM" no. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11, 123/12, 93/13, 187/13, 42/14, 44/15, 129/15, 192/15, 39/16, 99/18) and the Decree on determining the projects and the criteria on the basis of which the need for conducting a procedure for environmental impact assessment is determined ("Official Gazette of the Republic of Macedonia" no. 74/05, 109/09, 164/12 and 202/16) regulates the procedure for environmental impact assessment, generally projects which could have a significant impact on the environment, criteria under which the need for conducting a procedure for environmental impacts is required on new generally determined projects and existing facilities. All projects listed in Annex I of this Decree are required to undergo an EIA, whereas Projects listed in Annex II are examined on a case-by-case basis and in accordance with the criteria set out in the Decree, to determine whether they are required to undergo EIA. The whole EIA procedure is covered and described under the Law on environment, and includes the following phases: (1) preparation of Letter for intent; (2) screening; (3) scoping; (4) preparation of EIA Report; (5) public consultation; (6) appropriateness report on the EIA study and (7) Consent/Rejection of the request for Project implementation.

The Ministry of Environment and Physical Planning (MoEPP) is responsible for organizing the public hearing meeting and for collecting relevant opinions and comments from the public. MoEPP must determine the location, date of the public debate, the mechanisms and times for informing the public, and the locations where the Non-Technical Summary of the EIA and the EIA study will be displayed. The public is usually informed of the EIA, date, place and time of the public hearing and availability of documents through public information media, including an announcement in at least one daily newspaper on the whole territory of the country, one TV or radio station. MoEPP should conduct the public hearing at least five working days before the deadline for preparation of the appropriateness report on the EIA study, which shouldn't be longer than 60 days from the day of submission of the EIA.

In accordance with Article 93 of the Law, if during the review of an EIA Report, it is determined that the proposed project is likely to cause significant **trans boundary environmental impacts**, then the Ministry should inform the affected country or countries about the arrangements for public information determined pursuant to paragraph 2 Article 93 of this law.

A country or countries that may be affected may give their opinion and comments on the project and may be represented at any public debate concerning the project. The comments of the affected country or countries must be taken into account when the decision of Environmental Consent is taken.

The affected country if determine, may organize public hearing for the content of the EIA study and the Investor and MoEPP are obliged to be present.

As it is mentioned above, the National EIA procedure is enforced in several steps, such as:

##### **1. Letter of Intent for Project Implementation** (Article 80 of the LE)

The procedure begins when the developer, intending to implement the project, submits a Letter of Intent for Project Implementation in written and electronic format to the Ministry of Environment and Physical Planning (MoEPP), which is the authority responsible for the procedure at large. MoEPP is obliged to publish the Letter of Intent in at least one daily newspaper available at the whole territory of the Republic of North Macedonia and on the website of MoEPP.

##### **2. Determining the necessity for enforcing an EIA** (Articles 80 and 81 of the LE)

In this step of the procedure the MoEPP decides whether an EIA procedure should be enforced for a project. The Decision laid down by the MoEPP is published in at least one daily newspaper available at

the whole territory of the Republic of North Macedonia and on the website and bulletin board of MoEPP. The developer, the affected legal or physical persons, as well as the non-governmental environmental organizations may appeal against the Decision to the State Commission for deciding in administrative procedure and working relations procedure-second degree, within eight days from the date of publication of the Decision.

Simultaneously, MoEPP informs the Investor about the Decision laid down for the (non) implementation of the EIA. Based on this information, the Investor submits a request for determining the scope of the EIA.

### **3. Determining the scope of the EIA Study (Article 82 of the LE)**

The determination of the scope is a step when MoEPP determines the contents and scope of the activities that should be covered with the EIA Study. During the preparation of the Opinion on the scope of the Study, MoEPP should consider the opinions of the Investor and the ones acquired after the publishing of the Decision for the enforcement of EIA. MoEPP notifies the Investor regarding the Decision, and a summary of it is published within five days from the day of its publishing in at least one daily newspaper available at the whole territory of the Republic of North Macedonia and on the website and bulletin board of MoEPP.

### **4. Development of EIA Study (Article 83-84 of the LE)**

After the scope has been determined, the development of the EIA Study may commence. The developer is obliged to prepare the Study and it should submit it to the MoEPP in written and electronic format. The developer engages at least one responsible person for the quality of the Study.

### **5. Public hearing and consultations with the public (Article 90-91 of the LE)**

For the EIA Study, MoEPP should provide public hearing at least five working days before the deadline prescribed in the Article 86, paragraph (5) of the LE has expired, as well as to provide availability of the information necessary for public participation in the public hearing, in accordance with the Article 90 of the same law, and to inform the civic associations for environmental protection and improvement that originate from the place where the project will be implemented.

MoEPP keeps minutes from the public hearing and is obliged to send a copy of the minutes (together with the annexes) to the Investor, the state authorities affected by the project and the municipality, the City of Skopje and the municipalities within the City of Skopje, the territory where the project is meant to be implemented and to publish the minutes on its website.

### **6. Appropriateness Report on the EIA Study (Article 86 of the LE)**

After the environmental impacts have been identified and assessed within the already prepared EIA Study, the procedure continues with the preparation of Appropriateness Report on the EIA Study. In this phase the focus is set on identifying and selecting the shortcomings with greater or lesser importance that may directly influence the process of decision making in relation to the quality of the Study. The Appropriateness Report on the EIA Study is prepared by the MoEPP or authorized persons identified within the List of Experts, within maximum of 60 days from the submission of the EIA Study (together with the opinions on the Study acquired from the public hearing). The Report should determine whether the EIA Study fulfils the requirements prescribed in the LE and proposes conditions that have to be determined with the permit for project implementation, as well as prevention and mitigation measures for the harmful impacts. If during the "check" of the Study some shortcomings are evident, it is returned to the Investor, which then should supplement/finalize within a maximum of 30 days.

Within 5 working days from the day of preparation of the EIA Study, the MoEPP submits the Study to the authorities responsible for the activities that the project includes and to the municipal or the City of Skopje authorities where the project is meant to be implemented and publishes the report on its website and at least in one daily newspaper available at the whole territory of the Republic of Macedonia.

### **7. Consent or rejection of the request for Project implementation (Art 87 of LE)**

Based on the EIA Study, the Appropriateness Report on the EIA Study, the public hearing and the received opinions, the MoEPP, within a period of 40 days from the date of submission of the

compliance report, lays down a decision with which it grants consent or rejects the request for implementation of the Project.

The decision contains an assessment of whether the EIA study satisfies the requirements prescribed by the Law on Environment and the conditions for issuing the permit for the implementation of the project, as well as measures for preventing and mitigating the harmful effects.

Within a period of five working days from the date of adoption of this decision, the MoEPP shall submit it to the developer, to the body of the state administration responsible for issuing the permit, i.e. the decision for the implementation of the project and to the municipality or the City of Skopje on whose territory the project should be Implemented. The same should be published by the MoEPP on its website and in at least one daily newspaper available on the entire territory of the Republic of Macedonia.

Other relevant legislation for the environmental impact assessment procedure are:

- Rulebook on the information that the Letter of Intent for Project Implementation and the EIA procedure should contain ("Official Gazette of the Republic of Macedonia" no. 33/06);
- Rulebook on the contents of the publication of the Letter of Intent for Project Implementation, the Decision on the requirement for enforcing an EIA procedure, the Appropriateness Report on the EIA Study and the Decision on consent or rejection of the project implementation, as well as the manner of public consultation ("Official Gazette of the Republic of Macedonia" no. 33/06);
- Rulebook on the contents of the requirements that the EIA Study for the project should fulfil ("Official Gazette of the Republic of Macedonia" no. 33/06);
- Rulebook on the form, contents, procedure and way of preparing the Appropriateness Report on the EIA Study, as well as on the procedure of authorization of the persons from the List of EIA Experts that will prepare the Report ("Official Gazette of the Republic of Macedonia" no. 33/06);
- Rulebook on the amount of costs for enforcing the EIA procedure that are reimbursed by the Investor ("Official Gazette of the Republic of Macedonia" no. 116/09).

On the following figure is presented the EIA procedure in accordance with Law on environment.

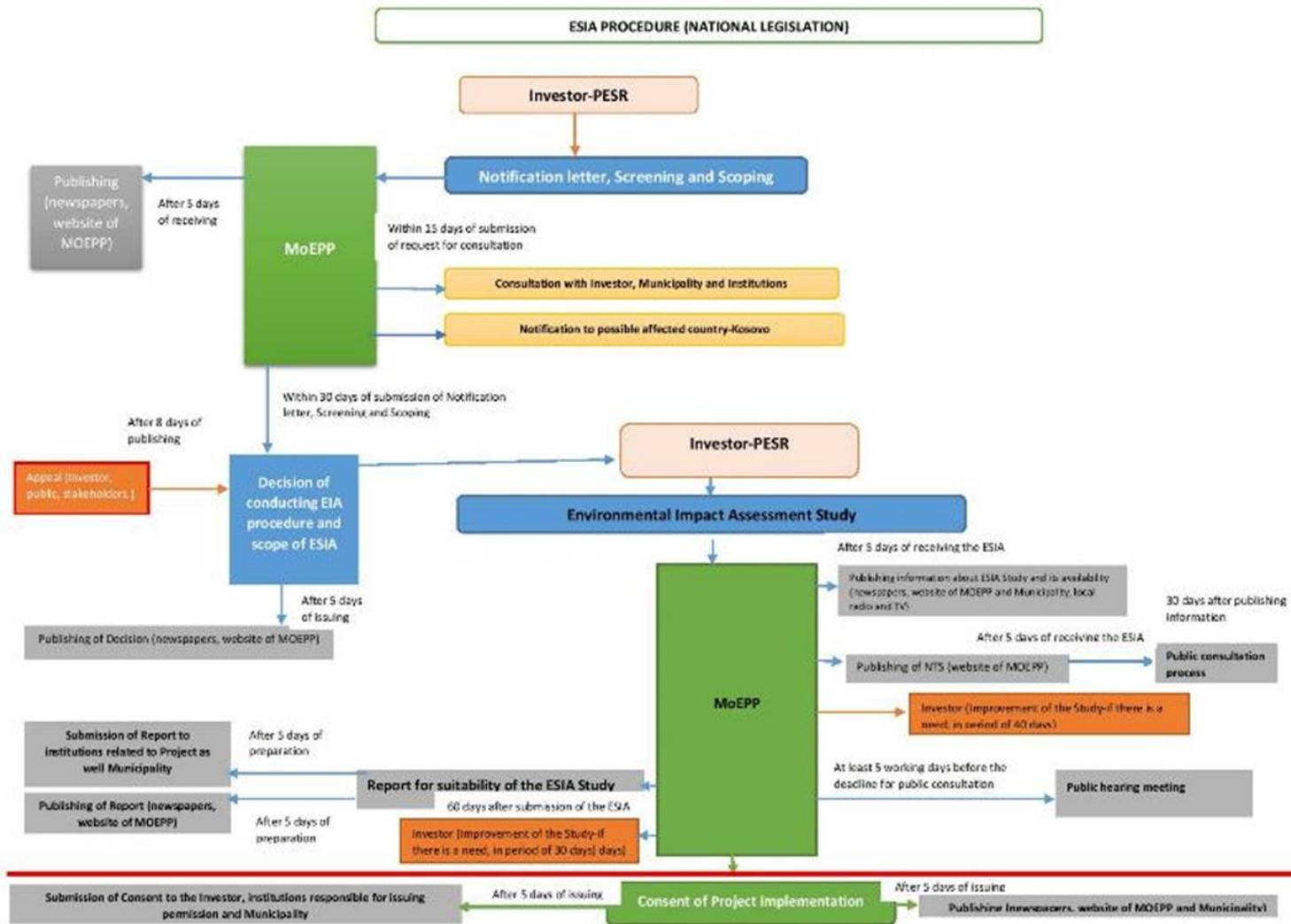


Figure 1 EIA procedure according to the national legislation



## 1.1.2 Other relevant national legislation related to the project

### 1.1.2.1 National environmental legislation overview

#### ❖ **Water management**

The Law on Waters ("Official Gazette of the Republic of Macedonia" no. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13, 180/14, 146/15, 52/16, 151/21) regulates issues regarding the surface waters, including permanent or intermittent watercourses, lakes, reservoirs and springs, groundwater, riparian areas/shorelines and water habitats and their management, including the distribution of waters, protection and preservation of waters, as well as protection against the harmful effects of waters; water management facilities and services; organizational setup and financing of water management, as well as the conditions, manner and procedures under which water can be used or discharged. Water management is regulated by numerous laws and by-laws, such as:

- Law on drinking water supply and drainage of urban waste water ("Official Gazette of the Republic of Macedonia" no. 68/04, 28/06, 103/08, 17/11, 18/11, 54/11, 163/13, 10/15, 147/15, 31/16);
- Decree on classification of waters ("Official Gazette of the Republic of Macedonia" no. 18/99);
- Decree on the categorization of watercourses, lakes, accumulations and groundwater's ("Official Gazette of the Republic of Macedonia" no. 18/99, 71/99);
- Rulebook on the detailed conditions, manner and maximum permissible values and concentrations of the parameters of purified waste waters for their reuse (\*) ("Official Gazette of the Republic of Macedonia" no. 73/11);
- Rulebook on the conditions, manner and emission limit values for the discharge of wastewater after its purification, the manner of their calculation, taking into account the special requirements for protection of the protection zones (\*) ("Official Gazette of the Republic of Macedonia" no. 81/11);
- Rulebook on the methodology, reference measurement methods, method and parameters of waste water monitoring, including sludge from urban wastewater treatment (\*) ("Official Gazette of the Republic of Macedonia" no. 108/11);
- Rulebook on hazardous and harmful materials and substances and their emission standards that can be released into the sewage system or drainage system, in surface or groundwater bodies, as well as in riparian areas/shorelines and aquatic habitats (\*) (\*) ("Official Gazette of the Republic of Macedonia" no. 108/11);
- Rulebook on the form and content of the request for non-issuance of a license i.e. failure to submit a decision for refusal of the application for issuing a permit for discharge ("Official Gazette of the Republic of Macedonia" no. 129/11);
- Rulebook on the criteria for determining the zones sensitive to the discharge of urban wastewater (\*) ("Official Gazette of the Republic of Macedonia" no. 131/11).

#### ❖ **Waste management**

Law on Waste Management ("Official Gazette of the Republic of Macedonia" no. 68/04, 71/04, 107/07, 102/08, 134/08, 124/10, 9/11, 51/11, 123/12, 147/13, 163/13, 51/15, 146/15, 156/15, 192/15, 39/16, 63/16 and 31/20) regulates waste management; principles and objectives for waste management; plans and programs for waste management; rights and obligations of legal entities and natural persons in relation to waste management; requirements and obligations of legal entities and natural persons that produce products and packaging and which at the end of the life cycle burden the environment; the manner and conditions under which the collection, transport, treatment, storage, processing and disposal of waste can be carried out; import, export and transit of waste; monitoring; the information system; financing and supervision of waste management. Waste management is regulated by numerous laws and by-laws, such as:



- Law on Management of Electrical and Electronic Equipment and Waste from Electrical and Electronic Equipment ("Official Gazette of the Republic of Macedonia" no. 6/12, 163/13, 146/15, 39/16, 176/21);
- Law on Management of Batteries and Accumulators and Waste Batteries and Accumulators ("Official Gazette of the Republic of Macedonia" no. 140/10, 47/11, 148/11, 39/12, 163/13, 146/15, 39/16, 176/21);
- Law on Packaging and Packaging Waste Management ("Official Gazette of the Republic of Macedonia" no. 161/09, 17/11, 47/11, 136/11, 6/12, 39/12, 163/13, 146 / 15, 39/16 and 215/21);
- List of types of waste ("Official Gazette of the Republic of Macedonia" no. 100/05);
- Rulebook on the procedures and manner of collection, transportation, processing, storage, treatment and disposal of waste oils, the manner of keeping records and submission of data ("Official Gazette of the Republic of Macedonia" no. 156/07, 109/14);
- Rulebook on the general rules for dealing with municipal and other types of non-hazardous waste ("Official Gazette of the Republic of Macedonia" no. 147/07);
- Rulebook on detailed conditions for handling hazardous waste and the manner of packaging and labelling of hazardous waste ("Official Gazette of the Republic of Macedonia" no. 15/08);
- Rulebook on the form and content of the request due to non-issuance of a permit or non-submission of a decision for refusing the application for issuing a permit for collection and transportation of municipal and other types of non-hazardous waste ("Official Gazette of the Republic of Macedonia" no. 146/11);
- Rulebook on the form and content of the permit for collection and transportation of hazardous waste ("Official Gazette of the Republic of Macedonia" no. 118/10);
- Rulebook on the form and content of the application for obtaining a permit for processing, treatment and/or for the storage of waste, the form and content of the permit as well as the minimum technical conditions for performing the activity of processing, treatment and/or storage of waste ("Official Gazette of the Republic of Macedonia" no. 76/07, 122/08, 126/12 and 9/13);
- Rulebook on the form and content of the permit, the application and the register for issued permits for trade with non-hazardous waste, the manner and procedure for issuing the license, the manner of keeping the records, as well as the conditions for the manner of performing the activity trade with non-hazardous waste ("Official Gazette of the Republic of Macedonia " no. 115/07, 55/12 and 41/13);
- Rulebook on the content and manner of keeping and maintaining records in the waste register ("Official Gazette of the Republic of Macedonia" no. 39/09);
- Rulebook on the manner and conditions for functioning of the integrated network for waste disposal ("Official Gazette of the Republic of Macedonia" no. 7/06);
- Rulebook on the form and content of the application form and the required documentation, the form and content of the permit for collection and transportation of communal and other types of non-hazardous waste, as well as the minimum technical conditions for performing the activity collection and transportation of municipal and other types of non-hazardous waste ("Official Gazette of the Republic of Macedonia" no. 87/15);
- Rulebook on the quantity of biodegradable ingredients in the waste that can be deposited ("Official Gazette of the Republic of Macedonia" no. 108/09, 142/09).

#### ❖ **Ambient air quality**

The legal framework in the air sector in the country consists of the Law on Protection of ambient air ("Official Gazette of the Republic of Macedonia" no. 67/04, 92/07, 35/10, 47/11, 59/12, 100/12, 163/13, 10/15, 146/15, 151/21) and relevant bylaws. The Law on Ambient Air Protection regulates

measures to avoid, prevent or reduce harmful effects of ambient air pollution on human health and the environment as a whole by setting limits and target values for ambient air quality and alarming thresholds and information, limit and target values for emissions, forming a single system for monitoring and control of air quality and monitoring of sources of emissions, a comprehensive system for managing the quality of ambient air and emission sources, information system, as well as other measures for protection against certain activities of legal entities and natural persons that have a direct or indirect impact on the quality of ambient air. Air quality management is regulated by numerous laws and by-laws, such as:

- Decree on limit values for levels and types of pollutants in ambient air and alert thresholds, deadlines for achieving limit values, margins of tolerance for limit value, target values and long-term goals ("Official Gazette of the Republic of Macedonia" no. 50/05, 4/13);
- Rulebook on the quantities of the upper limits - the ceilings of the emission of polluting substances for the purpose of determining projections for a certain period of time that refer to the reduction of the quantities of pollutant emissions on an annual basis ("Official Gazette of the Republic of Macedonia" no. 2/10, 156/11, 111/14);
- Rulebook on the methodology, modes, procedures, methods and means for measuring emissions from stationary sources (\*) ("Official Gazette of the Republic of Macedonia" no. 11/12);
- Rulebook on the limit values for the permitted levels of emissions and types of pollutants in the waste gases and vapours emitted from stationary sources in the air (\*) ("Official Gazette of the Republic of Macedonia" no. 141/10 and 223/19);
- Rulebook on the methodology for inventory and determination of the level of emissions of pollutants in the atmosphere in tons per year for all types of activities, as well as other data for the submission of the air monitoring program of Europe (EMEP) ("Official Gazette of the Republic of Macedonia" no. 142/07);
- List of zones and agglomerations for ambient air quality ("Official Gazette of the Republic of Macedonia" no. 23/09);
- Rulebook on the quantities of the upper limits for the emission of pollutants for the purpose of determining projections for a certain period of time that refer to the reduction of the quantities of pollutant emissions on an annual basis ("Official Gazette of the Republic of Macedonia" no. 2/10, 156/11 and 111/14);
- Rulebook on the quality of liquid fuels ("Official Gazette of the Republic of Macedonia" no. 88/07, 91/07, 97/07, 105/07, 15/08, 78/08, 156/08 and 81/09);
- Rulebook on the content and manner of transmission of data and information on the conditions in the ambient air quality management ("Official Gazette of the Republic of Macedonia" no. 138/09).

#### ❖ **Climate change**

The Republic of North Macedonia up to now has not published any Law on climate change. But starting from 1997 year has ratified few Conventions, presented in Chapter 1.1.2.3.

#### ❖ **Noise**

The provisions of the Law on protection against noise ("Official Gazette of the Republic of Macedonia" no. 79/07, 124/10, 47/11, 163/13, 146/15, 151/21) in the environment refer to noise in the environment where people are exposed to: agglomeration, zone, quiet areas in agglomeration, quiet area in nature, as well as in the environment of specific educational, health and recreational facilities and/or areas of special interest. Also, this law regulates the assessment, management and control of noise caused by road, rail, air and water transport vehicles, noise generated in the neighbourhood and open space, as well as noise in the open space caused by installations and industrial plants, including the categories of economic activities, determination of the level of noise exposure through noise recording with assessment methods and development of strategic noise maps, preparation of

action plans for noise and acoustic planning based on the results of the noise monitoring, in order to prevent and reduce noise where possible, and especially in cases when exceeding the noise limit values can cause anxiety and harmfulness impacts on human health or to maintain the value of the noise indicator in areas in which the highest limit values are not exceeded etc. Generated noise is regulated by numerous laws and by-laws, such as:

- Rulebook on the use of noise indicators, additional noise indicators, the method of noise measurement and assessment methods with the environmental noise indicators ("Official Gazette of the Republic of Macedonia" no. 107/08);
- Rulebook on limit values for the level of noise in the environment ("Official Gazette of the Republic of Macedonia" no. 147/08);
- Rulebook on the detailed conditions for the necessary equipment that should be possessed by authorized scientific professional organizations and institutions, as well as other legal and natural persons, for carrying out certain expert works for noise monitoring ("Official Gazette of the Republic of Macedonia" no. 152/08);
- Rulebook on the closer types of special noise sources, as well as the conditions that need to be fulfilled by facilities, equipment, installations and devices used in the open space in terms of noise emitted and noise protection standards (1) ("Official Gazette of the Republic of Macedonia" no. 142/13);
- Rulebook on the locations of measuring stations and measuring points ("Official Gazette of the Republic of Macedonia" no. 120/08);
- Decision on determining in which cases and under what conditions the peace of the citizens against harmful noise is disturbed ("Official Gazette of the Republic of Macedonia" no. 1/09, 38/13).

#### ❖ **Chemicals**

The Law on chemicals ("Official Gazette of Republic of Macedonia" no. 145/10, 53/11, 164/13, 116/15, 149/15 and 37/16) regulates the classification, packaging and labelling of chemicals, the conditions for production of chemicals, the rights and obligations of legal entities that produce, place on the market chemicals or use chemicals, keeping a register of chemicals, restriction and prohibition of production, placing on the market and use of chemicals, import and export of certain hazardous chemicals, placing on the market of biocide products and detergents, surveillance, as well as other issues related to chemicals.

This law also regulates the procedures for reporting new substances and evaluation of new and existing substances, the procedures for notification, advertising, the procedures for mutual recognition of certificates and reporting obligations.

#### ❖ **Nature protection**

In 2004, the Law on Nature Protection ("Official Gazette of the Republic of Macedonia" no. 67/04, 14/06, 84/07, 35/10, 47/11, 148/11, 59/12, 13/13, 163/13, 41/14, 146/15, 39/16, 63/16, 113/18 and 151/21) was adopted, which regulates the protection of biological and landscape diversity and protection of natural heritage, in protected areas and outside protected areas. The Republic of North Macedonia has also ratified numerous international agreements that are part of the legal system for nature protection in the country. Nature protection is regulated by numerous laws and by-laws, such as:

- Legal acts for proclamation of protected areas in accordance with the Law on Nature Protection;
- The National Red list of North Macedonia. Ministry of Environment and Physical Planning, <http://redlist.moep.gov.mk/>
- List for determining the strictly protected and protected wild species ("Official Gazette of Republic of Macedonia" no. 139/11 dated 07.10.2011).



### 1.1.2.2 National social legislation overview

#### ❖ **Health and Safety**

Health and safety laws that are of particular interest relating to this project are:

- **Law on Social Protection** ("Official Gazette of the Republic North of Macedonia" no.104/19, 146/19, 275/19, 311/20, 291/21). Social welfare and protection in Macedonia comprise of services and benefits from the tax-financed social welfare system (social prevention – which according to the Law on Social Protection includes - educational and advisory work, development of self-assistance forms, volunteering work etc., institutional care, non-institutional care and monetary assistance) and contributory-based social insurance system (pensions and disability, health and unemployment insurance).
- **Law for Health Protection** ("Official Gazette of the Republic of Macedonia" no. 43/12, 145/12, 87/13, 164/13, 39/14, 43/14, 132/14, 188/14, 10/15, 61/15, 154/15, 132/15, 154/15, 192/15, 37/16, and "Official Gazette of the Republic North of Macedonia" no. 20/19, 101/19, 153/19, 180/19, 275/19, 122/21). Law on Health Protection regulates the matters related to the system and organization of health protection and the performance of healthcare activity, the guaranteed rights and the established needs and interests of the country in the provision of health protection, the healthcare institutions, the employment, rights and duties, responsibility, assessment, termination of employment, protection and decision-making upon the rights and obligations of healthcare workers and healthcare co-workers, the quality and safety of healthcare activity, the chambers and professional associations, the marketing and advertising of healthcare activity, the performance of healthcare activity in case of emergencies, and the supervision of the performance of healthcare activity.
- **Law on Public Health** ("Official Gazette of the Republic of Macedonia" no. 22/10, 136/11, 144/14, 149/15, 37/16). The Law on Public Health regulates the implementation of the basic functions and tasks of public health, the public health system, public health emergencies and public health financing. The purpose of this law is: to preserve and promote the health of the population; to enable implementation of the basic functions and tasks of public health through organized measures and activities undertaken by the state bodies, institutions, units of the local self-government and other legal and natural persons in cooperation with the healthcare institutions; to promote and strengthen cross-sectoral cooperation in the implementation of the basic public health functions; to promote and strengthen cooperation between the competent ministries and the units of local self-government and the public and private sector and citizens in the preservation and promotion of the health of the population; to provide an appropriate response in case of public health need and urgency and occurrence of a public health emergency; to ensure the implementation of international health rules and to regulate specific public health issues that are not regulated by another law.

Other laws that cover Health and Safety domain are:

- **Law on Sanitary and Health Inspection** ("Official Gazette of the Republic of Macedonia" no. 71/06, 139/08, 88/10, 18/11, 53/11, 164/13, 43/14, 144/14, 51/15, 150/15, 37/16, 83/18);
- **Law on Traffic Safety** ("Official Gazette of the Republic of Macedonia" no. 169/15, 55/16 and "Official Gazette of the Republic North of Macedonia" no.11/18, 83/18, 98/19, 302/20, 122/21);
- **Law on Protection and Rescue** ("Official Gazette of the Republic of Macedonia" no. 93/12, 41/14, 71/16, 106/16, 83/18, 215/21);
- **Law on Public Works** ("Official Gazette of the Republic of Macedonia" no. 95/12, 163/13, 42/14, 44/15, 147/15, 31/16, 302/20) and other bylaws.

#### ❖ **Labor and Workforce**

The main legislation that covers labor and working conditions issues are following:



- **Labor Law of R.N. Macedonia** ("Official Gazette of the Republic of Macedonia" no. 62/05; 106/08; 161/08; 114/09; 130/09; 149/09; 50/10; 52/10; 124/10; 47/2011; 11/12; 39/12; 13/13; 25/2013; 170/2013; 187/13; 113/14; 20/15; 33/15; 72/15; 129/15, 27/16, 120/18 and "Official Gazette of the Republic North of Macedonia" no.110/19, 267/20), manages relationship between parties involved in the process of employment. It protects and applies to any natural person that has concluded an employment contract with an employer. The principle of equal treatment implies a ban on direct and/or indirect discrimination. Any kind of forced or child labor are strictly forbidden.
- **Law on Pensions and Disability Insurance** ("Official Gazette of RM" no. 53/13, 170/13, 43/14, 44/14, 97/14, 113/14, 160/14, 188/14, 20/15, 61/15, 97/15, 129/15, 147/15, 154/15, 173/15, 217/15, 27/16, 120/16, 132/16, 35/18, 220/18, 245/18, and "Official Gazette of the Republic North of Macedonia" 180/19, 275/19, 31/20, 267/20) defines the obligatory pension insurance of workers under working contract and the natural persons performing activity, the bases of the capital funded pension insurance, as well as the special conditions how certain categories of insured persons receive the right to pension and enjoy disability insurance. The rights deriving from the pension and disability insurance are the following: right to age-related pension, right to disability pension, right to re-allocation to other adequate, working post, right to adequate employment, right to re-qualification or higher qualification and right to adequate financial compensations, right to family pension, right to monthly compensation for physical damage, and right to minimal pension
- **The Law on Safety and Health at Work** ("Official Gazette of the Republic of Macedonia" no. No. 92/07, 136/11, 23/13, 25/13, 137/13, 164/13, 158/14, 15/15, 129/15, 192/15, 30/16, 18/2092/07, 136/11, 23/13, 25/13, 137/13, 164/13, 158/14, 15/15, 129/15, 192/15, 30/16, and "Official Gazette of the Republic North of Macedonia" 18/20) is the key law that defines measures and obligations in the field of OHS (Occupational Health and Safety).

Other labour and workforce related laws are:

- Law on Employment and Insurance Against Unemployment ("Official Gazette of the Republic of Macedonia" no. 37/1997, 25/2000, 101/2000, 50/2001, 25/2003, 37/2004, 4/2005, 50/2006, 29/2007, 102/2008, 161/2008, 50/10, 88/10, 51/11, 11/12, 80/12, 114/12, 39/14, 44/14, 113/14, 56/15, 129/15, 147/15, 154/15, 27/16, 119/16, 21/18, 124/19);
- Law On Labour Inspection ("Official Gazette of the Republic of Macedonia" no. 35/1997, 29/2002, 36/11, 164/13, 44/14, 33/15, 147/15 and 21/18);
- Law on Records in the Field of Labour ("Official Gazette of the Republic of Macedonia" no. 16/2004, 102/2008, 17/11 и 166/12, 147/15 and "Official Gazette of the Republic North of Macedonia" 18/20);
- Law On Employment of Disabled Persons ("Official Gazette of the Republic of Macedonia" no. 44/2000, 16/2004, 62/2005, 113/2005, 29/2007, 88/2008, 161/2008, 99/2009, 136/11, 129/15, 147/15, 27/16, 99/18 and "Official Gazette of the Republic of North Macedonia" no.103/21);
- Law on Private Employment Agencies ("Official Gazette of the Republic of Macedonia" no. 113/18 and "Official Gazette of the Republic of North Macedonia" no.18/20);
- Law on Volunteering ("Official Gazette of the Republic of Macedonia" no. 85/07, 161/08, 147/15 and "Official Gazette of the Republic of North Macedonia" no.124/19 and 103/21);
- Law On Peaceful Settlement of Labour Disputes ("Official Gazette of the Republic of Macedonia" no. 87/2007, 27/14 and 30/16);
- Law on Employment and Work of Foreigners ("Official Gazette of the Republic of Macedonia" no. 217/15 and "Official Gazette of the Republic of North Macedonia" no.163/21);
- Law on Minimum Wage ("Official Gazette of the Republic of Macedonia" no. 11/12, 30/14, 180/14, 81/15, 129/15, 132/17, 140/18 and "Official Gazette of the Republic of North Macedonia" no.124/19 and 239/19);



- Law on Protection from Harassment at the Workplace ("Official Gazette of the Republic of Macedonia" no. 79/13, 147/15 and "Official Gazette of the Republic of North Macedonia" no.103/21);
- Law on Equal Opportunities for Women and Men ("Official Gazette of the Republic of Macedonia" no. 166/14, 150/15).

Other relevant by-laws are:

- Rulebook on Preparation of the Health and Safety Statement ("Official Gazette of the Republic of Macedonia" no. 2/2009) defines mandatory health and safety statements for each workplace; engagement of an authorized H&S officer and official medical institution; adopting fire protection, first aid and evacuation measures; providing trainings on first aid, fire protection, rescue and evacuation; providing periodical medical examinations for staff.
- Rulebook on minimum requirements for safety and health of employees at work ("Official Gazette of the Republic of Macedonia" no. 154/08) defines the following obligations of employers: providing clear routes to emergency exits; carrying out technical maintenance of the workplace, equipment and devices; keeping the workplace, equipment and devices at an adequate level of hygiene; providing first aid rooms fitted with essential first aid installations and equipment; taking into consideration the needs of disabled workers;
- Rulebook on Personal Protective Equipment used by workers at work ("Official Gazette of the Republic of Macedonia" no. 116/07) defines mandatory provision of PPE for workers;
- Rulebook for Safety and Health at Work on equipment for work ("Official Gazette of the Republic of Macedonia" no.116/07) defines that adequate and safe work equipment must be available to workers, employers must take measures to minimize risks, including providing appropriate notices and written guidelines for workers, as well as providing training on risks;
- Rulebook on safety and health at work of employees at risk of noise ("Official Gazette of the Republic of Macedonia" no.21/08) defines mandatory measurement of noise levels at workplaces, prohibits work on locally recognized days of rest, outside of the normal working hours or in extreme weather conditions;
- Regulation on Use of Work Equipment defines mandatory periodical testing of work equipment ("Official Gazette of the Republic of Macedonia" no.116/2007);
- Regulation on OHS in Use of Work Equipment defines that adequate and safe work equipment must be available to workers; employers must take measures to minimise risks, including providing appropriate notices and written guidelines for workers, as well as providing training on risks("Official Gazette of the Republic of Macedonia" no.116/2007);
- Regulation on Minimum OHS Requirements in Temporary Mobile Sites defines the obligation of contractors to develop an OHS Plan ("Official Gazette of the Republic of Macedonia" no.105/2008);
- Regulation on Minimum OHS Requirements at Workplaces defines the following obligations of employers: providing clear routes to emergency exits; carrying out technical maintenance of the workplace, equipment and devices; keeping the workplace, equipment and devices at an adequate level of hygiene; providing first aid rooms fitted with essential first aid installations and equipment; taking into consideration the needs of disabled workers ("Official Gazette of the Republic of Macedonia" no.154/2008);
- Regulation on Health and Safety of Workers Exposed to Noise Pollution defines mandatory measurement of noise levels at workplaces, prohibits work on locally recognized days of rest, outside of the normal working hours or in extreme weather conditions ("Official Gazette of the Republic of North Macedonia no. 21/2008");
- Regulation on OHS Signs defines mandatory health and safety signs for any hazardous work activities and providing suitable instructions to workers ("Official Gazette of the Republic of North Macedonia no. 107/19 and 239/19").

National Strategy for Employment in the Republic of North Macedonia (2021-2027) of the Ministry for Labour and Social Policy, followed by Action Plan for Employment 2021-2023 and Action plan for employment of young people in Republic of Macedonia 2016-2020, along with the Occupational health and safety Strategy 2021 - 2025 (OHS Strategy 2021 - 2025) in Republic of North Macedonia and the Action plan (2021 – 2023) that accompanies it are crucial documents that defines strategic orientation for care of worker’s health and safety as a basic human rights, as well as development of the workers’ rights.

#### ❖ **Land acquisition/Expropriation**

Macedonian legislation deals with involuntary resettlement and livelihood restoration under its legal framework for expropriation, with the basic notion that owners of properties are to be compensated for their losses, most often in monetary terms. In the R. N. Macedonia, the legislative acts given below regulate the issues of obtaining State ownership rights to privately owned land parcels based on the necessary public needs caused due to strictly defined development projects of public interests:

- **Expropriation Law** (“Official Gazette of the Republic of Macedonia” no. 95/12, 131/12, 24/13, 27/14, 104/15, 192/15, 23/16, 178/16 and “Official Gazette of the Republic of North Macedonia no.122/21) regulates the procedure for the expropriation of property for projects that are of public interest and the connected rights for real estates (immovable properties).
- **Law on ownership and other real rights** (“Official Gazette of the Republic of Macedonia” no. 18/01, 92/08, 139/09, 35/10) regulates the rights and obligations of the owners of the property. The right to ownership can be acquired by all domestic and foreign natural persons and legal entities, including the state and the units of the local self-government, under conditions and in a manner stipulated by this and other laws.
- **Law on Housing** (“Official Gazette of the Republic of Macedonia” no. 99/09, 57/10, 36/11, 54/11, 13/12, 55/13, 163/13, 42/14, 199/14, 146/15, 31/16 and “Official Gazette of the Republic of North Macedonia no.302/20). The key point from social perspective relevant to this project in the Law on Housing is that it envisages the possibility for renting state-owned apartments to socially endangered and homeless persons in accordance with the Law on Social Protection. This Law deals, among other things, with the issue of social housing and the housing of the vulnerable groups (children without parents or without parental care, users of social and permanent financial assistance, persons affected by natural disasters, disabled persons and persons who need assistance and care by other persons, the socially endangered persons belonging to the Roma community, lone parents with minor children).

Other bylaws defining the relationship among affected parties in the process of land acquisition/expropriation are:

- **Law on Construction** (“Official Gazette of the Republic of Macedonia” no. 130/09, 124/10, 18/11, 36/11, 54/11, 13/12, 144/12, 25/13, 79/13, 137/13, 163/13, 27/14, 28/14, 42/14, 115/14, 149/14, 187/14, 44/15, 129/15, 217/15, 226/15, 30/16, 31/16, 39/16, 71/16, 132/16, 35/18, 64/18, and “Official Gazette of Republic of North Macedonia” no.168/18, 244/19, 18/20, 279/20);
- **Law on Privatization and Hire of Construction Land** (“Official Gazette of the Republic of Macedonia” no. 4/05, 13/07, 165/08, 146/09, 18/11, 51/11, 27/14, 144/14, 72/15, 104/15, 153/15, 23/16, 178/16 and 120/18);
- **Law on Assessment** (“Official Gazette of the Republic of Macedonia” no. 115/10, 158/11, 185/11, 64/12, 188/14, 104/15, 153/15, 192/15, 30/16);
- **The Law on Free Access to Public Information** (Official Gazette of the Republic North of Macedonia” no. 101/19);
- Methodology for assessment of the market value of the real estate (“Official Gazette of the Republic of Macedonia” no. 54/12, 17/13, 21/13, 142/14);



- Rulebook on the method of cadastral classification and determination and registration of the change of cadastral culture and land class ("Official Gazette of Republic of Macedonia" no. 144/13, 95/15, 149/17);
- **Law on acting upon illegally constructed buildings** ("Official Gazette of the Republic of Macedonia" no. 23/11,54/11,155/12, 53/13, 72/13, 44/14, 115/14, 199/14, 124/15, 129/15, 217/15, 31/16, 190/17 and Official Gazette of the Republic North of Macedonia" no. 174/21);
- **Law on acting upon complaints and proposals** ("Official Gazette of Republic of Macedonia" no. 82/2008, 13/13, 156/15, 193/15);
- **Law on Real Estate Cadastre** ("Official Gazette of the Republic of Macedonia" no. 55/13, 41/14, 115/14, 116/15, 153/15, 192/15, 61/16, 172/16, 64/18, and "Official Gazette of the Republic North of Macedonia" no.124/19).
- ❖ **Cultural heritage**
  - **Law on Culture** ("Official Gazette of the Republic of Macedonia" no. 31/98, 49/2003, 82/2005, 24/2007, 116/10, 47/11, 51/11, 136/12, 23/13, 187/13, 44/14, 61/15, 154/15, 39/16, 11/18) determines the foundations of culture as the fundamental value of the Republic of Macedonia, the forms of culture, the manner and conditions of its financing, as well as other issues of interest to the culture. Culture, within the meaning of this law, covers: creation, publication of artistic creation and the protection and use of creation.
  - **Law on Protection of Cultural Heritage** ("Official Gazette of the Republic of Macedonia" no. 20/04, 71/04, 115/07, 18/11, 148/11, 23/13, 137/13, 164/13, 38/14, 44/14, 199/14, 104/15, 154/15, 192/15, 39/16, 11/18 and Official Gazette of the Republic North of Macedonia" no. 20/19) specifies the types, categories, identification, manners of settling under protection and other instruments of the cultural heritage protection, the regime of protection and use of cultural heritage, rights and obligations of holders and limitations of the property right on the cultural heritage of public interest, the organization, co-ordination and supervision, professional titles and other issues significant for the unity and the functioning of the cultural heritage protection system in the Republic of Macedonia.
  - **Law on Memorials and Monuments** ("Official Gazette of the Republic of Macedonia" no. 66/04, 89/08, 152/15 and Official Gazette of the Republic North of Macedonia" no. 103/21) regulates the issues related to the marking of important events and distinguished persons with memorial monuments and memorial signs, the conditions and procedure for raising memorial monuments and memorial symbols, the entities responsible for their installation, protection, keeping, the register of their records, as well as the supervision and control over the implementation of the provisions of this law.
  - **Law on Museums** ("Official Gazette of the Republic of Macedonia" no. 66/04, 89/08, 116/10, 51/11, 88/15, 152/15, 39/16 and Official Gazette of the Republic North of Macedonia" no. 103/21).
  - **Rulebook on National Registry of Cultural Heritage** ("Official Gazette of the Republic of Macedonia" no. 25/05) and associated and other subordinated legislation.

### 1.1.2.3 International Treaties and Conventions

Macedonia has ratified a number of international treaties and conventions along with the ongoing process of transposing European Union (EU) law into the National legal and policy framework. The following international conventions ratified by the Republic of North Macedonia will be taken into account during the preparation of the ESIA:

- Convention on Environmental Impact Assessment in a Cross-Border Context (Espoo, February 1991) Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 44/99);
- Multilateral Agreement between the Countries of Southeast Europe for Implementation of the Convention on Environmental Impact Assessment in a Cross-Border Context, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 157/10);



- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus) Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 40/99);
- Convention on Biological Diversity, Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 54/97);
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Ratification Law ("Official Gazette of RM" no. 40/2005);
- Convention on the Protection of Wetlands of International Importance for the Protection of Waterfowl (Ramsar), Ratification Decree ("Official Gazette of SFRY" no. 9/77);
- Convention on the Conservation of Migratory Species of Wildlife (Bonn), Ratification Law ("Official Gazette of the Republic of Macedonia" no. 38/99);
- Memorandum of Understanding for the protection and management of the Central European population of the Big Dipper (*Otis tarda*) The Republic of Macedonia signed the Memorandum on 07.10.2000 in Amman, Jordan;
- Convention for the Conservation of European Wildlife and Natural Habitats (Bern), Ratification Law ("Official Gazette of the Republic of Macedonia" no. 49/97);
- Convention on International Trade in Endangered Wild Fauna and Flora (Washington), Ratification Law ("Official Gazette of the Republic of Macedonia" no. 82/99);
- European Convention on Landscape (Florence, 2000), Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 44/2003);
- Treaty on the Protection of Bats in Europe (London, 1991), Ratification Law ("Official Gazette of the Republic of Macedonia" no. 38/99);
- Amendment to the Treaty on the Protection of Bats in Europe, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 13/2002);
- Treaty on the Conservation of African-Eurasian Migratory Waterfowl (Hague), Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 32/99);
- Vienna Convention for the Protection of the Ozone Layer (Vienna, March 1985), Law on Ratification ("Official Gazette of the SFRY" no.1/1990). Ratified by the Republic of Macedonia on March 10, 1994;
- Montreal Protocol on Substances that Deplete the Ozone Layer, ("Official Gazette of the SFRY" no. 16/90). The Protocol was ratified on March 10, 1994;
- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer – London, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 25/98),
- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer – Copenhagen, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 25/98);
- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 51/99);
- Amendment to the Montreal Protocol on Ozone Depleting Substances - Beijing 1999, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 13/2002);
- United Nations Framework Convention on Climate Change (New York, May), Ratification Law ("Official Gazette of the Republic of Macedonia" no. 6/97);
- Kyoto Protocol to the United Nations Framework Convention on Climate Change, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 49/2004);
- Basel Convention on the Control of Transboundary Pollutants with Dangerous Waste and its Disposal; Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and its Disposal and Amendment to Annex I, Annex VIII and Annex IX

(Kichen, Malaysia, 23-27.02.1998), Law on Ratification ("Official Gazette of RM" no. 49/2004);

- United Nations Convention to Combat Desertification in Countries Facing Severe Drought or Desertification, Especially in Africa, Ratification Law ("Official Gazette of the Republic of Macedonia" no. 13/2002);
- Kigali Ratification Law Amendment to the Montreal Protocol on Ozone Depleting Substances ("Official Gazette of the Republic North of Macedonia" no. 34/2020);
- Law on Ratification of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change ("Official Gazette of the Republic of Macedonia" no. 152/2019 of 25.07.2019);
- Law on Ratification of the Paris Agreement ("Official Gazette of the Republic of Macedonia" no. 161/2017);
- United Nations Framework Convention on Climate Change (New York, May), Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 61/97);
- Kyoto Protocol to the United Nations Framework Convention on Climate Change, Law on Ratification ("Official Gazette of the Republic of Macedonia" no. 49/2004);
- International Covenant on Economics, Social and Cultural Rights (New York, 16 December 1966). Ratified by Macedonia on 18 January 1994;
- UNESCO World Heritage Convention (November 1972). Macedonia ratified the (UNESCO) Convention for the protection of the World Cultural and Natural Heritage in 1977.
- International Labor Organization Conventions: North Macedonia has ratified many ILO conventions.

Out of 80 **ILO Conventions** ratified by R. N. Macedonia, of which 78 are in force, 1 Convention has been denounced; one is not accepted because North Macedonia does not have sea; none have been ratified in the past 12 months. Eight (8) fundamental Conventions, four (4) Governance Conventions (Priority) and 67 of 178 Technical Conventions are signed by R. N. Macedonia.<sup>1</sup>

For implementation of the Project, it is very important application of the ILO Conventions, as it is proposed in PR2 of the EBRD Policy, particularly the following conventions:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- Forced Labour Convention, 1930 (No. 29);
- Abolition of Forced Labour Convention, 1957 (No. 105);
- Minimum Age Convention, 1973 (No. 138);
- Worst Forms of Child Labour Convention, 1999 (No. 182);
- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

## 1.2 Overview of the Main Relevant International Legislation

### 1.2.1 EU standards and regulations

#### 1.2.1.1 Environmental EU standards and regulations

##### **Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive)**

<sup>1</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103555](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103555)

The main EU Environmental Directives and its relevance for the proposed project is the Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

The EIA Directive requires that projects likely to have significant effects on the environment by virtue inter alia of their nature, size or location are made subject to an assessment of their environmental effects. In accordance with the Article 4 of the Directive:

1. Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.
2. Subject to Article 2(4), for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States shall make that determination through:
  - (a) case-by-case examination or
  - (b) thresholds or criteria set by the Member State.

Member States may decide to apply both procedures referred to in points (a) and (b). The EIA Directive is in force since 1985 and applies to a wide range of defined public and private projects, which are defined in Annexes I and II. In Annex I, are listed projects for which EIA is a mandatory. All projects listed in Annex I are considered as having significant effects on the environment and require an EIA. For projects listed in Annex II, the national authorities have to decide whether an EIA is needed. This is done by the "screening procedure", which determines the effects of projects on the basis of thresholds/criteria or a case-by-case examination.

In addition, the developer must provide information on the environmental impact (EIA report – Annex IV); the environmental authorities and the public (and affected Member States) must be informed and consulted; the competent authority decides, taken into consideration the results of consultations. The public is informed of the decision afterwards and can challenge the decision before the courts.

The EIA Directive of 1985 has been amended three times, in 1997 (Directive 97/11/EC), in 2003 (Directive 2003/35/EC) and in 2009 (Directive 2009/31/EC). In 2011 a codified version was adopted, i.e. Directive 2011/92/EU, and was amended for the last time in 2014 – Directive 2014/52/EU.

Other related EU documents to the environmental impact assessment process are:

- Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;
- Directive 2003/35/EC 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;
- UN ECE Convention on Environmental Impact Assessment in a trans - boundary context (UN ECE Homepage ESPOO Convention);
- Commission guidance document regarding application of exemptions under the EIA Directive – Articles 1(3), 2(4) and 2(5) (14.11.2019);
- Commission guidance document on streamlining environmental assessments conducted under Article 2(3) of the EIA Directive (26/07/2016);
- EIA guidance - Screening (2017);
- EIA guidance - Scoping (2017);
- EIA guidance - EIA report (2017);
- Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Trans - boundary Projects;
- EIA Review Check List – 2001.

Other relevant EU policy for environmental and social issues relevant for the proposed project are:



- Directive on environmental information (2003/4/EC);
- Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage;
- INSPIRE Directive No. 2007/2/EC;
- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention and Control);
- Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy";
- Drinking Water Directive (98/83/EC) (currently under revision);
- Directive on the treatment of urban wastewater (91/271/EEC);
- Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration;
- Commission Directive 2014/80/EU of 20 June 2014 amending Annex II to Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration;
- Directive 2008/98/EC and Directive (EU) 2018/851 of the European parliament and of the council of 30 May 2018 amending Directive 2008/98/EC on waste;
- 2014/955/EU Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council;
- Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives;
- European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;
- Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (recast);
- Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC;
- EU Construction and Demolition Waste Protocol and Guidelines, 2018;
- Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste;
- Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste;
- Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC;
- Regulation (EC) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (recast);
- Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006;



- Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;
- Commission Regulation (EC) No 552/2009 of 22 June 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII;
- Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe as amended by Commission Directive (EU) 2015/1480;
- Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants amended by Directive 2006/105/EC, 2013/17/EU and Regulation (EC) No 219/2009;
- Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC;
- Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air amended by Regulation (EC) 219/2009 2009 and Commission Directive (EU) 2015/1480;
- Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels;
- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC;
- Directive 2002/49/EC on the assessment and management of environmental noise;
- Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version);
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
- Directive 2008/96/EC on road infrastructure safety management;
- Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC);
- Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Council Directive of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (89/654/EEC);
- In 2004 the European Commission issued a Communication (COM [2004] 62) on the practical implementation of the provisions of directives, namely 89/391 EEC (framework directive), 89/654 EEC (workplaces), 89/655 EEC (work equipment), 89/656 EEC (personal protective equipment), 90/269 EEC (manual handling of loads);
- Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by

workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);

- Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version);
- Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- European Directive 2002/44/EC on Exposure of Workers to Vibrations;
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
- Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work;
- Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time;
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), etc.

### 1.2.2 EBRD Context

EBRD categorises each project to determine the nature and level of environmental and social investigations, information disclosure and stakeholder engagement required. This will be commensurate with the nature, location, sensitivity and scale of the project, and the significance of its potential adverse future environmental and social impacts. Environmental effects can be characterised as interactions between some of the Project's features and some of the surrounding environment's features.

Past and present environmental and social issues and risks associated with project-related existing facilities will be subject to environmental and social appraisal regardless of the categorisation. The EBRD policy classifies projects into distinctive categories, depending on the type, location, sensitivity, and scale of the project, including the nature and magnitude of its potential environmental impacts. These categories are as follows:

**Category A:** A project is categorised A when it could result in potentially significant adverse future environmental and/or social impacts which, at the time of categorisation, cannot readily be identified or assessed, and which, therefore, require a formalised and participatory environmental and social impact assessment process. A list of indicative Category A projects is presented in Appendix 2 of the EBRD Policy, 2019.

**Category B:** A project is categorised B when its potential adverse future environmental and/or social impacts are typically site-specific, and/or readily identified and addressed through mitigation measures.

Environmental and social appraisal requirements may vary depending on the project and will be determined by EBRD on a case-by-case basis.

**Category C:** A project is categorised C when it is likely to have minimal or no potential adverse future environmental and/or social impacts, and can readily be addressed through limited environmental and social appraisal.

Initial Environmental and Social Examinations (IESEs) will be carried out where insufficient information is available at the time of categorisation to determine the appropriate category and scope of appraisal.

EBRD has adopted a comprehensive set of specific Performance Requirements (PRs), as part of Environmental and Social Policy (EBRD, 2019), that the beneficiary is expected to meet, covering a range of key areas of environmental and social impacts, occupational and public health and safety, resettlement and other issues and actions involved in the project development and operation.

Through the environmental and social appraisal and monitoring process given in the PRs, the projects should be designed, implemented and operated in compliance with the applicable regulatory requirements and good international practice (GIP). The specific PRs for key areas of environmental and social sustainability and their applicability to the Project is presented as follow:

➤ PR 1 - Assessment and Management of Environmental and Social Risks and Impacts

This PR outlines the responsibilities of the Client in the process of assessing the potential environmental and social impacts and issues associated with the project, and developing and implementing procedures for managing and monitoring these impacts and issues. Engagement with the project stakeholders is an integral part of this process. PR 10, which outlines requirements regarding stakeholder engagement, should be read in conjunction with this PR.

➤ PR 2 - Labour and Working Conditions

This PR recognises that for Clients and their business activities, the workforce is a valuable asset, and that good human resources management and a sound worker-management relationship based on respect for workers' rights, including freedom of association and right to collective bargaining, are key ingredients to the sustainability of the business activities. By treating workers fairly and providing them with safe and healthy working conditions<sup>2</sup>.

➤ PR 3 - Resource Efficiency and Pollution Prevention and Control

This PR outlines a project-level approach to resource management and pollution prevention and control, building on the mitigation hierarchy, the principle that environmental damage should as a priority be rectified at its source, and the "polluter pays" principle. This PR requires from the Client to identify project-related opportunities for energy, water and resource efficiency improvements and waste minimisation, to adopt the mitigation hierarchy approach to addressing adverse impacts on human health and the environment arising from the resource and to promote the reduction of project-related greenhouse gas emissions.

➤ PR 4 – Health, Safety and Security

This PR recognises the importance of avoiding or mitigating adverse health and safety impacts and issues associated with project activities on workers, project-affected communities and consumers. This PR requires the Bank clients to identify and assess community health and safety risks associated with the project and take appropriate preventive measures. These measures will favour the prevention or avoidance of risks and impacts over minimisation and reduction.

➤ PR 5 - Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

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<sup>2</sup> Clients may create tangible benefits, such as enhancement of the efficiency and productivity of their operations  
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This PR outlines requirements to be met for the projects involving involuntary resettlement and economic displacement. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and economic displacement (loss of assets or resources, and/or loss of access to assets or resources that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition and/or restrictions on land use.

➤ PR 6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources

This PR recognises that the conservation of biodiversity and sustainable management of living natural resources are fundamental to environmental and social sustainability. This PR outlines the Client's responsibilities with regards to the conservation of biological and landscape diversity in the project area. The Client is required to assess the state of biodiversity, identify sensitive areas and habitats and develop appropriate mitigation measures designed to avoid/minimize the impact on flora and fauna. The client needs to adopt the mitigation hierarchy approach, with the aim of achieving no net loss for priority biodiversity features, and where appropriate, especially critical habitats, a net gain of biodiversity.

➤ PR 7 - Indigenous Peoples

This PR is not relevant for the proposed project.

➤ PR 8 - Cultural Heritage

This PR recognises the importance of cultural heritage for present and future generations. The aim is to protect cultural heritage and to guide Clients to avoiding or mitigating adverse impacts on cultural heritage in the course of their business operations. The Clients are expected to be precautionary in their approach to the management and sustainable use of cultural heritage.

➤ PR 9 - Financial Intermediaries

This PR is not relevant for the proposed project.

➤ PR 10 - Information Disclosure and Stakeholder Engagement.

This PR recognises the importance of an open and transparent engagement between the Client, its workers, local communities directly affected by the project and, where appropriate, other stakeholders as an essential element of good international practice (GIP) and corporate citizenship.

For preparation of the required package of documentation, particularly for specific PR requirements, the ESIA team has taken into consideration the relevant available guidance's and good practice notes, prepared by the EBRD<sup>3,4</sup>.

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<sup>3</sup> <https://www.ebrd.com/who-we-are/our-values/environmental-and-social-policy/implementation.html>

<sup>4</sup> <https://www.ebrd.com/documents/environment/ebrd-covid19-briefing-note-stakeholder-engagement.pdf?blobnocache=true>