

Appendix 3.2 – Relevant Legislation, Policy and Guidance

The MOEPP (Ministry of Environment and Physical Planning) is in charge of issuing various consents, approvals and permits at different stages of the Project planning process:

- Environmental Consent (Issuing of a Decision for approval of the ESIA Study), in accordance with the Law on environment;
- Preparation of Infrastructural Design required for the transport infrastructure in accordance with Law on urban and spatial planning;
- Approval of the Infrastructure Design in accordance with the Law on construction and Law on Spatial Planning;
- Construction Permit in accordance with the Law on construction;
- Water management consent upon bridge construction in accordance with the Law on waters;
- IPPC permit, or Elaborate for environmental protection, required by the Law on environment and Decrees for IPPC/ Elaborate for environmental protection, for newly opened quarries, borrowpits, open pit minings, installation of asphalt and concrete plant;
- Concession for exploitation of mineral resources in accordance with the Law on mineral resources;
- Approval by the municipality for location of so called waste dumps for disposal of surplus earthen material in accordance with the Law on waste management;

An overview of relevant laws governing the permitting process is provided in Table 1:

Table 1 Laws Governing the Permitting Process

Law	No.	Relevance for this ESIA
Law on environment	No. 53/2005 and its amendments	<p><i>Article 86</i> – Preparation of Report of the adequacy of the ESIA, before issuing of Decision for ESIA approval</p> <p><i>Article 87</i> – Decision for consent or refusal of the request for the implementation of the project and ESIA. This Decision is issued by the MOEPP. This Decision is expired in case the construction work does not start within a period of 2 years from the date of issue. At the request of the Employer, the period of duration of the Decision can be extended only if in the period of two years there are no significant changes in: the conditions in the affected area, new knowledge related to the basic content of the study and the development of new technology that could be used in the project .</p>
Law on Urban and Spatial Planning	No 199/2014 and its amendments	<p><i>Article 52</i> – Stipulates the preparation of Infrastructural Design. Infrastructural Design is developed on the basis of the conditions for spatial planning or an extract from urban plans or from urban planning documentation, and it contains a technical solution for infrastructure with all its elements (shafts, wells, measuring stations, retaining walls, bridges, viaducts, overpasses, underpasses, tunnels, interchanges, etc.)</p>

Law	No.	Relevance for this ESIA
Law on construction	No. 25/2013 and its amendments	<p><i>Article 45a</i> which stipulates preparation of Infrastructural Design for line infrastructural installations and preparation of ESIA</p> <p>Line infrastructural installations, such as - railways, highways, gas pipelines, oil pipelines, water supply and sewage systems, telecommunications, etc., are first category constructions – <i>Article 57</i></p> <p>First category constructions are constructions of significance for the Republic of North Macedonia and the construction permit is issued by the state administration body responsible for the execution of the works in the spatial arrangement – Ministry of transport and communications – <i>Article 58</i></p> <p>The construction permit shall cease to be valid if the Contractor does not start construction within two years from the day the construction permit became legally valid – <i>Article 66</i></p>
Law on waters	No. 87/2008 and its amendments	<p>Water management consent is required for:</p> <ul style="list-style-type: none"> - Bridge construction and - other objects that can influence on water regime <p>This consent is issued by MOEPP in accordance with <i>Article 174-176</i></p>
Law on environment and Decrees for IPPC/Elaborate for environmental protection	No. 53/2005 and its amendments	<p>An IPPC permit or Elaborate for environmental protection shall be required for opening of any new open pit minings, quarries, borrowpits, installation of asphalt and concrete plant on location of construction of road infrastructure</p>
Law on mineral resources	No.136/2012 and its amendments	<p>The Employer/Contractor needs to request a concession permit for borrowing the material (if it borrows construction material from new borrow pits) from the competent institutions in accordance with the requirements of <i>Article 40a</i></p>
Law on waste management	No. 68/2004 and its amendments	<p>Locations for waste dumps should be approved by the municipality of Kichevo</p>

Managing of generated waste, especially hazardous waste¹ is regulated in such a way that only authorised companies can be involved in the collection, storage and export. Any temporary storage of hazardous waste generated during the construction of the Project shall be at locations that have obtained a permit by the municipality for this purpose.

National legislation of Relevance for the ESIA

➤ *National legislation in the field of environmental protection – primary laws and secondary legislation relevant to the assignment*

1. Law on environment (OG of RM no. 53/05 and its amendments). This law regulates protection of environmental media (soil, water and air), environmental areas (waste, noise, vibrations, etc.), protection of biodiversity, etc. Preparation of ESIA is envisaged in Chapter XI – Environmental impact assessment of projects. Public involvement into the ESIA procedure and access to information's is also regulated by this law. Practical public involvement is performed through:
 - disclosing of the information about the project and ESIA process to the public;
 - public participation where public can actively be involved in public discussions and submit their written opinion within the different ESIA phases of the procedures; and
 - through the mechanism of access to justice, when the public can influence the decision making by submitting appeals to the Court or Second Instance Commission of the Government.

Bylaws defining the requirements, content, and criteria for ESIA are:

- Rulebook on the content of the requirements that need to be fulfilled by the study on EIA (OG of RM no. 33/06);
- Rulebook on the form, content procedure and manner of developing the report on the adequacy of the study on EIA of the project and the procedure for authorization of persons from the List of Experts for EIA responsible for the preparation of the report (OG of RM no. 33/06);
- Decree on determining projects for which and criteria on the basis of which the screening for EIA should be carry out (OG of RM no. 74/05);
- Rulebook on the content of announcement of the notification of the intention to implement a project, on the necessity of an EIA, on the study on project EIA, of the report on the adequacy of the study on EIA (OG of RM no. 33/06);
- Rulebook on the information contained in notification of intent to implement a project and the procedure for determining the need for EIA of a project (OG of RM no. 33/06).

¹ Hazardous waste can include: asbestos roofing materials generated upon demolition of existing buildings, waste oil, oil-contaminated filters, contaminated soil with leaked oil, etc.

2. **Law on Ambient Air Quality** (OG of RM no. 67/04 and its amendments). This law regulates the measures for avoidance, prevention or reducing the harmful effects of ambient air pollution and its impact on human health, as well as the environment. Bylaws for issues for ambient air quality relevant to this ESIA are:
 - Decree on limit values of levels and types of pollutants in ambient air and alert thresholds, deadline for achieving limit values, margins of tolerance of the limit value, target values and long term goals (OG of RM no. 19/05);
 - Rulebook on establishing the emission upper limits on national level (OG of RM no. 10/90);
 - Decree on limit and target values for levels and type of pollutants in the ambient air, alert and information thresholds; deadlines for achieving limit and target values for specific substances; margins of tolerance for limit value and target value and long term objectives for specific pollutants (OG of RM no. 50/05);
 - Rulebook on criteria, methods and procedures for evaluation of the ambient air quality (OG of RM no. 82/06);
 - Lists of zones and agglomerations for ambient air quality (OG of RM no. 23/2009);
 - Rulebook on establishing the emission upper limits on national level (OG of RM no. 10/90);
 - Rulebook for air emission limit values from stationary sources (OG of RM no. 141/10).

3. **Law on Waters** (OG of RM no. 87/08 and its amendments). This law regulates the issues that relate to surface waters, including permanent watercourses or watercourses in which water flows occasionally, lakes, reservoirs and springs, groundwater, coastal waters land and wetlands and their management including the distribution of waters, the protection and preservation of waters, as well as protection against harmful effects of waters. Bylaws for water protection and water quality management relevant to this ESIA are:
 - Decree on classification of waters (OG of RM no. 18/99);
 - Regulation on categorization of water streams, lakes, accumulations and groundwater (OG of RM no. 18/99, 71/99) ;
 - Rulebook on monitoring of sediment in reservoirs (OG of RM no. 4 / 99);
 - Rules for reporting on the state level and quantity of water accumulated in reservoirs, and the amount of water released by them (OG of RM no. 8 / 99) ;
 - Rulebook on the content and method of preparing management plans for river basins (OG of RM no. 148/09) ;
 - Regulation on methodology for assessment of river basins (OG of RM no. 148/09);
 - Rulebook on the content and method of preparing the program of measures (OG of RM no.148/09).

4. **Law on Nature Protection** (OG of RM no. 67/06 and its amendments). This law regulates the protection of nature through protection of the biological and landscape diversity and protection of the natural heritage, in protected areas and outside protected areas, as well as the protection of natural rarities.

5. **Law on Waste** (OG of RM no. 68/04 and its amendments). This law regulates waste management, principles and objectives for waste management, plans and management programs, rights and obligations of legal and physical entities in connection with waste management, the manner and conditions under which collection can be carried out, transportation, treatment, storage, processing and disposal of waste, import, export and transit of waste, monitoring, financing and supervision of waste management.

Other relevant legislation for waste management is:

- List of Waste Types (OG of RM no. 100/05);
- Law on Packaging and Packaging Waste (OG of RM no. 161/10 and its amendments);
- Law on batteries and accumulators and waste batteries and accumulators (OG of RM no. 140/10 and its amendments);
- Law on waste electrical and electronic equipment (OG of RM no. 6/12 and its amendments);
- Rulebook on the manner and the conditions for waste storage, as well as on the conditions to be met by the sites on which waste storage is performed (OG of RM no. 29/07);
- Rulebook on the minimum technical requirements with regard to environmental protection to be met by waste transfer stations, requirements to be met by the sites where waste transfer stations are built or placed, as well as on the terms for the waste storage in waste transfer stations depending on the types of waste (OG of RM no. 39/07);
- Rulebook on the landfill operation, monitoring and controlling in the operational and closing phase as well as on the closure and after-care procedures (OG of RM no. 156/07);
- Rulebook for criteria for acceptance of waste to landfill in each landfill class, preparation procedure for acceptance of waste, basic testing procedures, sampling procedure and acceptance of waste (OG of RM no. 8/08) ;
- Rulebook on the procedures and manner of collection, transport, processing, storage, treatment and disposal of waste oils, and the manner of keeping records and submission of data (OG of RM no. 156/07);
- Rulebook of detailed conditions on the handling of hazardous waste, and on the manner of packaging and labeling (OG of RM no. 15/08);
- Rulebook on the form and content of the request for issuing a permit for the landfill operator as well as the form for and content of the permit (Official OG of RM no. 140/07).

6. **Law on Noise Protection** (OG of RM no. 79/07 and its amendments). This law regulates environmental noise management and protection against environmental noise. Bylaws for environmental noise protection relevant to this ESIA are:

- Rulebook on noise indicators and the area of application of additional noise indicators (OG of RM no. 107/08);
- Rulebook on the permissible level of noise in the environment (OG of RM no. 147/08);

- Rulebook on the preparation and contents of strategic noise maps (OG of RM no. 120/08);
- Rulebook on the method, conditions and procedure for establishing and operating networks, monitoring methodology, conditions, method and procedure for submitting noise monitoring information and data (OG of RM no. 1/09).

➤ *National social legislation – primary laws and secondary legislation relevant to the assignment*

7. Health and Safety

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

- **Law on Social Protection** (OG of RM no. 79/09, 148/13, 164/13, 187/13, 38/14, 44/14, 116/14, 180/14, 33/15, 72/15, 104/15, 150/15, 173/15, 192/18, 30/16, 163/17, 51/18). Social welfare and protection in Macedonia comprises 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** (OG of RM 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). 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** (OG of RM 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 (OG of RM no. 71/06, 139/08, 88/10, 18/11, 53/11, 164/13, 43/14, 144/14, 51/15, 150/15, 37/16)
- ✚ Law on Traffic Safety (OG of RM no. 169/15, 55/16)
- ✚ Law on Safety and Rescue (OG of RM no. 93/12, 41/14, 71/16, 106/16)
- ✚ Law on Public Works (95/212, 163/13, 42/14, 44/15, 147/15, 31/16)
- ✚ and other bylaws

8. Labor and Workforce

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

- Labor Law of Republic of Macedonia (OG of RM 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), 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.
- Law on Pensions and Disability Insurance (OG 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) 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

Other labor and workforce related laws are:

- ✚ Law on employment and insurance against unemployment
- ✚ Law on labor inspection;
- ✚ Law on records in the field of labor;

- ✚ Law on employment of disabled persons;
- ✚ Law on holidays of the Republic of Macedonia;
- ✚ Law on temporary employment agencies;
- ✚ Law on volunteering;
- ✚ Law on peaceful settlement of labor disputes
- ✚ Law on employment and work of foreigners;
- ✚ Law on minimum wage;
- ✚ Law on protection from harassment in the workplace
- ✚ And other bylaws.

9. 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 Republic of 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** (OG of RM No. 95/12, 131/12, 24/13, 27/14, 104/15, 192/15, 23/16, 178/16) 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** (OG of RM 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** (OG of RM no. 99/09, 57/10, 36/11, 54/11, 13/12, 55/13, 163/13, 42/14, 199/14, 146/15, 31/16). 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 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).
- ✚ 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 Access to Public Information (OG of RM no. 13/06, 86/08, 06/10, 42/14, 148/15, 55/16)
- ✚ Methodology for assessment of the market value of the real estate (Official Gazette of the Republic of Macedonia No. 54/12)
- ✚ 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)
- ✚ 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)
- ✚ 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);

10. Cultural heritage

- **Law on Culture** (OG of RM 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) 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** (OG of RM 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) 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** (OG of RM no. 66/04, 89/08, 152/15) 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** (OG of RM no. 66/04, 89/08, 116/10, 51/11, 88/15, 152/15, 39/16)
- **Rulebook on National Registry of Cultural Heritage** (OG of RM no. 25/05)
- and associated and other subordinated legislation

Republic of Macedonia ratified the (UNESCO) Convention for the protection of the World Cultural and Natural Heritage in 1991.

EU Directives of Relevance for the ESIA

A number of EU directives are applicable to the ESIA Study. They cover environmental assessment, pollution prevention and control, industrial emissions, air quality, storage of carbon dioxide, greenhouse gas emissions, water, conservation of natural habitats and biodiversity, hazardous materials, noise. A list of the EU directives relevant to the ESIA is provided below:

- Directive 2014/52/EU² amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;
- Directive 2008/50/EC³ on ambient air quality and cleaner air for Europe;
- Directive 2008/105/EC⁴ on environmental quality standards in the field of water policy (amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC);
- Directive 2008/98/EC⁵ on waste (Waste Framework Directive)
- Directive 2006/11/EC⁶ on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community;
- Directive 2006/118/EC⁷ on the protection of groundwater against pollution and deterioration;
- Directive 2012/18/EU⁸ on the control of major-accident hazards involving dangerous substances (amending and subsequently repealing Council Directive 96/82/EC);
- Directive 2002/49/EC⁹ relating to the assessment and management of environmental noise;
- Directive 92/43/EEC¹⁰ on the conservation of natural habitats and of wild fauna and flora;
- Directive 2009/147/EC¹¹ on the conservation of wild birds
- Directive 2008/96/EC¹² on road infrastructure safety management
- Directive 89/391/EEC¹³ – Occupational Health and Safety.

International treaties & 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

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0052>

³ <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32008L0050>

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0084:0097:en:PDF>

⁵ <http://ec.europa.eu/environment/waste/framework/>

⁶ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:064:0052:0059:EN:PDF>

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:372:0019:0031:EN:PDF>

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0018>

⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002L0049>

¹⁰ <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A31992L0043>

¹¹ <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32009L0147>

¹² <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008L0096>

¹³ <https://osha.europa.eu/en/legislation/directives/the-osh-framework-directive/1>

framework. The following international conventions ratified by the Republic of North Macedonia were taken into account during the preparation of the ESIA:

- UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Adopted on the 25th of June 1998 (Aarhus Convention);
- Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention, February 1991);
- Convention on Biological Diversity („Official Gazette“ No. 54/97);
- Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979 („Official Gazette“ No. 38/99);
- Convention on the Conservation of European Wildlife and Natural Habitats, Bern, 1972 („Official Gazette“ No. 49/97);
- Fungal species protected to the European Red List of Fungi (Ing 1978);
- Fungal species proposed for protection by the European Council for Conservation of Fungi (33 European fungal species candidates for listing in Appendix I of the Bern Convention, August 2003);
- International Covenant on Economics, Social and Cultural Rights (New York, 16 December 1966). Ratified by Macedonia on 18 January 1994;
- United Nations Framework Convention on Climate Change (New York, 9 May 1992). Ratified by Macedonia on 28 January 1998 (entrance into force on 28 Apr 1998);
- Kyoto Protocol on Climate Change (Kyoto, December 1997). Ratified by Macedonia on 18 November 2004 (entrance into force on 16 February 2005);
- UNESCO World Heritage Convention (November 1972). Notification of succession by Macedonian government on 30/04/1997;
- International Labour Organization Conventions: Macedonia has ratified many ILO conventions.

EBRD requirements relevant to ESIA

Project „Highway A2 Gostiver-Kichevo, section Bukojchani-Kichevo“ according to EBRD 2014 Environmental and Social Policy¹⁴ has been categorized as a Category A project as it is included in Appendix 2: 6: *„construction of highways, express roads and lines for long-distance railway traffic; airports with a basic runway length of 2,100 metres or more; new roads of four or more lanes, or realignment and/or widening of existing roads to provide four or more lanes, where such new roads, or realigned and/or widened sections of road would be 10 km or more*

¹⁴ <https://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>

in a continuous length“. Therefore, as a Category A project 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 in accordance with the Performance Requirements established under the EBRD 2014 Environmental and Social Policy.

The ESIA process will also include a public disclosure and consultation process as specified in PR 10. – Information Disclosure and Stakeholder Engagement.

Preparation of ESIA according to EBRD requirements applies a number of core environmental and social safeguarding measures that reflect international good practice. It requires all its projects to:

- Apply the European Principles for the Environment, i.e. comply with EU environmental principles, standards and practices, if practical and feasible in some regions;
- Comply with the EU environmental Acquis on environmental assessment;
- Comply with international conventions and agreements ratified by the EU;
- Comply with the EU social Acquis;
- Apply “best available techniques”, as appropriate;
- Apply good environmental management practices during project implementation and operation; and
- Adhere to other specific international good environmental and social practices.

Environmental and social sustainability according to the EBRD requirements is a condition for projects to receive support from the Bank. Environmental and social assessment is therefore an integral part of the Bank’s appraisal and monitoring process.

The main aim of the bank is to ensure the adherence to the principles and application of the Core Labour Standards of the International Labour Organization (ILO), alongside relevant EU legislation.

The Environmental and Social Policy of the **EBRD**¹⁵, as approved by the Board of Directors at its Meeting on 7th May 2014, outlines how the Bank will address the environmental and social impacts of its projects by:

- defining the respective roles and responsibilities of both EBRD and its clients in designing, implementing and operating projects in line with this Policy and the Performance Requirements
- setting a strategic goal to promote projects with high environmental and social benefits
- mainstreaming environmental and social sustainability considerations into all its activities

¹⁵ <http://www.ebrd.com/what-we-do/strategies-and-policies/approval-of-new-governance-policies.html#a1>

To help clients and/or their projects achieve to environmental and social sustainability, the Bank has defined specific PRs for key areas of environmental and social sustainability as listed below:

- PR 1 - Assessment and Management of Environmental and Social Impacts and Issues
- PR 2 - Labour and Working Conditions
- PR 3 - Resource Efficiency, Pollution Prevention and Control
- PR 4 - Health and Safety
- PR 5 - Land Acquisition, Involuntary Resettlement and Economic Displacement
- PR 6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources
- PR 7 - Indigenous Peoples
- PR 8 - Cultural Heritage
- PR 9 - Financial Intermediaries
- PR 10 - Information Disclosure and Stakeholder Engagement

Each PR defines, in its objectives, the desired outcomes, followed by specific requirements for projects to help clients achieve these outcomes. Compliance with relevant national law is an integral part of all PRs.