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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Complaints on stand-by

**Possible impact on bats of wind farm development
near the village of Bogdanci (“the former Yugoslav
Republic of Macedonia”)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Cabinet of the Deputy Prime Minister, “The former Yugoslav Republic of Macedonia”*

The report has been tabled in the form it has been submitted by the national authorities, who are responsible for its content

- September 2018 -



Republic of Macedonia
Government of Republic of Macedonia

REPORT OF THE GOVERNMENT OF REPUBLIC OF MACEDONIA

GOVERNMENT POSITION ON THE BERN CONVENTION COMPLAINT NO. 2015/2: POSSIBLE IMPACT ON BATS OF WIND FARM DEVELOPMENT NEAR THE VILLAGE OF BOGDANCI IN REPUBLIC OF MACEDONIA

Date: /08/2018

This report is prepared by the Government of Republic of Macedonia and is provided in MS Word format as requested by the Secretariat. The report shall be used or reproduced verbatim without any modifications to the format or the content, including the reference to the name of the country - Republic of Macedonia.

1. Background

In December 2015 the Secretariat of the Bern Convention advised the Government of Republic of Macedonia of the complaint for possible breach of the Convention related to the wind farm development near the village of Bogdanci in Macedonia.

The complaint has been submitted in February 2015 by the NGOs Bat Study Group/Bird Protection Macedonia, which, according to the Secretariat's letter to the Government, alleges that:

- The wind-farm development represents a threat to not less than 15 bat species occupying the area where the farm was built which are listed in Appendix II of the Bern Convention
- Some of those bat species are also listed in IUCN's Red List
- A considerable number of migratory birds of prey also listed in the Bern Convention Appendices are equally threatened as the wind farm is situated only several kilometers from the main migratory pathway Morava-Vardar
- The ESIA prepared ahead of the wind-farm development does not mention bat species at all and that a number of protected bird species are not relevantly studied
- As a result, the operational monitoring of the impact of the wind farm on the fauna does not concern the bat species in particular, as they are not mentioned in the ESIA study

The Secretariat requested the Government to provide its position regarding this complaint, including:

- Information on how the ESIA study implemented ahead of the development and launch of the Bogdanci wind-farm considers bat species
- Which analysis were made on the possible impact of this development on the species protected through the candidate Emerald site Dojran lake, and
- Information on the current operational monitoring of the wind-farm.

2. Administrative proceedings

This report is prepared as answer to the letter dated 13.04.2018 when the Secretariat of the Bern Convention addressed the Government of Republic of Macedonia, with the following statement:

The Bureau of the Standing Committee to the Bern Convention met in Strasbourg on 19 March 2018 and assessed the abovementioned complaint.

The Bureau thanked the national authorities for their updated report. It decided to await the reception of the first results of the post-construction monitoring, including the means put in place to fill in the identified gaps in the monitoring planning and to consider the case again at its upcoming meeting on 10-11 September 2018. The Secretariat was instructed to continue liaising with EUROBATS Secretariat on the issue.

The reporting deadline for the Government had been set to 13 th of August 2018 to enable the Bureau of the Standing Committee to assess the complaint at its next meeting, scheduled to take place in September 2018. The deadline for submitting the Reports is prolonged until August 21, 2018 due to the need for the Report from JSC ELEM for Post-Structural Monitoring of the operation of the Wind Park to be included in the material.

Reports from the Bureau of the Standing Committee of the Bern Convention

Refer to the Report of the Bureau meeting of the Bern Convention, held in Strasbourg on 19 March 2018 ([link to Report](#)).

Refer to the Report of the Government of the Republic of Macedonia for 2017 - [link to Report](#) + [Annex 1](#) + [Annex 2](#).

This Report states the activities which the Governemnt of Republic of Macededonia proceeds from the meeting of the Bureau in Strasbourg, from 19 march 2018.

3. Current status of activities

From the Last report daed 2016, the Governemnt of Republic of Macededonia and the JSC ELEM Skopje, have caried all neccessary requiremets to to fulfill all international and national requirements to conduct Three year post - construction Avian and BAT monitoring in the area of the WIND PARK Bogdanci, Republic of Macedonia.

The final decision for the consultant GEONATURA LTD Zagreb, Croatia is in accordance with the law of KfW Bank - Germany (Guidelines for the Assignment of consultants) which can be found at www.kfw.de.

Financing of this Project is provided through the German Bilateral Financial Cooperation with the Republic of Macedonia through a loan from KfW Bank - Germany (KfW Development Bank).

The process of selecting a consultant was conducted in accordance with the bank's procedures.

The Agreement for Consulting Services - consultant service for post-construction Avian and Bats monitoring for the new Bogdanci Park - BMZ No. 2009 66 390 was concluded on October 5, 2017 between AD ELEM and GEONATURA LTD, Zagreb, Croatia.

The following documents were developed and activities done as part of the Post constructive monitoring:

- ToR - Terms of reference.
- Contract for Consulting Services for Avian & Bat monitoring for the wind park Bogdanci - BMZ No. 2009 66 390 was concluded on 5 October 20107 between AD ELEM and GEONATURA DOO Zagreb, Croatia.
- Work program submitted by GEONATURA Ltd Zagreb, Croatia - submitted on 15.11.2017.
- Inception report submitted by GEONATURA DOO Zagreb, Croatia, adopted by JSC ELEM and KfW Bank - Germany, January 18, 2018.

- On 12.12.2017 a field visit to the Bogdanci wind park was carried out and a meeting between AD ELEM, GEONATURA and Siemens, Greece for monitoring of the monitoring equipment in accordance with the Agreement.
- The Ministry of Environment and Physical Planning granted a permit for conducting scientific research in nature from 05.01.2018 for the needs of the monitoring in the area of WIND Park Bogdanci, the surrounding of the accumulation Paljurci and the protected area Monument of nature Dojran Lake.
- The First Progress Report was submitted on February 22, 2018, approved and accepted by AD ELEM and KfW Bank - Germany on 19.03.2018.
- The Second Progress Report was submitted on 02.07.2018 to KfW Bank - Germany and was approved and accepted by JSC ELEM and KfW Bank on 13.08.2018.

Planned activities:

- Field activities as part of the post-constructive monitoring of the Bogdanci Wind Park.
- Preparation of a Third Report, by GEONATURA Ltd, to be adopted by JSC ELEM and Bank - Germany.

As ANNEX to the Report, The Governemnt of Republic of Macedonia is submitting:

- First Report on post-structural monitoring of the Bogdanci wind park, by GEONATURA Ltd, adopted by JSC ELEM and Bank-Germany, for the period of research October 2017 - February 2018.
- Second Report on post-structural monitoring of the Bogdanci wind park, by GEONATURA Ltd, adopted by JSC ELEM and Bank-Germany, for the period of research February 2018 - June 2018.

4. Summary

Wind Farm Bogdanci is an operational energy production facility in service since September 2014. No incidents related to birds or bats have been reported since its commissioning.

Project's EMMP document is approved by the Macedonian ESIA competent authority (the Ministry of Environment and Physical Planning) that foresees a necessity of three-year post-construction / operational monitoring.

ELEM in its capacity as the wind farm operator and supported by KfW has initiated the procedure for selection of qualified consultant to perform the requested three-year post-construction / operational monitoring.

All reports prepared in the course of the Three-year post-construction / operational monitoring and findings of the birds and bats surveys will be submitted to the Macedonian competent authorities and made available to all interested stakeholders, including both organizations that submitted the Complaint – the Bat Study Group Macedonia and the Bird Protection Macedonia.

No complaints related to bats and birds have been received during the project planning stage by the complainant or other parties. In addition, the national reports for EUROBATS over the project planning and construction period, which are co-prepared and co-signed by the complainant, make no mention of the project nor raise any issues regarding the Bogdanci Wind Farm.

- February 2018 -



Republic of Macedonia¶
Government of Republic of Macedonia¶

REPORT OF THE GOVERNMENT OF REPUBLIC OF MACEDONIA

GOVERNMENT POSITION ON THE BERN CONVENTION COMPLAINT NO. 2015/2: POSSIBLE IMPACT ON BATS OF WIND FARM DEVELOPMENT NEAR THE VILLAGE OF BOGDANCI IN REPUBLIC OF MACEDONIA

Date: 12/02/2018

1. Background

In December 2015 the Secretariat of the Bern Convention advised the Government of Republic of Macedonia of the complaint for possible breach of the Convention related to the wind farm development near the village of Bogdanci in Macedonia.

The complaint has been submitted in February 2015 by the NGOs Bat Study Group/Bird Protection Macedonia, which, according to the Secretariat's letter to the Government, alleges that:

- the wind-farm development represents a threat to not less than 15 bat species occupying the area where the farm was built which are listed in Appendix II of the Bern Convention
- some of those bat species are also listed in IUCN's Red List
- a considerable number of migratory birds of prey also listed in the Bern Convention Appendices are equally threatened as the wind farm is situated only several kilometers from the main migratory pathway Morava-Vardar
- the ESIA prepared ahead of the wind-farm development does not mention bat species at all and that a number of protected bird species are not relevantly studied
- as a result, the operational monitoring of the impact of the wind farm on the fauna does not concern the bat species in particular, as they are not mentioned in the ESIA study

The Secretariat requested the Government to provide its position regarding this complaint, including:

- information on how the ESIA study implemented ahead of the development and launch of the Bogdanci wind-farm considers bat species
- what analysis was made on the possible impact of this development on the species protected through the candidate Emerald site Dojran lake, and
- Information on the current operational monitoring of the wind-farm.

2. Administrative proceedings

This report is prepared as answer to the letter dated 14.11.2017 when the Secretariat of the Bern Convention addressed the Government of Republic of Macedonia, with the following statement:

The Bureau of the Standing Committee to the Bern Convention met in Strasbourg on 18 September 2017 and noted the lack of report by the national authorities. It was concluded that this

was most likely due to the lack of a designated national focal point for “the former Yugoslav Republic of Macedonia” at that time.

The Bureau stressed that authorities should plan the best possible monitoring, with a view to implement well adapted mitigation measures, where necessary for the species. It was recommended that national authorities collaborate with EUROBATS to develop appropriate post construction studies and consider ways to fill gaps in the monitoring scheme for the park by using established international standards and guidance. In order to follow this process the complaint has now been moved to the category of complaints on standby.

The Bureau requested that the national authorities provide a report for its March 2018 meeting that shows solid collaboration and adapted mitigation measures.

I should be grateful to receive your report on the abovementioned points, in electronic WORD format, by 12th February 2018. If the Complainant deems it necessary to send an updated report to the Bureau, the same reporting deadline will apply.

The reporting deadline for the Government had been set to 12th of February 2018 to enable the Bureau of the Standing Committee to assess the complaint at its next meeting, scheduled to take place in March 2018.

This report states the activities which the Governemnt of Republic of Macededonia proceeds from the meeting of the Bureau in Strasbourg, from 18-19 september 2017

Refer to the Report from the Meeting of the Bureau, Strasbourg, 18-19 September, 2017 T-PVS(2017)25 [T-PVS\(2017\)25E](#)

Under the Chapter 4.4 Other Complaints

2015/2 Possible impact of the wind farm developemnts on bats

DECISION: The Bureau noted the lack of report by the national authorities, probably due to the lack of designated national focal point for Macedonia.

The Bureau stressed that authorities plan the best possible monitoring, with a view to implement well adapted mitigation measures, where necessary for species. It wwas reccomended that national authorities collaborate with EUROBATS to develop appropriate post construction studies and consider ways to fill gaps in the monitoring scheme for the park by using established international standards and gudance.

The Government has already provided one report dated 2016 - Refer to the Governemntal report [T-PVS/Files\(2016\)1](#)

3. Current status of activities

From the Last report daed 2016, the Governemnt of Republic of Macededonia and the JSC ELEM Skopje, have carried all neccessary requiremets to to fulfill all international and national requirements to conduct Three year post - construction Avian and BAT monitoring in the area of the WIND PARK Bogdanci, Republic of Macedonia.

The final decision for the consultant GEONATURA LTD Zagreb, Croatia is in accordance with the law of KfW Bank - Germany (Guidelines for the Assignment of consultants) which can be found at www.kfw.de.

Financing of this Project is provided through the German Bilateral Financial Cooperation with the Republic of Macedonia through a loan from KfW Bank - Germany (KfW Development Bank).

The process of selecting a consultant was conducted in accordance with the bank's procedures.

The Agreement for Consulting Services - consultant service for post-construction Avian and Bats monitoring for the new Bogdanci Park - BMZ No. 2009 66 390 was concluded on October 5, 2017 between AD ELEM and GEONATURA LTD, Zagreb, Croatia.

The following documents were developed and activities done as part of the Post constructive monitoring:

- ToR - Terms of reference
- Working programme form GEONATURA Ltd - 15.11.2017
- Inception report, from GEONATURA Ltd, adopted by JSC ELEM and KfW, 18.01.2018
- 12.12.2017 field visit of the WIND PARK Bogdanci was done and meeting between JSC ELEM, GEONATURA Ltd, and Siemens, Greece for the monitoring equipment, according the Agreement.
- Permit to conduct scientific research in nature in the area of WIND Park Bogdanci, the surrounding of the accumulation Paljurci and the protected area Monument of nature Dojran Lake, issued by the Ministry of Environment and Physical planning, 05.01.2018.

Planned activities:

Field visit of the WIND PARK Bogdanci and meeting with JSC ELEM and GEONATURA Ltd, on 12.02.2018 for the first results of the monitoring.

As ANNEXes to the Report, The Governemnt of Republic of Macedonia is submitting:

- The Terms of refference of the Three year post - construction Avian and BAT monitoring in the area of the WIND PARK Bogdanci, Republic of Macedonia and
- The Permit to conduct scientific research in nature in the area of WIND Park Bogdanci, the surrounding of the accumulation Paljurci and the protected area Monument of nature Dojran Lake, issued by the Ministry of Environment and Physical planning.

4. Summary

Wind Farm Bogdanci is an operational energy production facility in service since September 2014. No incidents related to birds or bats have been reported since its commissioning.

Project's EMMP document is approved by the Macedonian ESIA competent authority (the Ministry of Environment and Physical Planning) that foresees a necessity of three-year post-construction / operational monitoring.

ELEM in its capacity as the wind farm operator and supported by KfW has initiated the procedure for selection of qualified consultant to perform the requested three-year post-construction / operational monitoring.

All reports prepared in the course of the Three-year post-construction / operational monitoring and findings of the birds and bats surveys will be submitted to the Macedonian competent authorities and made available to all interested stakeholders, including both organizations that submitted the Complaint – the Bat Study Group Macedonia and the Bird Protection Macedonia.

No complaints related to bats and birds have been received during the project planning stage by the complainant or other parties. In addition, the national reports for EUROBATs over the project planning and construction period, which are co-prepared and co-signed by the complainant, make no mention of the project nor raise any issues regarding the Bogdanci Wind Farm.

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modifications to the format or the content, including the reference to the name of the country - Republic of Macedonia.

Republic of Macedonia
Ministry of Environment and Physical Planning

On the basis of Article 24 paragraph 1 and 4 and 39 paragraph 2 of the Law on Nature Protection (Official Gazette of RM nr. 67/04, 14/06, 84/07, 35/10, 47/11, 148/11, 59/12, 13/13, 163/13, 41/14, 146/15 and 39/16), the Ministry of Environment and physical planning granted

PERMIT

to conduct scientific research in nature

To the state-owned power plants of Macedonia (AD ELEM) in cooperation with a team of researchers from GEONATURA from Zagreb, Republic of Croatia, scientific research and monitoring of birds and bats and significant habitats at the WIND Park Bogdanci, the surrounding of the accumulation Paljurci and the protected area Monument of nature Dojran Lake.

The purpose of the research and the monitoring is to determine the possible loss of birds and bats.

The Permit is issued with validity from 01.01.2018 until 31.12.2020.

JSC ELEM from SKOPJE is obligated to submit a survey report to the MOEPP within 60 days after the completion of the research.

EXPLANATION

JSC ELEM from SKOPJE to MOEPP submitted a request for issuing a permit for scientific research with monitoring of birds and bats and natural habitats at the WIND Park Bogdanci.

In the request, AD ELEM Skopje has provided data on planned activities for conducting scientific research of populations and bats populations given in the Monitoring plan of the EIA Study for a period of three years (Post constructive monitoring - operational phase). The monitoring of the two animal groups will be divided into two phases (2 years + 1 year).

Research will include modern devices by installing automatic ultrasonic turbine detectors with a sound function from 8-155kHz, as well as other modern detection and identification devices for wild species from Annex I of the EU BIRDS DIRECTIVE; to transectors in a 1 km protected zone in order to map the present species of birds and bats and habitats (habitats SA 500 / SA 2000). Also, data on the significance of research for the progress of science are given: application of modern techniques, methods and analyzes for identification of habitats and wild species of birds and bats and their introduction in the national database with data on biodiversity of Republic of Macedonia.

Additionally, populations of birds and bats in the local area of the Vardar River, the artificial accumulation Paljurci (4 km distanced from the Bogdanci Veterinary Park) and the Dojran Lake (10 km from the Veteran Park Bogdanci) are going to be explored.

The Directorate for Environment has obtained a positive opinion from the municipality of Dojran (the management of the monument of nature - Dojran Lake).

The research will be carried out by a team of Consulting company GEONATURA from Zagreb, Croatia.

It is recommended to engage in research and scientific experiments from scientific institutions in the Republic of Macedonia in order to adopt the modern methods of using devices and protocols for monitoring birds and bats and significant backyard habitats.

On the basis of the aforementioned, the MOEPP issued a permit from AD ELEM from Skopje for research in nature.

Legal Advice: Against this decision, a request can be made to the State Commission for Decision-making in the Sectoral Procedure and the Labor Relations Procedure in the second instance, within 15 days.

Note: Conducting scientific research in a protected area is carried out by prior announcement to the entity that manages the protected area for the date of commencement of the survey, and in state forests with notification of the forest management entity in accordance with the regulations for protection of forests.

The holder of the license for scientific research in nature is obligated to inform the manager of the protected area, ie the manager with the forest area for starting the implementation of scientific research.

Minister Sadula Duraki