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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Specific Sites - Files open

**Hydro power development within the territory of
Mavrovo National Park
("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 REPORT IN RELATION TO COMPLAINT NO. 2013/1: DEVELOPMENT OF HYDRO-POWER PROJECTS WITHIN THE TERRITORY OF MAVROVO NATIONAL PARK IN REPUBLIC OF MACEDONIA

Date: /08/2018

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.

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1. Background

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

We refer to the reports of the meetings held in December 2017 and March 2018 of the Bureau of the Standing Committee of the Bern convention.

December report 2013/1: Hydro power development within the territory of Mavrovo National Park, Strasbourg, 5-8 December 2017, [Link to the Report](#)

DECISION from the Bureau of the Standing Comitee of the Bern convention

The Standing Committee took note of the report provided by the complainant NGO on the lack of progress in the implementation of Recommendation No. 184 (2015). It noted that the national authorities of the Republic of Macedonia are not present at the meeting and cannot present their opinion on the complainant's claims. The Standing Committee decided to keep the case file open. It expressed its concern with the continued development of low-performing hydro power plants in the area of the National Park and reminded that the development of an SEA on the cumulative impact of all planned activities on the territory of the Park, as recommended, should be developed prior to the construction of new facilities, which will inevitably have an effect on biodiversity. Eventually, the Standing Committee noted that a written report has been provided by the authorities on the day before the opening of the Standing Committee meeting and thanked the authorities for their efforts to submit it. Taking into account that the report arrived too late for allowing its publication among the working

documents for the meeting, it instructed the Bureau to assess it at its upcoming meeting on 19 March 2018.

March report 2013/1: Hydro power development within the territory of Mavrovo National Park, Strasbourg, 19 March 2018, [Link to the Report](#)

DECISION from the Bureau of the Standing Committee of the Bern convention

The Bureau thanked the national authorities for their report and acknowledged the restored communication between the Secretariat of the Convention and the new national focal point to the Convention. The Bureau further reminded that the Balkan lynx has been officially listed in Appendix II of the Bern Convention since 8 March 2018. The Bureau recognized that although both publicly funded large HPPs on the territory of the Park were suspended, the cumulative impact of the smaller HPPs currently under construction or planned for construction does not appear to be taken into consideration. It reminded that, according to Recommendation No. 184 (2015) the development of a Strategic Environmental Assessment for the area should put “specific emphasis on cumulative effects of all planned development activities on the territory of the Park...”. The Bureau instructed the Secretariat to request the national authorities to provide clear information and a strict timetable on when the development of the SEA for the Park is foreseen and on the overall progress of compliance with the Recommendation.

Reports from the Government of the Republic of Macedonia

2017 - At the following link the report from December 2017 is the submitted by the Government of the Republic of Macedonia ([Link to report](#)) regarding the open case Development of Hydroelectric Facilities on the territory of the National Park Mavrovo.

2018 - This report is in response to the Secretariat’s letter dated 13 April 2018 seeking update on the progress with the Recommendation. The report also highlights the activities of the Government of Republic of Macedonia since the Standing Committee of the Bern convention meeting held in December 2017.

The Government’s position has continuously been that the claims in the Complaint were exaggerated, contain inaccurate and often misleading information put forward by the complainant, and that discussions on the case file must be based on accepted scientific evidence.

Even though in 2015 the Government of Republic of Macedonia reported significant issues with the on-site appraisal report and expressed serious concerns with regards to the proposed open-case file recommendations, as a responsible party towards the Bern convention, Republic of Macedonia accepted Recommendation 184 (2015) and expected the Bern Convention to subsequently apply due focus on the substance of the issues as well as the form.

2. Update on Implementation of Recommendation No. 184 (2015)

From the previous report submitted in December 2017, no significant progress was made regarding the implementation of the recommendations.

The Government of Republic of Macedonia remains at its positions to fulfill the activities within the Recommendations.

Update on the Strategic Environmental Impact assessment study

In the frame of realization of the recommendation given in 2015, there are several previous activities in the process of developing a Strategic Environmental Assessment study.

As we have pointed out in previous reports, the first condition is adoption of the Law for re-proclamation of the National park Mavrovo for protected area. The Ministry of Environment and Physical Planning is in phase of inter-institutional coordination with relevant institutions with a goal to start the procedure of drafting the new Law for re-proclamation of the National park as protected area.

After the adoption of the new Law, it will be necessary to adopt a new Management Plan for the Mavrovo National Park as a prerequisite for the implementation of the Strategic Environmental Assessment Study.

Until this date, no significant progress has been made in relation to the Strategic Environmental Assessment Study on the cumulative effects of the planned development activities in the park, as provided for in point 1 of Recommendation no. 184 (2015).

The Government of Republic of Macedonia remains committed to the efforts to accelerate the processes.

3. Other issues related to the Recommendation

Update on the Small Hydro power plants within the Mavrovo National Park

The Concession contracts for the SMPP are monitored by the Commission for Supervision of the Ministry of Environment and Physical Planning, which informs the Government of the Republic of Macedonia on all issues regarding the fulfillment of the obligations by the concessionaires.

The Commission for Supervision did not find a violation of the provisions of the Concession Agreements, which would be grounds for termination of the concession contracts.

Extension of the deadlines was requested, and since the request was supported by adequate evidence that the concessionaires have no fault for the delay, the same has been accepted.

For SHPP Tresonechka and Galichka, Concession Agreements have been concluded through the Ministry of Economy, Water permits have been issued in 2011, they have been built and put into operation.

The Ministry of environment and physical planning is in charge for promotion of granting concessions for water usage for production of electricity for small and micro power plants. The Ministry has taken into consideration the decisions of the Government to stop activities in the area of Mavrovo National Park which led to exclusion of further promotion of possible concessions of small and micro HPP which are recognized within the Mavrovo National park, until the Recommendations 184/2015 are fulfilled.

For further details please refer to the Government report from 2016 - [link to report](#)

Media coverage

Despite the concerns expressed by the Government of the Republic of Macedonia, the Complainant continued to exploit the problem with the Balkan lynx in the Macedonian and international media. This statement does not contribute to the real and true resolution of the issues related to the Complaint, as well as the full treatment of Recommendation 184/2015 of the Standing Committee of the Bern Convention.

The notifications shared by the Complainant still provide inaccurate data for monitoring the process of fulfilling the recommendations of the Bern Convention.

4. Conclusions

The Government of the Republic of Macedonia remains fully committed to fulfilling the obligations given by the Recommendation of the Standing Committee of the Bern Convention and expresses its readiness to accelerate the processes.

The Government of the Republic of Macedonia expects the Secretariat of the Bern Convention and the Standing Committee to recognize and understand the Government's approach at the next meeting of the Standing Committee to be held in November 2018, as well as to indicate to the non-governmental organizations the need to terminate providing and disseminating incomplete and untrue information related to the open case - Development of hydropower facilities on the territory of the National Park Mavrovo.

The Government of the Republic of Macedonia expects the Standing Committee of the Bern Convention to abide by the prescribed procedures for monitoring the case and refrain from proposing or accepting changes to the Recommendations related to the case.

Connections and lobbying that are inherent to the Bern Convention and beyond in the field of environment and through which support is provided to the Complainant and from other entities should be within the material truth of the matter and should not be harm to any party.

- February 2018 -



Republic of Macedonia
Government of Republic of Macedonia

Report of the Government of Republic of Macedonia

GOVERNMENT REPORT IN RELATION TO COMPLAINT NO. 2013/1: DEVELOPMENT OF HYDRO-POWER PROJECTS WITHIN THE TERRITORY OF MAVROVO NATIONAL PARK IN REPUBLIC OF MACEDONIA

Date: 01/11/2017

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BACKGROUND

We refer to the reports of the meetings held in March and September 2017 at the Bureau of the Standing Committee of the Bern convention.

March report 2013/1: Hydro power development within the territory of Mavrovo National Park ("the former Yugoslav Republic of Macedonia"), STRASBOURG, FRANCE 21 MARCH 2017, T-PVS Bureau Meeting (1)

DECISION from the Bureau of the Standing Committee of the Bern convention:

The Bureau thanked the national authorities for their report and additional comments on the case-file process. The Bureau reminded that since the adoption of Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park by the Standing Committee on 1st December 2015, the follow-up of the file is done through regular reporting requests on the state of implementation of the recommended measures. The procedure is standard to all Contracting Parties involved in case-files before the Convention. Eventually, the Bureau decided that a letter signed by the Chair of the Standing Committee should be addressed to the Permanent Representation of "the former Yugoslav Republic of Macedonia" to the Council of Europe, kindly proposing a meeting with the Secretariat of the Convention. The aim of the meeting will be to explain the Bern Convention case-file system procedure and the role of the Secretariat and to offer support on the implementation of Recommendation No. 184 (2015).

September report 2013/1: Hydro power development within the territory of Mavrovo National Park ("the former Yugoslav Republic of Macedonia"), STRASBOURG, FRANCE 18-19 SEPTEMBER 2017, T-PVS Bureau Meeting (2)

DECISION from the Bureau of the Standing Committee of the Bern convention:

The Bureau reminded that both the Bureau to the Convention and the Secretariat are ready to support the authorities in the implementation of Recommendation No. 184 (2015). It expressed a hope that it will soon be clarified who is the new Focal Point for "the former Yugoslav Republic of Macedonia" before the Bern Convention and communication with the authorities will be re-established. The Bureau further reminded national authorities that the Standing Committee will meet for its 37th meeting on 5th to 8th December 2017 in Strasbourg and invited them to attend the meeting and provide a status update on the file and respond specifically on measures taken to meet Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park. The Bureau thanked the complainant for the updated report submitted in May 2017. The complainant is also invited to present an updated report to the Standing Committee at its 37th meeting. The file remains open.

At the following link the report from March 2017 is the submitted by the Government of the Republic of Macedonia T-PVS / Files (2017) T-PVS/Files(2017)09 regarding the open case Development of Hydroelectric Facilities on the territory of the National Park Mavrovo.

This report is in response to the Secretariat's letter dated 27 September 2017 seeking update on the progress with the Recommendation. The report also highlights the activities of the Government of Republic of Macedonia since the Standing Committee of the Bern convention meeting held in November 2016.

The Government's position has continuously been that the claims in the Complaint were exaggerated, contain inaccurate and often misleading information put forward by the complainant, and that discussions on the case file must be based on accepted scientific evidence.

Even though in 2015 the Government of Republic of Macedonia reported significant issues with the on-site appraisal report and expressed serious concerns with regards to the proposed open-case file recommendations, as a responsible party towards the Bern convention, Republic of Macedonia accepted Recommendation 184 (2015) and expected the Bern Convention to subsequently apply due focus on the substance of the issues as well as the form.

UPDATE ON IMPLEMENTATION OF RECOMMENDATION NO. 184 (2015)

From the previous report submitted in March 2017, no progress was made regarding the implementation of the recommendations.

The Government of Republic of Macedonia remains at its positions to fulfill the activities within the Recommendations.

Update on the Strategic Environmental Impact assessment study

In the frame of realization of the recommendation given in 2015, there are several previous activities in the process of developing a Strategic Environmental Assessment study.

As we have pointed out in previous reports, the first condition is adoption of the Law for re-proclamation of the National park Mavrovo for protected area. Due to the long period of elections in Macedonia the Ministry of Environment and Physical Planning was unable to initiate a procedure with a proposal for a new Law on Re-proclamation of the National Park for Protected Area.

After the adoption of the new Law, it will be necessary to adopt a new Management Plan for the Mavrovo National Park as a prerequisite for the implementation of the Strategic Environmental Assessment Study.

Until this date, no progress has been made in relation to the Strategic Environmental Assessment Study on the cumulative effects of the planned development activities in the park, as provided for in point 1 of Recommendation no. 184 (2015).

The newly - established Government remains committed to the efforts to accelerate the processes after the local elections in Macedonia.

OTHER ISSUES RELATED TO THE RECOMMENDATION

Current status of projects HPP Boskov Most and Lukovo Pole

Implementation and all planned project development activities of Government of Republic of Macedonia within the territory of the Mavrovo National Park, particularly foreseen hydropower plants and related infrastructure are suspended until a Strategic Environmental Assessment is prepared.

Loan Agreement between JSC Macedonian Power Plants and European Bank for reconstruction and development, for financing of project HPP Boskov Most, has expired on 10.11.2016 year and since that date, no other financial obligation are undertaken.

Loan Agreement between JSC Macedonian Power Plants and World Bank, for financing preparatory activities for the Project Lukovo Pole is terminated on 06.04.2015 year and since that date, no other financial obligation are undertaken.

Currently, the projects for the construction of HPP Boskov Most and Lukovo Pole that enter the area of the Mavrovo National Park are not a priority of the Government of the Republic of Macedonia. However, the Government of the Republic of Macedonia remains in its position to fulfill the recommendations of the Bern Convention.

Update on the Small Hydro power plants within the Mavrovo National Park

The Ministry of environment and physical planning is in charge for promotion of granting concessions for water usage for production of electricity for small and micro power plants. The Ministry has taken into consideration the decisions of the Government to stop activities in the area of Mavrovo National Park which led to exclusion of further promotion of possible concessions of small and micro HPP which are recognized within the Mavrovo National park, until the Recommendations 184/2015 are fulfilled.

For further details please refer to the Government report - [T-PVS/Files\(2016\)32](#).

Process of monitoring of the open cases against the Republic of Macedonia

The Government of Republic of Macedonia has also raised its concerns with regards to the open-case file follow-up process in regards to Bern convention. Follow-up on case files is conducted through monitoring of the implementation of the Recommendation, however in this case:

1. Macedonia received through the Secretariat of the Bern convention multiple additional information requests from the Complainant since the Recommendation was adopted.
2. The Secretariat of the Bern Convention has allowed lengthy discussions to take place during the 2016 Standing Committee meeting of the Bern Convention, while even though there were remarks from the representatives of the Republic of Macedonia due attention was not paid to the content and the allegations in the appeal.
3. The new report of the Complainant T-PVS / Files (2017) 14 [T-PVS/Files\(2017\)14](#), contains some information that does not comply with the given Recommendation on the open case for the development of hydropower facilities in the territory of the National Mavrovo Park and the activities to be undertaken by the Government of the Republic of Macedonia to implement the Recommendation to the Bern Convention.

Media coverage

Despite the concerns expressed by the Government of the Republic of Macedonia, the Complainant continued to exploit the problem with the Balkan lynx in the Macedonian and international media. This **cratemeHT** does not contribute to the real and true resolution of the issues related to the Complaint, as well as the full treatment of Recommendation 184/2015 of the Standing Committee of the Bern Convention.

The notifications shared by the Complainant still provide inaccurate data for monitoring the process of fulfilling the recommendations of the Bern Convention.

EC Subcommittee for Transport, Energy, Environment and Regional Development and EU progress report for Republic of Macedonia

The above issues and concerns were discussed and discussed at the meeting of the Subcommittee of the European Commission for Transport, Energy, Environment and Regional Development for Macedonia held in February 2017.

Progress in following the recommendations of the Bern Convention has been published in the EU Progress Report on the Republic of Macedonia.

CONCLUSIONS

The Government of the Republic of Macedonia remains at its positions to fulfill the activities under Recommendation 184/2015.

The newly-formed Government of the Republic of Macedonia remains fully committed to fulfilling the obligations given by the Recommendation of the Standing Committee of the Berne Convention and expresses its readiness to accelerate the processes after the completion of the local elections (October 2017).

Currently, the projects for the construction of HPP Boskov Most and Lukovo Pole that enter the area of the Mavrovo National Park are not a priority of the Government of the Republic of Macedonia. However, the Government of the Republic of Macedonia remains in its position to fulfill the recommendations of the Bern Convention.

The collected information related to the open case confirms the established position of the Government of the Republic of Macedonia that the claims in the complaint are exaggerated.

The Complainant by submitting annual reports continuously gives false and incomplete information to the Secretariat of the Bern Convention and its members, creating vagueness about the activities to be undertaken by the Government of the Republic of Macedonia given in Recommendation 184/2015 related to the open case (The latest report - [T-PVS/Files\(2017\)14](#)).

The Government of the Republic of Macedonia would like to point out that the Complainant in the last report does not focus on the implementation of the Recommendation.

The Government of the Republic of Macedonia expects the Secretariat of the Bern Convention and the Standing Committee to recognize and understand the Government's approach at the next meeting of the Standing Committee to be held in December 2017, as well as to indicate to the non-governmental organizations the need to terminate providing and disseminating incomplete and untrue information related to the open case - Development of hydropower facilities on the territory of the National Park Mavrovo.

The Government of the Republic of Macedonia expects the Standing Committee of the Bern Convention to abide by the prescribed procedures for monitoring the case and refrain from proposing or accepting changes to the Recommendations related to the case.

Connections and lobbying that are inherent to the Bern Convention and beyond in the field of environment and through which support is provided to the Complainant and from other entities should be within the material truth of the matter and should not be harm to any party.