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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
45th meeting
Strasbourg, 8-12 December 2025

Bureau of the Standing Committee
8-10 April 2025
Strasbourg

Open File: 2017/02

**Negative impacts to Lake Ohrid and Galichica National Park
candidate Emerald Sites due to infrastructure developments**

- REPORT BY THE GOVERNMENT -

*Document prepared by
The Ministry of Environment and Physical
Planning of the Republic of North
Macedonia*

In connection with the request of the Secretariat of the Bern Convention dated 20 December 2024 concerning Open File No. 2017/2 Negative impacts on Lake Ohrid and the Galichica National Park due to the development of infrastructure and urbanization in the Republic of North Macedonia, the Ministry of Environment and Physical Planning as the competent state body for monitoring the implementation of the Bern Convention for the Republic of North Macedonia hereby inform you of the following :

Decision of the Standing Committee of the Bern Convention of the 44th Meeting (2-6.12.2024 Strasbourg, France) was submitted to the Working Group for the monitoring and implementation of the Recommendations of the Bern Convention on 16 January 2025.

A response was received on February 3, 2025 only from the Municipality of Ohrid (provided in the Attachment).

We also inform you that PSI Hydrobiological Institute has developed an interactive application for visualizing data on water quality and biodiversity of Lake Ohrid and Prespa

<https://hidrobioloski-zavod-ohrid.vercel.app/ohridLakeInfo/chooseTypes>

Annex: Submission of information from the Municipality of Ohrid on Recommendation No. 221(2023) of the Standing Committee of the Berne Convention

Dear Sir,

Regarding your letter to the Municipality of Ohrid regarding Recommendation No. 221(2023) of the Standing Committee of the Bern Convention adopted on 1 December 2023, on the negative impacts on Lake Ohrid and the Galicica National Park, candidates for Emerald Sites, due to the development of infrastructure and urbanization and your request for information on undertaken/initiated and or planned activities, which are within the competence of the Municipality of Ohrid, we inform you of the following:

1. Regarding the evaluation of the Natural and Cultural Heritage Management Plan of the Ohrid Region 2020-2029:

a) complete updated spatial and urban planning documents to ensure that all future constructions in the Ohrid Region are in line with the Outstanding Universal Value, including those for which dematerialized construction permits and other related permits have already been issued; and

b) establish an effective moratorium on all construction, except for essential needs, such as wastewater infrastructure and emergency services, until Recommendations 3, 4a and 12 are adequately completed.

2. Harmonizing the urban planning and construction legislation with the nature protection laws to ensure that habitat conservation and biodiversity are prioritized in protected areas and World Heritage sites, by placing strict controls on definitions such as temporary buildings and urban equipment, by upgrading the quality requirements for impact assessments in protected areas, and by eliminating potential weaknesses in overly broad definitions of national significance that could allow the construction of tourist development zones and hydropower facilities in World Heritage sites. - The Municipality of Ohrid is also of the opinion that point 1, subsection a), i.e. that the cadastral maps should be completely updated and the spatial and urban planning documents should be completely updated, but this is a complex process that should be led by the Real Estate Cadastre Agency, the Spatial Planning Agency and the Ministry of Transport as leading institutions. It is necessary to make a plan and program how it would be implemented in phases and how it would be harmonized with the existing legal regulations covering this issue.

-As for point 1, subsection b) establishing an effective moratorium on all construction, except for basic needs - in order for the Municipality of Ohrid to approach the realization of this obligation, a large number of sub-questions are imposed on which the further actions of the Municipality depend to act on this obligation:

1. First of all, the Municipality of Ohrid, starting from 19.03.2020. until today, with a Council Decision that it adopts on an annual basis, accepts compliance with and implementation of the Plan for Management of the Natural and Cultural Heritage of the Ohrid Region 2020-2029, in which Decision, among other things, provides for a moratorium on construction in the 50 m coastal strip and Studenčiško blato. By implementing the Plan and adopting the Decision on an annual basis, the municipality in certain situations finds itself in an unenviable position, i.e. in a situation where it is, as an institution, responsible for compensation for damage caused by failure to act (e.g., buildings in the coastal zone built with construction and technical documentation that are in a very dilapidated condition, i.e. construction activities are necessary for the reconstruction of the existing building, which is the only place for the existence of the applicants, they cannot exercise their right due to the location of the building and the established moratorium). This raises the question of what a complete moratorium would mean - which area would it cover from the territory of the Municipality of Ohrid? Until when, the consequences of it, the functioning of the local self-government, the inflow based on utilities, etc.? The submitted Reports state that the moratorium is foreseen until Recommendations 3, 4a and 12 are properly completed, and no deadline is given for when they should be completed? Who will assess whether they have been properly completed? What is expected from the established moratorium? - There is a great deal of ambiguity

2. Furthermore, according to the Management Plan in question, it is envisaged that the Spatial Planning Agency in cooperation with the Ministry of Transport is obliged to adopt the Coastal Plan by December 2022 as a starting point and key factor for the further functioning of the local government in the area of urbanization of this area.

Unfortunately, although it is 2025, the plan has not yet been adopted, no information has been submitted to the local government, nor have any consultations been requested about the plan in question, nor are we informed of its current phase, which represents a huge obstacle to our further plans and activities in this regard.

3. Also, if a complete moratorium were established, without specifying why and until when, such a Decision would be unconstitutional because it would violate the constitutionally guaranteed right to property, as well as the right to construction in accordance with the relevant law of any owner of private property who would seek compensation from the municipality because he is prevented from exercising his right.

4. There is another possibility: Although the right to property is inviolable, according to the Constitution it can be limited when it comes to public interest determined by law. In this case, and in accordance with the Convention on the Conservation of European Wildlife and Natural Habitats, the municipality, together with the Galicica National Park and all concerned entities and at the state level, should make a complete and comprehensive analysis of the private properties that fall within the parts of the area of the municipality of Ohrid covered by the Reports as endangered. Then, it is necessary to declare the entire area as an area of public interest with an appropriate act, to seize-expropriate the private land, to make a plan that it will represent, and to compensate the owners, which of course requires large financial resources, otherwise how would the municipality establish a moratorium on construction on private space where construction is permitted according to a valid urban plan?

5. From the experience of implementing the Management Plan so far, we have cases from court practice - administrative court where the municipality loses cases after a lawsuit because it does not act according to the main law, but in the specific case it applies the Management Plan. The judicial authority states in the acts that the Management Plan is only a plan, a recommendation and that the municipality must not act contrary to the main law in the specific area, because it violates the rights of the parties. All this indicates that the judicial authority must be involved in the implementation of the Management Plan, as well as in all Reports adopted in accordance with the Bern Convention, and the state must, as soon as possible, harmonize the legislation on urban planning and construction with the laws on nature protection. Otherwise, the Municipality of Ohrid, independently, without the support of all the relevant parties listed above, cannot adopt acts and Decisions that will not be legally substantiated.