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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

42<sup>nd</sup> meeting

Strasbourg, 28 November – 2 December 2022

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**Open case-file: 2013/01**

**Hydro power development within the territory of  
Mavrovo National Park  
(North Macedonia)**

**- REPORT BY THE GOVERNMENT -**

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

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**REPUBLIC OF NORTH MACEDONIA****Progress Report on the Implementation of the recommendations of the Bern Convention No. 211  
(2021)**

The Government of the Republic of North Macedonia submits this report to the Bern Convention on the progress regarding the implementation of recommendation no.211 (2021), adopted by the 41<sup>st</sup> meeting of the Permanent Subcommittee of the Bern Convention, which was held online from 29.11 to 03.12.2021.

The report will be reviewed at the meeting of the Bureau of the Bern Convention on 6-7 April 2022.

The expert mission was carried out online on 25 and 28 May 2021 and the discussions were insufficient for scanning and in-depth analysis of all the progress achieved in the country and therefore we request to hold an additional mission with the physical participation of independent experts organized by the Secretariat of the Bern Convention in which will present the real progress of the state through direct contacts, field visits and meetings with national and local stakeholders.

In the recommendations for the development of hydroelectric power in the territory of the National Park Mavrovo – T – PVS (2021)23, which should refer only to the open case for NP Mavrovo, Lake Ohrid and National Park Galicica are also included, as well as recommendations that are general for the entire territory of the country and they should be given as separate recommendations.

The progress according to the recommendations is presented in the attachment:

1. Suspension and cancellation of approved concessions and those planned for the construction and implementation of a ban on hydroelectric power plants (large, medium and small), and both, a) in National Parks, Protected Areas, World Heritage Sites and other candidates for Emerald Sites (potential future NATURA 2000 sites), as their implementation will cause problems with compliance with the Bern Convention, and b) which will affect these locations if they are constructed outside their borders.

**For all infrastructure projects in protected areas, Emerald and outside them, in accordance with national legislation that is harmonized with the EU, a procedure for a Strategic Environmental Assessment as well as an Environmental Impact Assessment is conducted, which determines the impact on the environment and recommends measures to reduce the impact on the environment.**

**A project has been launched by the European Environment Agency (EEA), the European Commission (DG – ENV) and the Council of Europe, which in cooperation, as an obligation of the Bern Convention, will support the progress in establishing the Emerald Network in the countries of the Western Balkans.**

**Within the framework of the project: “Mobilisation of the Emerald Network databases in the Western Balkans in preparation of biogeographical seminars” within the process of “Strengthening the participation of the Western Balkans in the work of the European Environment Agency 2020-2021”, European Environment Agency will contribute to the updating of the Emerald Network databases in the countries of the Western Balkans, in order to support the future transfer to the Natura 2000 network.**

2. Implementation of the new international standards for the prohibition of hydropower plants in the World Heritage Sites (beech forests in Mavrovo National Park are part of serial Beech Forests World Heritage property) and providing an in-depth analysis of the protected areas, candidate protected areas and corridors between protected areas which require implementation of high standards of performance and transparency.

**The adoption of a new Law on Nature is in process, which is approximated by the Birds and Habitats Directive, and introduces the possibility of implementing a procedure for**

**proper assessment on nature, which is an obligation from Article 6 of the Habitats Directive.**

3. Ensuring the proper implementation of the EU Water Framework Directive National Law regarding the environmental flow of streams and preventing the excessive withdrawal of water into streams or having an impact on Mavrovo National Park, other protected areas, World Heritage Sites and Emerald candidate areas.

**Pursuant to Article 120 of the Law on Water (Official Gazette of the Republic of Macedonia No. 87/08, 6/09, 161/09, 83/10, 51/11, 23/13, 163/13, 180/14, 154/15 and 52/16) in 2018, a Proposed Methodology for determining the minimum acceptable water flow and groundwater level was developed, where a minimum water flow and groundwater level is maintained in each surface water body, that is, a body of underground water. The purpose of this Proposed Methodology is to ensure the protection of public health and safety, preservation of the natural balance of aquatic and terrestrial ecosystems, preservation of landscape characteristics and support of the chemical, physical and ecological condition of water bodies.**

4. Ensure that core funds for the operation and management of the national parks in North Macedonia come from the state budget, and not from the excessive harvesting of natural resources and other unsustainable sources of funding (complying with the IUCN standards for protected areas).

**For the new National Park Shar Mountain, 100,000 euros have been provided from the state budget for the initial functioning of the national park.**

**A determination of the state of the ecosystems at the national level has been carried out. The ecosystem services of the basic ecosystems are mapped at the national level, with special emphasis on protected areas. A report has been prepared for the assessment and mapping of ecosystem services at the local level for the Monument of Nature – Vevcanski Springs. As part of the implementation of a long-term capacity building plan for all stakeholders, stakeholder trainings were conducted on issues related to ecosystem services. Legislation to establish a payment for ecosystem services is being improved.**

**Transboundary cooperation for nature protection has been promoted within the framework of the Prespa-Ohrid Nature Trust (PONT), which included the protected areas (NP Pelister, NP Galicica, Monument of Nature Lake Prespa and Nature Park Ezerani). 50% funding was provided for these protected areas for activities from their management plans.**

5. Strengthening the process of all forms of impact assessments in national legislation to ensure that they meet EU standards for robust quantification of potential impacts, including but not limited to the revision of the process for conducting, reviewing and auditing of Strategic Environmental Assessment, Environmental Impact Assessment and Environmental Elaborates, as well as implementation and monitoring of the recommendations from these documents; this should be achieved through a) increased licencing standards and responsibility mechanisms for assessment proponents; and b) improvements to the relevant laws and regulations.

**The Ministry of Environment and Physical Planning is in communication with the Energy Community Secretariat, at all levels, in order to find the fastest applicable solution for the transposition of directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment in the national legislation. For which the necessary documents from the Progress monitoring for 2021 (TOC compliance table and the IQ implementation questionnaire for EIA) have been submitted to the competent persons of the Energy Community for EIA, based on which a recommendation will be made for the necessary amendments and additions to the national legislation.**

**Opinions are regularly given on Environmental Impact Assessment procedures from the aspect of nature protection.**

6. To accelerate the process of preparation of the valorisation study of Mavrovo National Park, taking into account all international and national standards for nature conservation and protected areas, including IUCN protected areas and World Heritage Site standards. To increase the efforts to complete the process of re-proclamation and adoption of a new law for the Mavrovo National Park and to prepare an effective and comprehensive management plan for the park.

**MOEPP is intensively seeking financial resources for the preparation of a new study or revision of the existing study for the valorization of NP Mavrovo.**

7. Ensure that there are no further extensions for applications of objects that were built without permission in Mavrovo National Park, other protected areas and World Heritage Sites.

**The law on the legalization of illegally constructed buildings is in parliamentary procedure.**

**In the Proposal for a new Law on the Legalization of Illegally Constructed Buildings, it was adopted by the Government at the proposal of the Ministry of Transport, with the aim of finalizing the illegal constructions used for housing, as a socio-economic measure. At the request of the Ministry of Environment and Physical Planning, the scope of this law is limited only to buffer zones and zones for sustainable use in protected areas, where infrastructure is permitted according to the Law on Nature Protection. Namely, populated areas, settlements and agricultural fields are always located in the zone for sustainable use within the protected area. Buffer zones are usually established around the protected area in order to protect it from activities occurring outside, or, when necessary, between zones that have different protection regimes in the protected areas. In that sense, at the request of the MOEPP, in the draft-law that has been accepted, it was also stipulated that any legalization in the above-mentioned zones will be carried out after obtaining the consent from the MOEPP, for which an assessment will be made on a case-by-case basis, whether a certain facility meets the criteria (type of housing), whether it affects natural values and whether it is in compliance with other planning documents, before its legalization is approved. Legalization of objects in active management and strict protection zones is not allowed.**

8. Improving and maintaining the capacity of protected area management and monitoring structures in accordance with international methodologies and IUCN standards, including the principles of implementing the primary management objective for the protected area over at least 75% of its territory. Ensure that expert staff are deployed in all management unit positions, properly manage wildlife and habitats, and carry out inspections and monitoring.

**The EU/UNDP Project “Improving the Management of Protected Areas” (Grant Scheme) was implemented. The project aimed to improve nature protection and promote sustainable use of natural resources, while increasing the capacity of managers, local authorities and non-governmental organizations to manage and promote protected areas. 25 project applications for protected areas and potential Natura 2000 sites were selected. The EBRD project supporting the “Biodiversity Capacity Building Program” was implemented. The aim of the project is to promote good international practices in the country and support state institutions, state enterprises responsible for development, design, construction and/or operational infrastructure, civil society, biodiversity consultants and academic institutions in order to build capacities for assessment and management of biodiversity and protected areas. Trainings were held with stakeholders. A special module of the training program was held, specifically designed according to the management needs in protected areas, designed as a training for Rangers – guards in protected areas. The training program includes about 30 Rangers – guards in protected areas.**

9. Harmonization of spatial and sectoral plans, especially for tourism and urban settlements in order to prevent further urbanization and degradation within national parks and

protected areas. Encouraging sustainable, ecological forms of tourism, which are based on the IUCN standards for tourism in protected areas.

**The new spatial plan of the Republic of North Macedonia is being prepared, which as a planning document of the highest rank will include all programs, strategies and other strategic documents that were prepared for all separate fields. Also, as a planning document of the highest rank, it will provide guidelines for the further development and adoption of planning documents of a lower level, such as spatial plans for protected areas and other planning-urban plans of a lower level.**

10. Facilitating an independent review of the entire legal framework related to spatial and urban planning, construction, environment and nature protection in order to eliminate any weaknesses for the protected area and IUCN World Heritage objectives, conducted by experts.

**With the preparation of the new spatial plan of the state, the new Law on Spatial Planning will be prepared in parallel.**

11. Review, endorse and re-implementation of the Conservation Action Plan for Balkan Lynx in National Park Mavrovo, developed in cooperation with the Balkan Lynx Recovery Program in 2013 and ensure funding for the implementation of the plan.

**Great progress has been made with the preparation of the National Red List for mammals according to the IUCN methodology, including the RL for Lynx lynx balcanicus (<http://redlist.moepp.gov.mk/species-summary-page/#mammals>)**

**Within the project activity: “Two pilot ecological corridors proposed in the National Ecological Network (MAK-NEN) selected for the promotion and testing of specific measures, involving local stakeholders, for the management and restoration of forests of high natural value and other habitats” work is also being done on the ecological corridors of the Balkan lynx: Bukovikj (Sretkovo) and Bukovikj (Kolari) as a continuation of the cross-border ecological corridor Mavrovo (MK) – Korab Koritnik (AL) – Munela mountain (AL) as well as the ecological corridors of the bear, the wolf, and probably also the Balkan lynx: Selecka Mountain, Dren – Vitoliste and Kozjak (Pletvar) as part of the larger ecological corridor Nidze – Kozuf – Jakupica.**

12. To improve cooperation between Mavrovo National Park, neighbouring national parks in North Macedonia, the adjacent communities and existing or potential lynx areas in neighbouring countries with regard to wildlife and habitat conservation and management to ensure the connectivity of these sites and expansion of the lynx population. In this respect, consider the development and implementation of a National Lynx Action Plan.

**At the moment, the activity for the Transnational exchange platform for the management of large carnivores in the Dinaric region is being realized. The main goal of this project is to establish an international platform for the management of large carnivores with representatives from eight countries of the Dinaric region: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Serbia and Slovenia. During several platform meetings, national administrations work together with other relevant stakeholders from agriculture, science, hunting and nature conservation to jointly develop guiding principles for future cooperation.**

13. Improving cooperation between government agencies, complainants, non-governmental organizations, scientists and stakeholder groups to expedite the process of effective protection and management of Mavrovo National Park, Lake Ohrid and Galicica National Park. This cooperation has improved greatly in recent years, but more efforts are needed to achieve protection and development goals. There is also an urgent need to involve Albanian decision-makers and other relevant stakeholders and to promote transboundary cooperation between the two countries.

A regional EU project is being implemented: the Environmental Partnership Program for Accession (EPPA) for the Western Balkans and Turkey. Representatives from our country participate in regional workshops for the exchange of information and best practices for managing illegal logging and timber trade, invasive non-native species and green infrastructure and ecological connectivity and for the implementation of the EU Trade Regulation with wild plants and animals and for the EU Pollinators initiative.

We are actively involved in the Regional Biodiversity Working Group. The Green Agenda for the Western Balkans has been developed, where in cooperation with DG NEAR and DG ENV, the regional approach and improvement with biodiversity management at the regional level will be actively worked on.

Transboundary cooperation with Albania and Greece for nature protection is being promoted within the framework of the Prespa-Ohrid Nature Fund (PONT), which included protected areas (NP Pelister, NP Galicica, Monument of Nature Lake Prespa and Nature Park Ezerani). 50% funding of these protected areas for the activities of their Management Plans.

Through a project supported by the EU Environmental Partnership Program for Accession (EPPA) in the Western Balkans and Turkey – Study on Green Infrastructure deployment and ecological connectivity status in Albania, Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia, where have been identified the most important and valuable natural areas in the countries of the region in terms of green infrastructure that provides connectivity between ecosystems and habitats for the three umbrella species, including Mavrovo (North Macedonia), Korab Koritnik (Albania), - Mount Munela (Albania) and Ohrid-Prespa-Pelister (Albania, North Macedonia).

According to the above report on the progress of activities, the Government of North Macedonia requests that the recommendations be considered and changed, as follows:

Regarding recommendation no.1, please find our proposed changes to the recommendation:

**To prevent the implementation of the disputed planned hydropower plants and related infrastructure on the territory of the National Park Mavrovo, until the realization of the advisory mission from the Bern Convention with physical presence and revaluation and re-proclamation of the National Park Mavrovo.**

Regarding the online discussion of the 41st meeting of the Standing Committee on 01.12.2021 on the pending case for North Macedonia: Alleged negative impacts on Lake Ohrid and National Park Galicica due to infrastructure development, **the Government of North Macedonia welcomes the realization of an advisory mission from the Bern Convention with a physical presence in Lake Ohrid and NP Galicica and the preparation of a report for the 42nd meeting of the Standing Committee, before discussing negotiations from non-governmental organizations.**