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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

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

- REPORT BY THE COMPLAINANT -

*Document prepared by
Eko-Svest*

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To the

Bern Convention Secretariat

Ms. Iva Obretenova

Skopje, 20.11.2019

Subject: Update on the case file 01/2013 Hydro power development within the territory of Mavrovo NP by the complainant

Dear Ms. Obretenova,

Hereby we would like to present our update on the case file 01/2013 Hydro power development within the territory of Mavrovo NP. In addition to the update provided on 13.06.2019, we plan to inform the Standing Committee of the following observations by the Complainant regarding this case:

1. Suspension of the hydropower projects in the Mavrovo National Park

The development of the large hydropower projects has not continued. The draft of the newly developed Energy Strategy is under public consultations. The draft states that the Strategy is not going to elaborate hydropower projects planned in protected areas such as the Boskov most and Lukovo Pole. At the same time, the draft document proposes 230 MW of installed capacity in low performing hydro power plants, which inevitably means the further development of these projects in protected areas (around 50 projects are being proposed). In parallel to this process, there is continuous development of low performing hydro power projects, as described in our previous update from 13.06.2019.

2. Progress with the SEA and Law on Mavrovo

There has been no progress on the preparation of the Law on the protection of Mavrovo National Park, its Management Plan, nor the development of the Strategic Environmental Assessment for the planned infrastructure activities on its territory.

On 30.05.2019 our partner CSO Front 21/42 submitted Administrative complaint (n. 03/2019/2/18i) to the Ministry of environment and physical planning for the Law on re-proclamation of Mavrovo National park. The complaint was based on several breaches of the Law on nature protection, the Law on environment the bylaw on public participation and the Aarhus convention.

On 31.10.2019 we have received the Decision (n.02-5134/3) from the Ministry stating the following "In the procedure of re-proclaiming Mavrovo as national park, the Public Enterprise National Park Mavrovo, failed to inform or notify the Department of Nature that an official letter was issued by the park authority on 24.04.2015 giving positive opinion for small low-performing hydropower projects on the territory of the Mavrovo National Park, which do not comply with the protection regime contained in the already submitted Valorization Study on the basis on which the re-proclamation procedure was initiated".

In the official positive opinion regarding the LPHPs Zirovnicka 5, Zirovnicka 6, Ribnicka and Jadovska issued by the NP Mavrovo authorities, it is noted that the projects are in conflict with the protection zone where no infrastructure activities are allowed. Regardless of this fact that the park authorities issued a positive opinion, this represents a clear breach of national legislation and the Government based on this breach should cancel the concessions.

However, instead of doing so the Government continues to prolong the already agreed and exceeded deadlines for the HPPs construction in the park. The contract for Ribnicka was prolonged to 2021 without any justification. The decision for Zirovnicka 5 and Zirovnicka 6 HPPs will be made in the upcoming month.

The local municipality of Mavrovo and Rostushe however, has recently abolished two construction permits (information received on 11.11.2019) with the following decisions:

- LPHPP Zirovnichka 5 (Decision Up1 n. 10-119/19 from 19.09.2019) declaring the construction permit Up1 n.10-989/16 from 20.03.2017 null and void.
- LPHPP Zirovnichka 6 (Decision Up1 n. 10-120/19 from 19.09.2019) declaring the construction permit Up1 n.10-990/16 from 20.03.2017 null and void.

In addition, local inhabitants in Mavrovo organized protests against the construction of Zhirovnica LPHPs since the plant will compromise access to their drinking water supply. The local community has never been consulted about the construction of this project. This plant was also subject to an inspection and lost its construction permit. The environmental study approval is also found to be deficient. The annex contract for this project prolongs the construction to January 2020.

3. Bern Convention mission to Macedonia

For the purpose of this case and the request from the Bern Convention Secretariat for access to relevant legislation and documents before their upcoming mission to Macedonia, we have prepared and compiled all necessary files and documents (Draft law on Mavrovo NP, Study on the revalorization of the values of Mavrovo NP, SEA procedure according the law, individual expert reports for the Mavrovo NP) and made is available to the authorities. If the Secretariat wishes so, we shall send these documents in electronic format.

We hope the Secretariat finds this information useful for formulating further recommendations about the case file.

Sincerely,

Ana Colovic Lesoska

Executive Director

Eko-svest