



Account holder: Eko svest
Bank: Komercijalna Banka a.d. Skopje
IBAN code: MK7300701000746382; SWIFT code: KOBSMK2X

Bul. 11 Oktomvri 125/12, 1000 Skopje, Macedonia
Tel.: +389 2 3217 247; Fax: +389 2 3217 246
info@ekosvest.com.mk; www.ekosvest.com.mk

To European Commission
DG Environment
Claude Rouam
Head of the Unit
DG ENV E.3
Enlargement & Neighbouring Countries
BU-9 05/147
claudio.rouam@ec.europa.eu

Subject: Demir Kapija - Smokvica highway project in Macedonia

Dear Mr. Rouam,

I am writing to you to raise our concerns regarding the Demir Kapija - Smokvica highway project in the Republic of Macedonia. We demand that the Commission ensures that a proper Environmental Impact Assessment (EIA) process is undertaken before financial support for the project is granted by the EC or EIB.

The Demir Kapija - Smokvica highway, aiming to address one of the bottlenecks along TEN Corridor X, has been identified as a project of short or medium term priority by the High Level Group on TEN-T extension to the neighbouring countries (p.24 from the indicative list of priority projects, report published November 2005). According to the EC proposal for guidelines on the extension of TEN-T the measures supported should be linked with: the application of international conventions, social and environmental impact assessment, public procurement procedures etc. in accordance with EU standards, donors' funding rules and best international practice¹.

A grant for the project was approved by the EU Instrument for Pre-accession Aid in 2007. In December 2007 the European Investment Bank included the project in the list of the projects under appraisal (<http://www.eib.org/projects/pipeline/2007/20070316.htm>) in its database.

The construction of the Demir Kapija - Smokvica highway, however, could cause irreversible damage to species and habitats protected under National and EU legislation. The Demir Kapija Gorge has been protected since 1960 as a Monument of Nature (III category under IUCN) and is one of the richest ornithological reserves in Europe due to the presence of rare vultures such as the Griffon Vulture and Egyptian vulture. The gorge will certainly become an important part of the EU NATURA 2000 Network on Macedonia's accession to the Union. If this highway is built, the most significant impact will be caused by the works around tunnels, requiring detonations. Vultures living in the gorge are extremely sensitive to noise. In such unbearable conditions they do not reproduce and the end result is an overall decrease of the number of vultures.

The EIA process for the project has already started. The intention of the Investor has been published on the website of the Macedonian Ministry for environment (www.moepp.gov.mk). According the Ministry of the Environment, the screening and scoping have already been finished (in December 2007 and without involvement of NGOs, to our knowledge), but in spite of legislation that obliges the Ministry to publish (in one national newspaper and on its own website) the outcomes of the screening and scoping, this has regrettably not been carried out.

¹ p.2.3 Horizontal measures of the COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT (COM (2007) 032 from 31/01/2007 Extension of the major trans-European transport axes to the neighbouring countries, Guidelines for transport in Europe and neighbouring regions

When we have asked for information, both from the Ministry of the Environment and Fund for National and Regional Roads (The Investor), the officials are unaware, unwilling or not allowed to share information about the EIA study, the results from the scoping and screening or the future development of the project.

This is very disturbing for us, since we are aware of the public nature of the requested documents, and the importance of the EIA process for protection of the valuable biodiversity in the gorge. The Ministry's approach to the EIA process is in clear violation of the national EIA law, Macedonia's commitment as a party to the Bern Convention² and its commitment to harmonization with EU law taken as part of the Accession process.

We believe that EC financial support should be given only to projects that demonstrate high compliance with national Law and best practice for environmental protection. We have therefore decided to write to the Commission, as one of the planned investors in the project, in order to notify you about the problems and to hope that you will take due consideration of them.

More specifically we would like to ask you:

- 1) Not to disburse the IPA grant for the project before a satisfactory EIA process is carried out and the necessary changes to the project are made to ensure that it does not impact on valuable natural areas.
- 2) To warn the EIB of the potential impact of the highway on biodiversity and to ask them to condition approval of the project on the completion of a proper EIA process
- 3) To guide the Ministry of the Environment in the proper implementation of the EIA process for this project and especially to advise them to:
 - disclose the EIA report, and the results of the screening and scoping process
 - organize public consultations according to the best EU practice
 - review the EIA report in regard to the potential impact of the highway on protected species and habitats as envisaged by Art.4 of the Bern Convention and Art.6 of the EU Habitats Directive.

Thank you in advance for your efforts to move Macedonia towards compliance with EU environmental legislation,

Sincerely,

Ana Colovic



Director
Center for environmental research and information
Eco-sense
Macedonia

² Convention on the conservation of the European wildlife and Natural habitats,
<http://conventions.coe.int/Treaty/EN/Treaties/Html/104.htm>