

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

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Palais des Nations
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Ref. EIA/IC/INFO/36 North Macedonia Gold Copper Mine

28 March 2024

Dear Mr. Koumanov,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its fifty-eighth session, held online from 27 to 29 February 2024, the Committee continued its consideration of the information it had gathered further to the information of 19 July 2023 from the Bulgarian NGO “Balkanka Association” concerning the development by North Macedonia of a new gold-copper mine, close to the border with Bulgaria and Greece. The Committee reviewed the response of North Macedonia dated 1 November 2023 to its letter of 20 September 2023 requesting information on the planned activity and the related transboundary environmental impact assessment procedure under the Convention.

Based on that response from North Macedonia and publicly available additional information, the Committee noted the following information:

- (a) In March 2016 North Macedonia adopted a scoping decision for the environmental impact assessment and in April 2016 the mining company submitted an environmental impact assessment. To date, the Ministry of Environment and Physical Planning has not issued a decision allowing or denying the commencement of the activity;
- (b) In 2019 North Macedonia enacted legislative amendments that inter alia prohibit the use of cyanide. The North Macedonian government is of the view that the amendments would require a new environmental impact assessment procedure for the Illova mining operations to start, and that this forthcoming environmental impact assessment procedure would be carried out in line with the Convention’s requirements.
- (c) There are on-going legal proceedings between the mining company and the North Macedonian government concerning the mining concessions and exploitation permits.

Mr. Dimiter Koumanov
Balkanka Association
Sofia

The Committee agreed that it needed additional clarifications from North Macedonia and from Balkanka Association.

Notably, hereby, Balkanka Association is requested to substantiate its claim that the mine is "soon to be set into operation" taking into account the facts presented on the first page of this letter (see also ECE/MP.EIA/IC/2023/8, para. 66).

By the letter of 25 March 2024, the Committee requested the Government of North Macedonia to provide clarifications on the following:

(a) Whether the environmental impact assessment report submitted by the developer in 2016 assesses any likely significant adverse transboundary impact from the activity, in particular on the territories of Bulgaria or Greece;

(b) Whether the Government has, at any stage until now, assessed the likelihood of a significant adverse transboundary impact from the planned Ilovica mining operation, in particular on the territories of Bulgaria and Greece. The Government is reminded of its obligation to undertake such an assessment prior to authorizing or commencing the mining activity;

(c) Whether the Government has thus far notified potentially affected parties, notably Bulgaria or Greece, about the proposed mining activity. North Macedonia is reminded of its obligation to do so and to conduct the transboundary impact procedure under the Convention should the activity likely result in a significant adverse transboundary impact;

(d) How the Government will apply the Convention and fulfil the obligations outlined above in case the courts of North Macedonia determine that, regardless of the 2019 legislative amendments, the mining company is not required to carry out a new environmental impact assessment procedure.

To enable the Committee to continue its consideration of the matter at its fifty-ninth session, scheduled to take place from 18 to 21 June 2024, you are kindly requested to provide the requested clarification in English through the secretariat no later than **7 May 2024**.

Yours sincerely,



Joe Ducombe
Chair of the Implementation Committee