

30.12.2011

Project Complaint Mechanism
Attn: PCM Officer
European Bank for Reconstruction and Development
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Subject: Additional complaint regarding the Boskov Most HPP project

Dear Ms Begoyan,

As an addition to our complaint to the Project Complaint Mechanism submitted on 07 November 2011 regarding the Boskov Most hydropower project, we would like to draw your attention to one more important aspect which has come to our notice since then. We would like to ask you to consider this issue as an addendum to the complaint as we believe the EBRD has failed to follow its procedures.

Namely, the Environmental and Social Policy 2008 clearly states:

PR 1.9: *“The Environmental Impact Assessment (EIA)/Social Impact Assessment (SIA) shall meet PR 10 and any applicable requirements of national EIA law and other relevant laws”*

PR10.7: *“The requirements of national law with respect to public information and consultation, including those laws implementing host country obligations under international law² must always be met.”*

The Macedonian Law on Environment provides that the environmental impact assessment process is carried out in close consultation with the public and also allows for complaints at various stages of the process. However, to this date, **no decision by the Ministry of Environment and Physical Planning has been issued to approve the Environmental Impact Assessment Study for the Boskov Most HPP project.** We learned about this fact last week, when the Ministry of Environment and Physical Planning informed us that the Ministry Committee to decide upon the ESIA Study has not been set up yet.

The Macedonian Law allows for complaints to be addressed on the decision for approval of the Study, and such complaints could possibly change the decision made by the Ministry or initiate changes to the Study.

Therefore, the environmental impact assessment process for the Boskov Most HPP project is not yet finished and the national requirements in this respect have not been met.

We conclude that as the EBRD approved and signed the Boskov Most HPP project in November 2011, it did not wait for the national level environmental impact assessment process to finish and so failed to follow its own procedures. It is impossible for the EBRD to have known whether the project procedures fulfilled national and/or EU requirements at the time when it approved and signed the project.

The fact that the process is not yet finished brings several possible outcomes that the EBRD cannot foresee with certainty. The decision by the Ministry of Environment and Physical Planning could be negative, or the Ministry could request changes to the ESIA study. If complaints are submitted on the national level, this could also change the final outcome.

The EBRD should have first waited for the national process to be finalised and then considered approving the project.

Please do not hesitate to contact me should you have any further questions,

Yours sincerely,



Ana Colovic Lesoska

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