

*PROPOSING PARTY:*

*The Government of the Republic of Macedonia*

***ACT ON ENVIRONMENT AND NATURE  
PROTECTION AND PROMOTION***

*Skopje, December 1996*

**ACT ON ENVIRONMENT AND NATURE  
PROTECTION AND PROMOTION**

## **I. GENERAL PROVISIONS**

### **Article 1**

This Act specifies the rights and responsibilities of the Republic of Macedonia, legal entities and persons, in the providing of pre-requisites for environment and nature protection and promotion, with the purpose of implementing the right of citizens to healthy environment.

### **Article 2**

Specific terms used in this Act have the following meanings:

1. Environment and nature is the area with all living beings and natural resources.
2. Environment protection and promotion is the protection of air, water and soil against pollution; combating hazardous noise; protection against ionic and neionic emissions; waste use and disposal, and any other kind of environment and nature conservation whatsoever.
3. Nature protection and promotion is the special protection of nature parts and entities with the purpose of maintaining their authentic status and exploiting natural wealth to the highest level possible.
4. Natural wealth covers the soil, waters and ores.
5. Bioresources are: the plant and animal worlds existing on land and in waters.
6. Nature parts are specific areas that have particular importance as areas or are important as they cover especially significant plant and animal species (national parks, reserves etc.).
7. Nature entities are specific plant and animal species that live, on their own or in communities, in specific areas and are of special scientific, aesthetical, economic and other meaning.
8. Cadastre of pollutants are the qualitative and quantitative records concerning pollutant substances being emitted or discharged into waters, soil and air by specific technical and technological systems.
9. Register of dangerous waste is a catalogue in which wastes, hazardous and dangerous substances are classified by their chemical composition and degree to which they themselves are dangerous.
10. Hazardous substances are substances that, when appearing in specific quantities or concentration in the air, waters and soil, jeopardise the life and health of people, animals and plants.
11. Dangerous substances are chemical substances that change the natural, physical, chemical, biological and bacteriological composition and features as well as the radiological features of the soil, waters and air.
12. Emission is the releasing of dangerous substances from the source of pollution.
13. Imission is the pollution status of the air polluted by specific substances, at a particular point and time.
14. Waste are wasted parts of raw materials used in technological processes of all activities.

### **Article 3**

The Republic shall participate in the funding of environment and nature protection and promotion, by allocating funds from the national budget.

### **Article 4**

In the conducting of their activities, legal entities and individuals shall have to provide: the rational use of natural wealth, funding for environment and nature protection and promotion within the frames of investment and production projects and programmes for monitoring the impact of their activities over the quality of environment and nature.

#### **Article 5**

More detailed conditions for environment and nature protection and promotion and people's health protection and promotion shall be specified by Law.

Certain natural wealth and nature parts and entities, which by scientific and expert research have been identified as possessing particularly significant natural values, shall be put under special protection, in compliance with conditions, manners and procedures specified by this Act and by other acts and international conventions and agreements that the Republic of Macedonia has signed or acceded to.

#### **Article 6**

The procedure of protection against public utilities and industrial hazardous and dangerous substances within the manufacture, use, transport, traffic, storing, removing, neutralisation and disposal shall be carried out in a manner and under conditions so as to avoid the jeopardising of people's life and health, environment and nature polluting, which shall be done both alongside a particular process itself and when breakouts appear, and in compliance with criteria and conditions specified by Law.

#### **Article 7**

Data on the status of quality and cases of environment jeopardising shall be made publicly available.

Any person the environment of which has been, or may be, jeopardised shall have to be informed publicly or upon their own request, should such jeopardising or jeopardising risk appear.

The consumer i.e. the beneficiary of goods and services shall have to be informed on the impact of relevant goods or services on the environment and health of people and on protection measures carried out; informing shall be done by means of an instruction issued with an item or accompanying its wrapping material (labelling), or in some other appropriate way.

#### **Article 8**

The monitoring of the quality and status of environment and nature protection and promotion shall be done within the frames of an information system for environment and nature protection and promotion, as a subsystem of the national Spatial Information System. The managing of the information system mentioned under Item 1 of this Article shall, within the Ministry of Urban Planning, Construction and Environment, be done by the Centre for Processing and Use of Data from Monitoring the Quality of Environment and Nature (in further text, the Centre).

The information system mentioned under Item 1 of this Article shall, in particular, provide: a database and scientific and technical information that are of importance to environment and nature protection, drawn from measuring and monitoring the current status and changes in the environment.

The Government of the Republic of Macedonia shall adopt the Programme of Developing the Information System on Environment and Nature Protection and Promotion.

#### **Article 9**

Public institutions in the area of education (starting from elementary education), health care, information, culture and science are hereby obliged to envisage in their action programmes and plans contents aiming at gathering knowledge of, and creating an active view concerning, environment and nature protection and promotion.

#### **Article 10**

Within the Ministry of Urban Planning, Construction and Environment, the Agency for Environment and Nature Protection and Promotion (in further text, the Agency) shall be established to carry out expert work in the area of environment and nature protection and promotion. The Agency mentioned under Item 1 of this Article shall perform expert work and supervision over protected nature parts and entities, sources of soil, waters and air pollution; propose expert, technical and technological solutions for decreasing or preventing environment and nature pollution and degradation; prepare expert documentation concerning environment and nature protection and promotion; carry out measuring and monitoring the current status and changes in environment and nature etc..

#### **Article 11**

Specific expert tasks concerning environment and nature protection and promotion shall also be carried out by other scientific and expert organisations and other legal entities registered with conducting this kind of activities. Upon proposal from the Ministry of Urban Planning, Construction and Environment, the Government of the Republic of Macedonia shall issue a decision authorising entities mentioned under Item 1 of this Article.

#### **Article 12**

Other acts covering natural wealth exploitation shall provide for: conservation, regeneration and managing natural wealth; protection and not-prevented functioning of specially protected nature parts and entities; biodiversity, especially valid with eco-systems; specifying a special regime of managing, conserving and using areas of nature protected parts and entities (such as national parks, reserves, water supply sources, thermal and mineral waters, forests, agricultural land, public green areas, recreation areas, spas etc.); identifying areas with jeopardised nature parts and entities (such as polluted areas, areas jeopardised by erosion and great precipitation, mineral raw materials exploitation, floods etc.); and rehabilitation of such areas; and other activities.

### **II. THE RIGHTS AND RESPONSIBILITIES OF THE REPUBLIC, LEGAL ENTITIES AND INDIVIDUALS IN ENVIRONMENT AND NATURE PROTECTION AND PROMOTION**

#### **Article 13**

In order to evaluate the status and identify measures to be taken, the Government of the Republic of Macedonia shall pass the National Ecological Action Plan of the Republic of Macedonia.

In compliance with the National Ecological Action Plan, the municipalities and the City of Skopje shall pass local action plans regarding environment and nature protection and promotion.

#### **Article 14**

Legal entities and individuals shall be allowed to carry out natural wealth using, mineral raw materials exploitation, construction of new cites, reconstruction of the existing ones or other activities under the condition that they do not cause damages or considerable changes to natural wealth and bio-resources or in some other way perform degradation of the environment and nature against norms prescribed.

In the preparing of technical documentation and its implementation, the investor shall have to provide for the protection of environment and nature, in compliance with the Law.

The Minister of Urban Planning, Construction and Environment shall prescribe:

1. the kind of investment cites on which technical documentation assessing environment impact has been prepared;
2. the manner of developing technical documentation regarding the impact of relevant cites and activities over the quality of environment.

#### **Article 15**

Any legal entity or individual that, by using mineral raw materials, disposing wastes, barren substance, ash and slag and the like, shall degrade soil is hereby obliged to re-cultivate or in some other way rehabilitate that same soil in accordance with a previously prepared technical documentation concerning re-cultivation; this is to be done in compliance with the Law, within three years following the completion of using mineral raw materials and disposing wastes, barren substance, ash, slag and other waste at latest.

#### **Article 16**

Entities mentioned under Article 4 of this Act are hereby obliged to keep records of hazardous substances input done within the performing of their activities as well as of the nature and quantities of hazardous waste they generate and emit to the air, waters and soil and to submit such information to the Ministry of Urban Planning, Construction and Environment within 24 hours following the input of hazardous substances at latest.

#### **Article 17**

The Minister of Urban Planning, Construction and Environment, in agreement with the Minister of Health, the Minister of Internal Affairs, the Minister of Agriculture, Forestry and Water Management and the Minister of Economy shall, with an order, prohibit the production and traffic of specific goods and the performing of specific activities, on a definite or permanent time level, should such activities jeopardise the environment, nature or people's health.

#### **Article 18**

The Minister of Urban Planning, Construction and Environment, in agreement with the Minister of Health, the Minister of Agriculture, Forestry and Water Management and the Minister of Economy shall, with a book of rules of procedure, specify standards and norms on the basis of which specific goods i.e. items shall be able to be identified as "eco-items" and, as such, be released.

#### **Article 19**

Should, within the construction or re-construction of specific investment sites or within the using of natural wealth, it be concluded that an unpermitted environment and nature degradation has occurred that has not been envisaged with the relevant technical documentation, the investor shall be bound to terminate all work and perform additional scientific and expert research with the purpose of removing the causes of environment and nature degradation. Should the investor fail to act as specified under Item 1 of this Article, the Minister of Urban Planning, Construction and Development shall appoint a scientific or expert institution to conduct the necessary research. All costs made within scientific and expert research and rehabilitation mentioned under Item 2 of this Article shall be covered by the investor.

#### **Article 20**

Throwing away and disposing any kind of waste whatsoever is hereby prohibited outside sites specified for the purpose. Legal entities managing waste disposal sites are hereby obliged to perform re-cultivation of the waste disposal site after its capacity has been used to the end; this shall be done on the basis of a relevant project.

#### **Article 21**

The imports of dangerous, hazardous and radioactive waste and the storing of the same in the territory of the Republic of Macedonia are hereby prohibited. The Government of the Republic of Macedonia shall, by a special act, specify the kind and quantity of waste or not-used-to-the-full substances from technological processes and activities, serving as secondary raw materials or some other purpose that may be imported apart from radioactive substances. The production and imports of biologically undessolving substances for the production of detergents and pesticides containing polyphosphates and of items containing such substances, are hereby prohibited. The imports of technologies, technological lines and licences having already been prohibited in countries of origin due to ecological reasons- is hereby prohibited.

#### **Article 22**

Facilities for cleaning i.e. treating polluted air, polluted waters and preventing soil pollution and hazardous noise, and other facilities for environment and nature protection and promotion, to which there are no standards prescribed in the Republic of Macedonia, shall be used should their efficiency to cover relevant purposes has been specified and confirmed by an authorised domestic or foreign expert or scientific organisation and should they meet the standards of the international standardisation organisation (the ISO standards). The organisation mentioned under Item 1 of this Article shall be appointed by the Minister of Urban Planning, Construction and Environment.

#### **Article 23**

In order to specify the features and impact of pollution over the quality of air, waters and soil, especially valid with protected nature parts and entities and to provide for the analytical representation of the same, legal entities and individuals are hereby obliged to submit the requested data to the developer of the cadastre

and map of pollutants and the registry of dangerous and hazardous substances.

The Ministry of Urban Planning, Construction and Environment shall, on the level of the Republic of Macedonia, develop a cadastre and map of pollutants of the air, waters protected nature parts and entities, soil pollution and degradation and the register of dangerous and hazardous substances.

The cadastre, map and registry mentioned under Item 3 of this Article, shall be also prepared by legal entities registered with such an activity, with a decision and authorisation from the Minister of Urban Planning, Construction and Environment.

#### **Article 24**

Legal entities and individuals that possess sources of environment and nature pollution, especially those identified as pollutants in the pollutant cadastre and map and in the register of waste and hazardous substances, are hereby obliged to develop environmental-technological projects containing an analysis of pollutant sources and solutions for decreasing pollution and bringing it down to the frames of maximum concentrations and quantities of hazardous substances allowed, in accordance with standards on the existing equipment and technology.

Legal entities and individuals are hereby obliged to implement environmental- technological projects mentioned under Item 1 of this Article within 5 years of their developing at latest.

Legal entities and individuals that possess sources of pollution of the air, waters and soil, of noise and ionic and non-ionic emissions, are hereby obliged to implement measures, normatives and standards of environment and nature protection and promotion prescribed by Law, to monitor the impact of the pollution source over the quality of environment and nature and to keep records of results from measurements conducted.

As an exception to this item, depending on the degree of pollution and the kind and volume of work to implement a particular environmental- technical project, the Government of the Republic of Macedonia may prolong the term mentioned under Item 2 of this Article, for another 5 years at most.

#### **Article 25**

The measuring and monitoring of changes and statuses with the quality of air, waters and soil, especially with protected nature parts and entities and of the level of noise and ionic emissions to the environment and of other kinds of changes and statuses with the environment, shall be performed by the Ministry of Urban Planning, Construction and Environment.

The measuring and monitoring of changes and statuses mentioned under Item 1 of this Article may also be conducted by expert organisations registered with activities concerning environment and nature protection and promotion and authorised by the Minister of Urban Planning, Construction and Environment; they are hereby obliged to immediately submit their data to the Ministry of Urban Planning, Construction and Environment.

The kind of monitoring, the methodology and parameters of measuring and monitoring the changes and statuses of the quality of soil, waters and air, especially with protected nature parts and entities, as well as the level of noise, ionic and non-ionic emission- shall be prescribed by the Minister of Urban Planning, Construction and Environment.

#### **Article 26**

Protected nature parts and entities may be put under use and traffic by an approval.

The approval mentioned under Item 1 of this Article shall be issued by the Ministry of Urban Planning, Construction and Environment, in agreement with the Ministry of Agriculture, Forestry and Water Management.

#### **Article 27**

Legal entities and individuals managing protected nature parts and entities are hereby obliged to develop a register and programme of the same and submit it to the Ministry of Urban Planning, Construction and Environment.

#### **Article 28**

The equipment, plants and facilities that are sources of noise may be operated providing they have attached prescribed documentation comprising data on the level of noise.

Noise sources shall have to be used and maintained within the limits of noise level allowed by Law, so that the noise itself does not exceed the level allowed to the surroundings where people stay.

#### **Article 29**

Each legal entity that is the user of equipment, plants and facilities that are sources of ionic and non-ionic emissions is hereby obliged to provide adequate protective measures and expert staff in their using and waste disposal.

Protective measures mentioned under Item 1 of this Article shall have to be in accordance with the volume of radioactive risk and cover: staff training, measures for limiting the exposure to emission; organisation of work; physical and medical checks; and storing specific data on sources of ionic emissions and people's exposure to emissions- under conditions and in a manner specified by Law.

### **III. FUNDING**

#### **Article 30**

In order to raise funds, encourage preventive measures and carry out rehabilitation measures for environment and nature protection and promotion, the Fund for Environment and Nature Protection and Promotion shall be established at the Ministry of Urban Planning, Construction and Environment.

The Fund for Environment and Nature Protection and Promotion shall have the status of a legal entity.

#### **Article 31**

The using of funds shall be carried out on the basis of a programme passed by the Government of the Republic of Macedonia and in accordance with the National Ecological Action Plan. Funds for implementing the Programme mentioned under Item 1 of this Article shall be provided from the Budget of the Republic of Macedonia and from donations, pollutants, grants etc..

Funds intended for environment and nature protection and promotion that have come as an income from the Fund shall be also provided from reimbursements paid at the registration of motor vehicles and floating vehicles, up to 4% of the basic insurance; this figure shall amount to 2% of the basic insurance with vehicles having facilities for treating waste gas- catalyts.

#### **Article 32**



Legal entities and individuals that, according to the cadastre and map of pollutants of the air, waters and soil, protected nature parts and entities, soil pollution and degradation and the register of waste and hazardous substances, possess sources of environment and nature pollution, shall provide funds to protect and promote environment and nature, in the form of the so called "eco-deduction", specified by Law.

Entities mentioned under Item 1 of this Article shall pay their ecological deductions until they bring down their pollution to the frames i.e. levels of maximum allowed concentrations and quantities of hazardous substances.

#### **IV. SUPERVISION**

##### **Article 33**

Supervision over the implementation of this Act and of regulations passed on the basis of this Act shall be the competence of the Ministry of Urban Planning, Construction and Environment.

Inspective supervision over the implementation of technical-technological measures to protect the air and waters against pollution; protected nature parts and entities; soil against degradation and pollution; hazardous noise; and ionic emissions of wastes- shall be the duty of the Inspectorate for Environment and Nature Protection and Promotion, to exist as a special body within the Ministry in charge of activities concerning environment and nature protection.

##### **Article 34**

The Inspectorate mentioned under Item 2, Article 33 of this Act shall be composed of a main republic inspector for environment and nature protection and promotion and inspectors covering specific environmental components, belonging to the following professions:

1. the inspector for protecting the air against pollution, may be a person with university education; a mechanic engineer, an engineer for protection at work, a technology engineer, a metallurgy engineer, a mining engineer, a chemical engineer, a meteorologist, a physician or an environment engineer;
2. the inspector for protecting waters against pollution, may be a person with university education: a technology engineer, a metallurgy engineer, a mining engineer a chemical engineer, a geographer, an engineer for protection at work, a construction engineer- hydro-oriented, a biologist or a physician;
3. the inspector for protecting the soil against pollution, erosion and re-purposing, may be a person with university education: an agronomy engineer, a forestry engineer, a geographer, a biologist or an environment engineer;
4. the inspector for protection against hazardous noise, may be a person with university education: an electrical engineer, a physics engineer, a mechanical engineer, a construction engineer, an engineer for protection at work, an architect or a physician-audiologist;
5. the inspector for conservation of specially protected nature parts and entities, may be a person with university education: an architect, a biologist, a geographer, a forestry engineer, an agronomy engineer or an environment engineer;
6. the inspector for protection against ionic and non-ionic emissions, may be a person with university education: a physics engineer, a chemical engineer, an engineer for protection at work, an electrical engineer or a physician; and
7. the inspector for landscape arranging within settlements and protection against waste, may be a person with university education: an architect, a forestry engineer, an agronomy

engineer, a construction engineer, a horticulture engineer or an environment engineer

The main national inspector may be a person that belongs to one of the professions mentioned under Item 1 of this Article and has at least 5 years of working experience in their own profession.

Inspectors mentioned under Item 1 of this Article shall have to possess at least 1 year of working experience in their own professions.

#### **Article 35**

Inspectors mentioned under Article 34 of this Act shall have identification papers the form and manner of issue of which shall be prescribed by the Minister of Urban Planning, Construction and Environment.

#### **Article 36**

During supervising the implementation of measures of protecting the air against pollution, the inspector shall be obliged to specify whether:

1. the pollutant has provided pre-requisites for reducing pollution to the level allowed, in accordance with technical-technological standards concerning equipment and technology used and with legal norms;
2. in cases of exceeding utmost levels of emissions and imissions allowed, the pollutant has taken the necessary technical and technological measures;
3. the pollutant has carried out prescribed emission measuring procedures and whether it keeps records of the measurement procedures already conducted;
4. clearing i.e. treatment facilities function in accordance with prescribed technical standards;
5. the legal entity or individual in question has developed an environmental- technological elaborate and whether it has been implementing the same;
6. legal entities and individuals mentioned under Article 16 of this Act regularly and within time periods prescribed submit relevant reports and data to the Ministry of Urban Planning, Construction and Environment and the Centre;
7. monitoring systems have been functioning well; and
8. specifies other circumstances within his/ her competence.

#### **Article 37**

In supervising the implementation of measures to protect waters against pollution, the inspector shall be obliged to specify whether:

1. the entity possessing i.e. the user of, the source of pollution has provided pre-requisites for reducing pollution down to the level prescribed i.e. allowed;
2. in cases of exceeding the allowed level of quantities of hazardous substances in waste technological and sanitary waters or when there is an increased temperature of technical waters, the entity possessing or the user has taken prescribed technical-technological measures;
3. the entity possessing i.e. the user has conducted the necessary measurement procedures on the quality of waste waters prior to their releasing into natural recipients (rivers, lakes, soil);
4. legal entities and individuals mentioned under Article 16 of this Act, regularly and within terms specified, submit relevant reports and data to the Ministry of Urban Planning, Construction and Environment and to the Centre;

5. the legal entity or the individual in question has developed an environmental-technological elaborate and whether it has been implementing the same;
6. monitoring systems have been functioning well; and
7. specifies other circumstances within his/ her own competence.

#### **Article 38**

In conducting supervision over the implementation of measures to protect soil from pollution, erosion and re-intending, the inspector in charge shall be bound to specify whether:

1. measures have been taken to limit pollution , erosion and re-intending to the limits prescribed;
2. in cases where pollution, erosion and re-intending have exceeded the levels allowed, whether adequate bio-technical measures have been taken;
3. prescribed projects concerning soil recultivation have been respected;
4. the legal entity or the individual has prepared an environmental-technological elaborate and whether its has been implementing the same;
5. monitoring systems have been functioning well; and
6. specifies other circumstances within his/her own competence.

#### **Article 39**

In conducting supervision over the implementation of measures of protection against hazardous noise, the inspector in charge shall be bound to specify whether:

1. the owner or user of the noise source has provided pre-requisites for keeping the noise within limits prescribed;
2. in cases of cessation of conditions under which a higher level of noise has been allowed as an exception, whether noise itself has decreased;
3. the owner of the noise source has taken the prescribed technical-technological measures to keep the noise within limits prescribed regarding relevant equipment and technology and the environment where people are staying;
4. facilities for measuring noise have been functioning in accordance with relevant norms;
5. the legal entity or the individual has prepared an environmental-technological elaborate and whether it has been implementing the same;
6. monitoring systems have been functioning well; and
7. specifies other circumstances within his/her own competence.

#### **Article 40**

In conducting supervision over the implementation of measures to conserve particularly protected nature parts and entities and bio-resources, the inspector in charge is bound to specify whether:

1. the protection of the plant and animal world and protected nature parts and entities has been conducted under conditions and in a manner prescribed by Law;
2. the cadastre and map of protected nature parts and entities have been kept in accordance with the methodology prescribed and whether cadastre data have been submitted to the administrative body in charge;
3. programmes regarding conservation and development of protected nature parts and entities and annual plans concerning their implementation have been passed and implemented;
4. protected mobile nature goods have been exported or taken abroad with relevant approvals and whether approvals issued have been covered by records keeping;
5. specifies other circumstances within his/her own competence.

#### **Article 41**

In conducting supervision over measures taken for protection against ionic and non-ionic emissions, the inspector in charge shall be bound to specify whether:

1. the owner or the user of the ionic emission source has provided for pre-requisites for keeping the emission itself within limits prescribed;
2. in cases of exceeding prescribed highest limit values, whether adequate measures have been taken;
3. prescribed measures and checking procedures have been provided;
4. records on ionic emissions measurements have been kept;
5. the legal entity or the individual has developed an environmental-technological elaborate and whether it has been implementing the same;
6. monitoring systems have been functioning well; and
7. specifies other circumstances within his/her own competence.

#### **Article 42**

In conducting supervision over the implementation of measures to space arrangement, the inspector in charge shall be bound to specify whether:

1. the space has been used, arranged and maintained in accordance with relevant conditions and projects prescribed
2. the gathering, transporting and disposing of the communal waste from households and legal entities has been done in accordance with conditions prescribed;
3. industrial waste and waste from other sources have been treated in accordance with conditions prescribed;
4. the legal entity has specified protection measures and whether it has been implementing the same in compliance with this Act;
5. the legal entity or the individual has developed an environmental-technological elaborate and whether it has been implementing the same;
6. specifies other circumstances within his/her own competence.

#### **Article 43**

In conducting their work, inspectors in charge shall be bound to:

1. give orders for eliminating identified irregularities within a specified term;
2. cause cessation of the work of legal entities and individuals as long as hazardous influences last.

Should identified irregularities and hazardous activities mentioned under Items 1 and 2 of this Article be not eliminated within the term specified by the main national inspector, inspectors are bound to close the facility in question.

#### **Article 44**

Inspectors shall make decisions concerning activities done.

Against the decision of the inspector, an appeal may be made to the Government Commission for Managing Administrative Affairs In the Areas of Urban Planning, Construction and Environment and Nature Protection, within 8 days following the day of reception of the relevant decision.

The appeal mentioned under Item 2 of this Article will not in itself delay the implementation of the relevant decision.

### **V. PENAL PROVISIONS**

#### **Article 45**

A penalty of 60-250 salaries shall be imposed upon a legal entity for a commercial offence should it:

1. in using natural wealth, exploitation of mineral raw materials, constructing new sites, re-constructing the existing sites or carrying out other relevant action, cause damages or considerable changes to natural wealth and bio-resources, or in some other manner degrade the environment and nature against norms prescribed, and should it fail to provide for the protection of environment and nature with its technical documentation and with the implementation of the same (Article 14);
2. by using mineral raw materials, disposing waste barren substances, ash and slag and by carrying out other action, degrade soil and fail to re-cultivate or in some other way rehabilitate the same through a rehabilitation project (Article 15);
3. fail to keep records of data on hazardous substances inputs during the conducting of an activity and on the nature and quantities of hazardous waste it has created and released in the air, waters and soil, and should it fail to submit relevant information to the Ministry of Urban Planning, Construction and Environment (Article 16);
4. produce and release certain commodities and conduct particular actions that jeopardise the environment or people's health, despite the relevant prohibition act of the Ministry of Urban Planning, Construction and Environment (Article 17);
5. release into public an item (commodity), described as an "eco-item", which does not meet relevant standards and norms specified by the Minister of Urban Planning, Construction and Environment (Article 18);
6. fail to cease its actions and conduct additional scientific and expert research in order to eliminate the causes of environment and nature degradation (Article 19, Item 1);
7. fail to conduct re-cultivation of the waste disposal site on the basis of a relevant project (Article 20, Item 2);
8. import waste, hazardous, dangerous and radioactive substances and store, use and dispose the same and should it produce and import biologically undissolvable substances for the production of detergents and pesticides containing polyphosphates and of items containing such substances (Article 21, Items 1 and 3);
9. fail to submit the necessary data to the entity developing the cadastre and map of pollutants of the air, waters, nature protected parts and entities, pollution and degradation level of the soil and to the register of hazardous waste (Article 23);
10. fail to develop an environmental-technological project and implemented measures, normatives and standards prescribed by the Law for the protection of the environment and nature and should it fail to monitor the impact of the pollution source over the quality of environment and nature, and should it fail to keep records of results from measurements conducted (Article 24)
11. expert organisations fail to submit relevant data to the Ministry of Urban Planning, Construction and Environment (Article 25, Item 2);
12. protected bio-resources and nature entities be put into use or traffic without permission (Article 26, Item 1); and
13. when using equipment, facilities and plants that are sources of ionic and non-ionic emissions and, when depositing waste, fail to provide for adequate protective measures and expert supervision (Article 29, Item 1).

A penalty of 5-10 salaries shall be imposed upon the person that at a particular legal entity has been in charge for action mentioned under Item 1 of this Article.

Concerning action mentioned under Item 1 of this Article, a protective measure of work cessation within 1-6 years shall be imposed.

Concerning action mentioned under Item 2 of this Article, apart from imposing a penalty (monetary), a protective measure shall be imposed

as well to cancel the meeting of responsible and managerial duties within 1 to 5 years.

#### **Article 46**

A penalty of 1 to 3 salaries shall be imposed upon each individual performing a registered activity should it fail to act in compliance with provisions from Articles 14, 15, 16, 19 Item 1 and 24 of this Act.

#### **Article 47**

A penalty of 5-10 salaries shall be imposed for commercial offence to the person in charge at the administration body or the organisation issuing public authorisations, should:

1. data on the status and trends with environment quality be not made public upon request and by need (Article 7); and
2. they fail to prepare technical documentation on the impact of a specific activity over environment and nature (Article 14, Item 2).

#### **Article 48**

Should an individual conduct action mentioned above under Items 1 and 2 of Article 47, a penalty shall be imposed of 1/5 to 1/2 of the salary.

#### **Article 49**

A penalty of 1/5 to 3 salaries shall be imposed upon the person in charge at the legal entity or the organisation should they:

1. fail to keep records within the register of nature protected parts and entities and relevant register documentation in the manner prescribed and should they fail to submit it to the body competent (Article 27); and
2. fail to adopt a programme in compliance with provisions from this Act (Article 27).

#### **Article 50**

A penalty of 1/2 of the salary shall be on the spot imposed for offence (a mandatory penal measure) over an individual, should:

1. they fail to act in accordance with the order given by the keeper i.e. guard of the protected natural goods (and on the basis of the latter's authorisation) or should they hinder the latter in the implementing of his/ her authorisations;
2. throw away or dispose any waste whatsoever outside the cite intended for that purpose. Should an individual be caught while disposing waste from a trunk outside a waste disposal cite, the trunk shall be confiscated on the spot and charges raised against that individual at the body in charge (Article 20, Item 1); and
3. concerning action mentioned under Item 2 of this Article, apart from inspectors mentioned under Article 34 of this Act, the right and responsibility for issuing penalties shall
4. be given to an officer of the Ministry of Interior, in charge of public order and peace.

In cases where an individual fails to pay the so called mandatory penalty on the spot, the inspector in charge shall report on the offence as of a criminal one, on the basis of his/her own findings or of the charge brought by the Ministry of Interior officer in charge of keeping the public order and peace, the national park guard or some other person authorised to keep a protected nature goods safe.

#### **Article 51**

A penalty of 1/5 of the salary for an offence shall be on the spot (mandatory) imposed over an individual should, within the area of the protected nature part:

1. they park a vehicle outside the cite intended for the purpose, within nature protected parts, or should they drive a vehicle outside the road permitted, over green areas;
2. they light fire outside the spot allowed to that purpose;
3. they throw away garbage outside the cite intended for the purpose;
4. they move within prohibited zones;
5. they wash their vehicles by, and in, rivers and lakes;
6. they damage marking and warning signs;
7. they allow leakage of motor oil and dispose waste;
8. they pick or gather protected plant or animal species or should they break trees and bushes;
9. they graze cattle within nature protected parts;
10. they bring in dangerous facilities, accessories or substances that may jeopardise a protected nature part or entity; and
11. they leave damaged vehicles or vehicle parts.

Penalties mentioned under Item 1 of this Article shall be collected on the spot (mandatory) by the inspector of environment protection conducting supervision over measures implemented to conserve protected nature goods, an office of the Ministry of Interior in charge of keeping the public order and peace, a guard of a national park or some other person in charge of keeping a nature goods safe.

In cases where an individual fails to pay the so called mandatory penalty on the spot, the inspector in charge shall report on the offence as of a criminal one, on the basis of his/her own findings or of the charge brought by the Ministry of Interior officer in charge of keeping the public order and peace, the national park guard or some other person authorised to keep a protected nature goods safe.

#### **Article 52**

A penalty of 5 to 20 salaries shall for an offence be imposed upon a legal entity should:

1. within the area of the nature protected part, it fail to carry out measures of protection and use of forests and forest land specified by the forest basis and the programme of protection and development of national parks;
2. it fail to mark the protected nature goods and its borders in a manner prescribed;
3. it gather wild animal and plant species, seeds, fruits, eggs and other lower development forms for the purposes of exploitation or releasing into traffic, against relevant regulations.

Concerning offences mentioned under Items 1, 2 and 3 of this Article, a penalty of 1/2 to 2 salaries shall be imposed upon the person in charge at the legal entity.

#### **Article 53**

Concerning offences against the environment, specified in the Criminal Code, the officer of the Ministry of Interior in charge of maintaining the public order and peace, the national park guard or another authorised person shall report and raise criminal charges with the body in charge.

### **VI. TRANSITIONAL AND CLOSING PROVISIONS**

#### **Article 54**

Legal entities possessing sources of environment and nature pollution are hereby obliged to submit the necessary data to the designer of the cadastre and the map of pollutants of the air, waters, protected nature parts and entities, soil pollution and degradation, and to the

register of waste and hazardous substances, within a year following the entry into force of this Act at latest.

#### **Article 55**

Legal entities and individuals possessing sources of environment and nature pollution shall be obliged to develop environmental-technological projects containing analyses of pollution sources and solutions for decreasing pollution and bringing it down to the limits of maximum concentrations and quantities of hazardous substances allowed, in compliance with standards covering the existing equipment and technology, within a year following the entry into force of this Act at latest.

#### **Article 56**

The National Agency for the Protection of Nature Rarities shall herefrom continue its work as the Agency for Nature and Environment Protection and Promotion.

#### **Article 57**

Within one year following the entry into force of this Act at latest, the Government of the Republic of Macedonia shall pass the Programme for Developing the Information System on Environment and the National Environmental Action Plan.

#### **Article 58**

The Fund for Environment and Nature Protection shall begin its work six months following the entry into force of this Act at latest. Until the beginning of work of the Fund mentioned under Item 1 of this Article, funds intended to cover activities regarding nature and environment protection and promotion shall be paid to the Budget of the Republic of Macedonia.

#### **Article 59**

More detailed regulations concerning the implementation of this Act shall be passed within one year following the passing of this Act at latest.

#### **Article 60**

By the entry into force of this Act, the validity of provisions from the Act on Protection of Natural Rarities ("The Official Gazette of SRM" No`s 41/73, 42/76 and 10/90, and "The Official Gazette of the Republic of Macedonia" No.62/93) covering the National Agency for the Protection of Nature Rarities shall expire.

#### **Article 61**

This Act shall enter into force on the eighth day from the day of its being published in "The Official Gazette of the Republic of Macedonia".