

# The Ministry of Environment and Physical Planning

## THE LAW ON ENVIRONMENT

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## **I. GENERAL PROVISIONS**

### **Article 1**

#### **Subject of regulation**

(1) This Law shall regulate the rights and the responsibilities of the Republic of Macedonia, municipalities, the City of Skopje and the municipalities of the City of Skopje as well as the rights and the responsibilities of legal entities and natural persons, in the provision of conditions required to ensure protection and improvement of the environment, for the purpose of exercising the right of citizens to a healthy environment.

(2) The Law on General Administrative Procedure shall apply on the procedures stipulated by this Law unless otherwise provided for by this Law.

### **Article 2**

#### **Scope of the Law application**

(1) In addition to the provisions of this Law, the provisions of the special laws regulating specific environmental areas and media (hereinafter: special laws) shall also apply to the protection and improvement of the quality and the condition of the environmental media: soil, water, air; to environmental areas, to biological diversity and other natural resources, as well as to the protection of the ozone layer and protection against negative anthropogenic impacts on climate system.

(2) Protection of the environmental media and specific areas shall be achieved through undertaking of measures and activities pertaining to the protection against harmful effects specified in this and in the special laws, including:

- performance of different activities,
- pollutants and polluting technologies;
- waste;
- noise and vibrations;
- ionising and non-ionising radiation.

(3) All environmental measures, standards and goals, adopted on the basis of this or other law and regulations adopted on the basis of them, shall be enforced as minimum requirements.

(4) If the provisions of this Law or of another law or regulations adopted on the basis of them stipulate measures, standards and goals for environment protection and improvement, measures, standards and goals providing for highest level of environment protection and improvement shall be enforced.

### **Article 3**

#### **Public interest**

(1) The measures and the activities for protection and improvement of the environment are of public interest.

(2) The Government of the Republic of Macedonia shall provide from the Budget of the Republic of Macedonia financial resources for the protection and the improvement of the environment.

(3) Municipality, the City of Skopje and Municipalities of the City of Skopje shall provide, from their respective budgets, financial resources for the protection and the improvement of the environment.

## **Article 4**

### **Objectives of the Law and the manner of their achievement**

(1) The objectives of this Law shall be:

1. Preservation, protection, restoration and improvement of the quality of the environment;
2. Protection of human life and health;
3. Protection of biological diversity;
4. Rational and sustainable utilization of natural resources;
5. Implementation and improvement of measures aimed at addressing regional and global environmental problems.

(2) The objectives referred to in paragraph (1) of this Article shall be achieved particularly by:

1. Forecast, monitoring, prevention, limitation and elimination of the negative impacts on the environment;
2. Protection and development of environmental areas;
3. Preservation of the clean environment and remedy of the damaged parts of the environment;
4. Prevention of risks and hazards to the environment;
5. Encouraging the use of renewable natural energy sources;
6. Encouraging the use of products and application of cleaner production and use of clean technologies that are most beneficial to the environment;
7. Integrated approach to environmental protection and economic development;
8. Establishment of a system of planning of environmental protection, improvement and management;
9. Provision of funds to finance the measures and activities aimed at environment protection and improvement;
10. Control over activities that may pose a threat to the environment;
11. Raising of the awareness of the needs of environmental protection in the educational process, and environmental protection promotion;
12. Harmonization of economic and other interests with the requirements for environment protection and improvement;
13. Public and relevant institutions information on the state of the environment and their involvement in environmental protection;
14. Establishment of links between the system of environmental protection and the institutions of the Republic of Macedonia dealing with environmental protection, with the relevant international institutions.
15. Restraining the green house gas concentrations in the atmosphere;
16. Combating the desertification and mitigation of effects from draughts.

## Article 5

### Definitions

Certain terms used in this Law shall have the following meaning:

1. **Environment** shall mean the space with all living organisms and natural resources, i.e. natural and man-made values, their interaction and the entire space in which people live and in which settlements, goods in general use, industrial and other facilities, including the media and the areas of the environment, are situated;
2. **Environment protection and improvement** shall mean a system of measures and activities (social, political, economic, technical, educational etc.), which provide support and create conditions for protection against pollution and degradation of and impacts on environmental areas and media (protection against depletion of the ozone layer, prevention of harmful noise and vibrations; protection against ionising and non-ionising radiation, protection against odour and use and disposal of wastes, and other types of environment protection;
3. **Natural wealth** shall mean: every authentic integral part of nature like plant, fungi, animal, mineral, fossil, water, soil, etc.;
4. **Natural heritage** shall mean parts of nature and sites composed of geological, physical geographical or biological formations or group of such formations, with outstanding values in terms of aesthetics, conservation or science. Natural heritage may be: protected area, strictly protected or protected wild species, characteristic minerals and fossils or speleological structures.
5. **Natural resource**, in terms of accountability for damage induced on the environment, shall mean protected species or natural habitat, water and soil.
6. **Original state**, in terms of accountability for damage induced on the environment, shall mean the state that would have existed in the time of the occurrence of the damage on the natural resource and on its function, in case the damage on the environment has not occurred. In such case, the original state shall be estimated on the basis of available information and criteria stipulated in accordance with Chapter XVI of this Law and in accordance with the criteria stipulated in the regulation referred to in Article 157 paragraph (3).
7. **Environmentally harmful substance** shall mean a biological or physical agents or phenomenon/state the presence of which in the environment may induce direct or postponed threat to or pollution of one or more environmental media or areas, as well as other irritant, inflammable and explosive matters which exhibit such properties when of certain quantity, concentration or intensity.
8. **Hazardous substance:**
  - shall mean a substance or a preparation containing one or more hazardous substances the properties of which pollute the environment and are hazardous to human life and health, with proven acute, chronic, toxic and other harmful effects.
  - with regard to industrial accidents prevention and control, hazardous substance shall mean a mixture or a preparation

determined in accordance with the regulation referred to in Article 145 paragraph (2) of this Law or complying with the criteria or the properties specified in the regulation referred to in Article 145 paragraph (2) of this Law, present in a form of a raw material, product, by-product, residue or semi finished product, including those substances for which it is reasonable to assume may be generated in an event of accident.

9. **Presence of hazardous substance**, in terms of industrial accidents prevention and control, shall mean existing or probable presence of hazardous substances in a system, or presence of substances posing risk that may appear during loss of control over industrial chemical process, in quantity equal too or exceeding limit values (thresholds) specified by the regulation referred to in Article 145 paragraph (2).
10. **Emission** shall mean release or discharge (fugitive emission) of liquid, gaseous or solid substances, preparations, release of energy (noise, vibrations, radiation, heat), odour, organisms or micro-organisms, as well as release of microbiological material from any source into one or more environmental media as a result of human activity.
11. **Environment pollution** shall mean emission in the air, water or soil that may be harmful to the quality of the environment, human life and health or emission that may cause damage to material property or impair or make impact on biological and landscape diversity and other legitimate ways of use of the environment.
12. **Immission** shall mean concentration of pollutants and substances in the environmental media in a specific place and at a specific time.
13. **Emission limit values** shall mean the mass, expressed in terms of certain specific parameters, concentration and/or level of emission, which shall not be exceeded during one or more periods of time.
14. **Polluter** shall mean any legal entity or natural person the activity of which directly or indirectly pollutes the environment.
15. **Environmental cadastre** shall mean quantitative and qualitative recording of polluters and sources of pollution releasing pollutants in the environmental media, including a map of polluters.
16. **Register of pollutants and polluting substances and their properties** shall mean a catalogue in which waste, hazardous and harmful substances shall be classified according to their chemical composition and the extent of their hazardness.
17. **Quality of the environment** shall mean the state of the environment expressed by way of physical, chemical, aesthetic and other indicators;
18. **Environmental quality standard** shall mean the set of requirements, with which the environment or a particular part thereof must comply, in a manner set forth in laws and other regulations of the Republic of Macedonia, and in accordance with the international agreements ratified by the Republic of Macedonia.
19. **Installation**
  - in relation to integrated environmental permits, shall mean a stationary technical unit where one or more prescribed activities or directly related activities are carried out, and which might have an effect on emissions and on pollution.

- in relation to prevention and control of major accident which involves hazardous substances, installation shall mean a technical unit within one system in which hazardous substances are produced, used, stored or handled. It shall include all the equipment, facilities, pipelines, machinery, tools, private railway sidings, unloading quays serving the installation, warehouses or similar facilities necessary for the operation of the installation.
20. **Existing installation** shall in relation to integrated environmental permits mean an installation that has been operating before 01.07.2007.
  21. **Change in the operation** shall mean a change in the nature or functioning, or an extension of the installation, which may have an impact on the environment;
  22. **Substantial change** shall mean a change in the operation of the installation, which in the opinion of the competent authority may have significant negative impacts on human health or the environment.
  23. **Project** shall mean the development document that provides an analysis and defines the final solutions in respect of the use of natural and man made values, regulates the construction of facilities and installations, as well as the performance of other activities which have an impact on the environment, landscape and human health.
  24. **Investor/applicant** shall mean the legal entity or natural person that applies for approval of a private project or the public authority which initiates a project.
  25. **Best Available Techniques** shall mean the most effective and advanced stage in the development of activities and methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, to reduce emissions and the negative impact on the environment. Thus:
    - **techniques** shall include the technology used and the way in which the installation is designed, maintained, operated, and the termination of installations.
    - **available techniques** shall mean the level of development of the techniques applied in the relevant industrial sector, under economic and technical cost effective conditions, with full account taken of the costs and benefits, irrespective of whether the techniques are used, or developed and/or produced in the Republic of Macedonia, provided that they are reasonably available to the operator.
    - **best** shall mean those techniques which are the most effective in achieving a high general level of protection of the environment as a whole.
  26. **Strategies, Plans and Programmes** shall mean planning documents which are subject to preparation and adoption by the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia, bodies of the public administration and bodies of municipalities and the City of Skopje and of the municipalities of the City of Skopje.
  27. **Operator** shall mean any legal entity or natural person that performs professional activity or performs an activity through the installation and/or controls an installation, or a person to whom economic decision

making power over the activity or technical functioning of the installation has been delegated, including the holder of the permit or authorisation for such activity or person in charge of recording or alarming with regard to the activity.

28. **Permit**, as regards Integrated Pollution Prevention and Control, shall mean a part, or the full decision in writing (or several such decisions) with which an authorization is granted to operate all or a part of an installation, subject to certain conditions which guarantee that the installation complies with the requirements established by this Law. The permit may cover one or more installations, or parts of installations on the same site, operated by the same operator.
29. **Environmental impact assessment** shall mean assessment of possible environmental impacts by certain planning documents, projects and planned activities.
30. **The public** shall mean one or more legal entities or natural persons, citizens and their organizations and associations.
31. **The public concerned** shall mean the public concerned by or having an interest in - at present or in future, the making of decisions concerning the environment, with which it has specific relation through particular procedure. The public concerned shall include the citizens' associations established for the purpose of environment protection and improvement, as well as individual with regard to whom there is a high probability to experience the effects of decision making.
32. **Major accident** shall in relation to accidents prevention and control mean the occurrence of such major emissions, fires or explosions resulting from uncontrolled events in the course of the operations of any system, involving one or more hazardous substances, leading to serious hazards to human life and health and environment, immediate or delayed, within or outside the system involving one or several hazardous substances.
33. **Hazard** shall mean the intrinsic property of a hazardous substance or a physical situation, with a potential to cause damage to human life and health and to environment.
34. **Risk** shall mean the likelihood of occurrence of a specific effect on the environment within a specified period or under specified circumstances.
35. **Storage** shall mean the presence of a certain quantity of hazardous substances for the purpose of warehousing, depositing in safe custody or keeping in stock.
36. **Environmental monitoring** shall mean systematized measuring, monitoring and control of conditions, quality and changes of environmental media and areas.
37. **Data management** shall mean collection, processing, storage, use, distribution and presentation of comprehensive, accurate, accessible for the public data and information on the conditions, quality and trends in environmental media and areas.
38. **Environmental media** shall mean the water, the air and the soil.
39. **Environmental areas** shall mean the nature, the waste, the noise, the vibrations, the ionising and non-ionising radiation, the climate, the

odour and all other elements constituting integral part of the environment.

40. **Natural person** shall mean individual dealer, performer of professional activity and citizen.
41. **System**, in relation to major accidents prevention and control, shall mean the entire space under operator's control, where hazardous substances are present in one or more installations, including joint or related infrastructure facilities or activities.
42. **Pollutants and polluting substances** shall mean waste, hazardous and harmful matters and substances determined by law, that by their chemical composition and by the level of their hazardness pollute the environment, and are specified in the regulation referred to in Article 41 paragraph (2) or possess the properties specified in the regulation referred to in Article 41 paragraph (2) of this Law.
43. **Harmful impact and activity** shall mean any negative impairment of the quality of environmental media and areas.
44. **Chemicals** shall mean substances and preparations.
45. **Damage**, in terms of accountability for damage caused to the environment, shall mean a measurable adverse change in the natural resource or direct or indirect measurable disorder in the function of that natural resource in relation to another natural resource or public interest.
46. **Environmental damage** shall mean any damage caused to:
  - protected species and natural habitats that has substantial adverse impacts on the achievement and maintenance of the favorable preservation status of such habitats or species. The substantiality of adverse impacts shall be estimated with regard to original state, taking into account criteria specified in accordance with the regulation referred to in Article 157 paragraph (3) and Chapter XVI of this Law.
  - waters, that has substantial adverse impacts on ecological, chemical and/or quantitative status and/or ecological potential of waters, in accordance with the law on waters and regulations adopted on the basis thereof.
  - soil, through its contamination, that leads to substantial risk for human health as a result from direct or indirect application of substances, preparations, organisms or micro-organisms in, onto or under the soil.
47. **Restitution including both natural and monetary restitution**, in terms of accountability for damage induced to environment, shall mean:
  - in terms of damage caused to waters, protected species and natural habitats, restoration of the damaged natural resource and its function into its original state;
  - in terms of damage caused to soil, elimination of any substantial risk that may lead to adverse impact on human health.
48. **Costs**, in terms of accountability for damage induced to environment, shall mean all costs required for adequate and effective provision and coverage of the overall damage, including the costs for the estimate of the damage and direct threat of damage and other activities, as well as



administrative, legal and other costs related to implementation, costs for data collection, costs for the monitoring, supervision and other costs.

49. **Natural wealths management** shall mean activities and works performed in accordance with this and other laws.

## **II. PRINCIPLES OF ENVIRONMENTAL PROTECTION**

### **Article 6**

#### **Principle of high level of protection**

Everyone shall, when undertaking activities or while performing activities, ensure a high level of protection of the environment and the human life and health.

### **Article 7**

#### **Principle of integration**

The basis and objectives of the policy of environmental protection and improvement shall be integrated into all development and strategic planning and programme documents adopted by the bodies of the central government and the bodies of the municipalities, of the City of Skopje and of the municipalities of the City of Skopje.

### **Article 8**

#### **Principle of sustainable development**

When an activity is undertaken or performed, care shall be taken as to the rational and sustainable use of natural resources so as to ensure that needs for a healthy environment, as well as the social and economic needs of the present generations are satisfied without jeopardising the rights of future generations to satisfy their own needs.

### **Article 9**

#### **The polluter pays principle**

The polluter shall compensate the costs associated with the elimination of the danger of the environment pollution, bear the remedial costs and pay a fair compensation for the damage caused to the environment, as well as to restore the environment to as close to the condition before the damage as possible.

### **Article 10**

#### **The user pays principle**

The user of natural resources shall defray the costs for ensuring sustainable development, as well as for the remedy of the degradation of environmental media and individual environmental areas caused by the use of the natural resources.

## **Article 11**

### **Principle of subsidiarity**

Municipalities, the City of Skopje and the municipalities of the City of Skopje shall have, within the scope of their competences stipulated by law, the right and the obligation to undertake on their territories all measures and activities of environmental protection and improvement which are not under the exclusive competence of state authorities.

## **Article 12**

### **Principle of proportionality**

The system of environmental protection shall be based on adoption and enforcement of laws, plans, programmes and decisions, which provide proportionality between developmental and environmental protection needs.

## **Article 13**

### **Principle of precaution**

If there is a rational doubt that a certain activity may cause harmful consequences on the environment, necessary measures for protection of the environment shall be undertaken, before available scientific evidence that such consequences could occur becomes available.

## **Article 14**

### **Principle of prevention**

Measures and activities of environmental protection shall be taken prior to the occurrence of adverse effects.

## **Article 15**

### **Principle of cleaner production**

Application of comprehensive environmental protection strategy concerning raw materials, production processes, products and services, shall be encouraged, so as to reduce the risk to human life and health and the environment and increase the economic and ecological efficiency.

## **Article 16**

### **International cooperation principle**

The Republic of Macedonia shall participate actively in bilateral, regional and broader international cooperation in the sphere of environment protection and improvement and shall in this regard undertake appropriate activities.

## **Article 17**

### **Public participation and access to information principle**

The bodies of the central government and the bodies of the municipalities and of the City of Skopje and of the municipalities of the City of Skopje shall take all the necessary measures and prescribe procedures to ensure the right of public access to information and participation in the adoption of decisions related to the state of the environment, as well as to ensure that the public expresses their opinion in decision-making processes through such decision making procedures.

## **Article 18**

### **Principle of public environmental awareness raising**

Scientific, educational, health, information, cultural and other institutions and legal entities, including the citizens' associations, shall, in the framework of their activities, promote and develop the awareness of the public on the importance of the environment, as well as of the need for its active participation in its protection and improvement.

## **Article 19**

### **Safe guard clause**

For the purposes of protection of the environment and human life and health, the bodies of the central government and the bodies of the municipalities and of the City of Skopje and of the municipalities of the City of Skopje shall, in accordance with the law, have both the right and the obligation to undertake measures and activities related to the temporary or the permanent prohibition of the performance of certain activities, or on the trade in certain products.

### III. GENERAL OBLIGATIONS

#### Article 20

##### General provision on activities performance

(1) The following activities shall be prohibited on the territory of the Republic of Macedonia:

- construction or reconstruction of installations, without prior obtained the permit and without prior fulfilment of the norms and standards of the system of environmental protection and improvement;
- production and import of transportation means which fail to meet the conditions prescribed for emission from mobile sources of pollution and noise;
- release of pollutants and substances into the environment, except in a manner and under the conditions laid down in the law.

(2) Where the activity causing the pollution is not subject of regulation under Chapter XII and Chapter XIV, the Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner, the procedure and the measures necessary to prevent and eliminate the pollution of the environment and to restore the environment into satisfactory condition.

(3) The municipalities, the City of Skopje or the municipalities of the City of Skopje shall pronounce a measure - prohibition of activities performance and an order to restore the environment to satisfactory condition, in accordance with the provision stipulated in paragraph (2) of this Article.

(4) Concession or permit for detail geological, hydrological explorations and exploitation of mineral resources shall be awarded upon prior opinion obtained by the body of the state administration responsible for the affairs of the environment.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner of handling, as well as detailed conditions for issuance of the opinion, i.e. the consent referred to in paragraph (4) of this Article.

#### Article 21

##### **Prohibition of production, trade and use of certain products, semifinished products, raw materials, substances and performance of certain activities and services for the purpose of environmental protection**

The Minister managing the body of the state administration responsible for the affairs of the environment shall, in consent with the Minister managing the body of the state administration responsible for the affairs of the economy, the Minister managing the body of the state administration responsible for the affairs of the health and the Minister managing the body of the state administration responsible for the affairs of the agriculture, forestry and water economy, prohibit the production, trade and use of certain products, semifinished products, raw materials and substances and performance of certain activities and services for a definite or indefinite period if there is sufficient evidence that they endanger the human life and health and the environment and/or do not comply with the prescribed standards.

## **Article 22**

### **Restriction and control of export and import of certain substances and products**

For the purposes of protection of the human life and health and the environment, the Minister managing the body of the state administration responsible for the affairs of the environment , in consent with the Minister managing the body of the state administration responsible for the affairs of the economy, the Minister managing the body of the state administration responsible for the affairs of the agriculture, forestry and water economy, and the Minister managing the body of the state administration responsible for the affairs of the health, shall prescribe hazardous substances and harmful matters and products prohibited or under strict control for import, export and transit to/ from/through the Republic of Macedonia.

(2) For the purposes of protection of the environment and human health, the Government of the Republic of Macedonia shall, upon the proposal by the body of the state administration responsible for the affairs of the environment, in consent with the body of the state administration responsible for the affairs of the agriculture, forestry and water economy, specify detailed conditions for import, export and transit of hazardous substances, harmful matters and products, as well as for certain semifinished products, raw materials and goods subject to special regime of import, export and transit to/ from/through the Republic of Macedonia.

## **Article 23**

### **Prohibition of application of technologies, technological lines, products, semifinished products and raw materials**

(1) National or imported technology, technological line, product, semifinished product and/or raw material which are not in compliance with the prescribed norms for environmental protection, shall not be used on the territory of the Republic of Macedonia.

(2) Technologies, technological lines, products, semifinished products and/or raw materials prohibited in the country of origin and the country of export shall not be imported in the Republic of Macedonia.

(3) With regard to import of technologies, technological lines, products, semifinished products and/or raw materials in the Republic of Macedonia, the importer shall submit to the body of the state administration responsible for the affairs of the environment a document issued by a competent body of the country of origin and the country of export to verify that the imported technology, the technological line, products, semifinished products and/or raw materials are not prohibited in the country of origin or the country of export.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment may request an accredited legal entity and natural person to make an assessment of the technology, the technological line, products semifinished products or raw materials referred to in paragraph (3) of this Article if there is information on their negative impact on the environment.

(5) In order to acquire accreditation for assessment of technology, the technological line, product, semifinished product or raw material, legal entities and natural persons should have at least one employee with a University degree in the area of technology, metallurgy, chemistry or environment and

with minimum of three years of professional experience in the relevant field, as well as appropriate technical conditions and devices, equipment and premises.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the detailed conditions, in terms of technical conditions and devices, equipment and premises that have to be met by legal entities and natural persons in order to be accredited for carrying out the activities referred to in paragraph (4) of this Article, as well as the selection procedure for accredited legal entity and natural person to conduct the assessment of technology, the technological line, product, semifinished product or raw material.

## **Article 24**

### **Environmental impact assessment elaborate for projects**

(1) Investors whose activities or works do not comprise projects that are subject to an environmental impact assessment procedure according to this Law and regulations adopted on the basis of this Law, shall develop environmental impact assessment elaborate and submit it to the body of the state administration responsible for the project approval and implementation, which shall forward it to the body specified under the regulation referred to in paragraph (2) of this Article for approval .

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the elaborate referred to in paragraph (1) of this Article, the types of activities for which the elaborate shall be developed, as well as the competence, the manner and the procedure for the environmental impact assessment elaborate approval.

## **Article 25**

### **Restriction of ownership rights in relation to environmental protection**

For the purposes of implementing the measures and the activities of environmental protection and improvement, ownership rights and/or other real rights may be withdrawn and/or restricted, in accordance with the conditions, manner and the procedure stipulated by law.

## **IV. SPECIAL OBLIGATIONS AND MEASURES**

## **Article 26**

### **Public information on environmental pollution and undertaking and introduction of mandatory measures**

(1) The Minister managing the body of the state administration responsible for the affairs of the environment shall inform the public on the the cases of emissions exceeding the permissible limits, and in other cases of large scale pollution of the environment, as well as on the measures specified

by this or by another law, that have been undertaken or introduced or measures that are obligatory undertaken or introduced in cases of exceeding or environmental pollution

(2) The councils of municipalities and the Council of the City of Skopje shall, within the scope of their competences regarding environmental protection as laid down in the law, shall inform the public on the the cases of emissions exceeding the permissible limits, and in other cases of environmental pollution and adopt a special act to regulate cases referred to in paragraph (1) of this Article, provided that the pollution is limited to the territory of the municipality and the City of Skopje and without wide spread effects across the area, and inform the public thereof in a manner specified in the law and in the statute of the municipality and of the City of Skopje.

## **Article 27**

### **Labelling the products and packagings for their environmental impact**

(1) Products, semifinished products, raw materials and chemicals, as well as their packaging, shall be released for trade only if they bear a label on which the possibility of pollution or possible harmful impact of products, semifinished products, raw materials and chemicals, as well as their packaging, on human life and health and on the environment is stated, as required by the law.

(2) Manufacturers and importers of chemical substances or products shall, prior to the sale or import, provide information on their properties and effects, according to which they may be classified, packed and labelled as prescribed by the law.

(4) The Minister managing the body of the state administration responsible for the affairs of the economy, in consent with the Minister managing the body of the state administration responsible for the affairs of environment shall prescribe the manner of product and product packaging, semifinished products, raw materials and chemicals labelling, the type of label and the content thereof in terms of packaging impact on the environment and the manner of handling the packaging and certain used products, semifinished products and raw materials.

## **Article 28**

### **Obligation for protection of the environment and ecologically clean areas**

(1) Each legal entity and natural person carrying out a project or activity shall undertake measures and activities of environmental protection and improvement and restoration of the environment into satisfactory condition, in a manner determined by the decision granting an approval for the project or activity implementation.

(2) Legal entities and natural persons referred to in paragraph (1) of this Article shall keep the data on the used natural resources, raw materials and energy, emissions of pollutants and substances, types, characteristics and quantities of generated waste, as well as other data specified in this or other law.



(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall declare ecologically clean areas.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment, in cooperation with the Minister managing the body of the state administration responsible for the affairs of the agriculture, forestry and water economy the Minister managing the body of the state administration responsible for the affairs of the economy shall specify the criteria, the manner and the procedure for declaration of ecologically clean area, as well as the manner of keeping and the contents of the records referred to in paragraph (5) of this Article.

(5) The body of the state administration responsible for the affairs of the environment shall keep, maintain and disseminate the records on declared ecologically clean areas and shall update the records at least once a year.

## **Article 29**

### **Eco-label and prohibition of eco-label use**

(1) Eco-label may be awarded to the producers of consumer goods, which, by applying techniques and technologies for reduced environmental pollution burden during their production, distribution and waste treatment processes, cause less environmental pollution compared to other products, form the same group, except for producers of foodstuffs, beverage and pharmaceuticals products.

(2) Eco-label may also be awarded to legal entities and natural persons that provide services which, compared to the service providers from the same group, are less polluting and thus contribute to the protection and improvement of the environment.

(3) Eco-label shall not be used on substances or preparations labelled as toxic and hazardous to the environment, or are carcinogenic, toxic for reproduction, or mutagenic, nor to goods manufactured by processes which may be hazardous to human life and health or the environment, or in their normal application, could be hazardous for the consumers.

(4) Eco-label shall be awarded by the Minister managing the body of the state administration responsible for the affairs of the environment upon an application submitted by legal entity and natural person, at the proposal by the Commission for eco-label in accordance with this Law and the regulations issued on the basis of this Law.

(5) The eco-label shall be used on the basis of an agreement for eco-label use concluded between the body of the state administration responsible for the affairs of the environment and the label user. The agreement shall in particular specify the conditions for label use and the compensation payable for the label use.

(6) The Commission for eco-label is established by the Minister managing the body of the state administration responsible for the affairs of the environment.

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the eco-label form and contents, the conditions and the procedure for its awarding and use,

as well as the composition and the manner of establishment and work of the Commission for eco-label.

(8) The Minister managing the body of the state administration responsible for the affairs of the environment shall adopt Programme for eco-labels awarding, at the proposal by the Commission for eco-label.

(9) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the criteria for individual groups of products and services that should be met in order to obtain eco-label, as well as the manner and the procedure for such criteria prescription.

## **Article 30**

### **Voluntary agreements**

(1) Bodies and organizations representing certain interests, groups of operators and individual operators may conclude voluntary agreements with the body of the state administration responsible for the affairs of the environment in order to attain a level of protection in a particular environmental media higher than that provided by this and the special laws.

(2) The procedure of voluntary agreement shall be prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment .

(3) The voluntary agreement shall be binding upon signing and any failure to act in compliance with the provisions of the agreement shall invoke application of the provisions of the Law on Obligations.

## **Article 31**

### **Environmental management and audit scheme**

(1) The body of the state administration responsible for the affairs of the environment shall support legal entities and natural persons carrying out commercial or other activities, scientific and educational organizations and institutions, as well as the bodies of the central government that organize the environmental protection in accordance with the European environmental management and audit scheme.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the environmental management and audit scheme (EMAS) referred to in paragraph (1) of this Article.

## **V. ENVIRONMENTAL MONITORING**

### **Article 32**

#### **Monitoring**

(1) The environmental media and areas monitoring shall be carried out through:

- systematic observation, investigation and assessment of the pollution and state of environmental media and areas as a whole, and
- identification and registration of the sources of pollution of individual environmental media and areas.

(2) The body of the state administration responsible for the affairs of the environment shall be responsible for the environmental media and areas monitoring.

### **Article 33**

#### **State monitoring networks establishment**

(1) State monitoring network, consisting of the state monitoring networks of individual environmental media and areas (hereinafter: state monitoring networks) shall be established to carry out the monitoring of environmental media and areas on the territory of the Republic of Macedonia, in a manner and under the conditions set forth in the special laws, as well as in the regulations adopted in accordance with such laws.

(2) The manner, the procedure and the form of submission of data from the state network shall be prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration which, according to the special law, is appointed a competent body for the performance of the affairs in the relevant environmental medium or area.

(3) The finances required for the establishment, operation, maintenance and development of the state monitoring networks shall be provided from the Budget of the Republic of Macedonia and from other sources, in accordance with the law.

### **Article 34**

#### **Local monitoring networks**

(1) The municipalities and the City of Skopje may, in accordance with the special law, establish a local monitoring network to carry out the monitoring of individual environmental media and areas.

(2) The finances required for the establishment, operation, maintenance and development of local monitoring network shall be provided from the Budget of the municipality and of the City of Skopje and from other sources, in accordance with the law or a relevant act of the municipality or of the City of Skopje.

## **Article 35**

### **Delegation of the right for monitoring performance**

The body of the state administration responsible for the affairs of the environment may delegate the performance of the monitoring of relevant environmental medium or area from the state network to the municipality, the city of Skopje and municipalities of the City of Skopje, or to other bodies of the state administration.

## **Article 36**

### **Internal monitoring**

(1) Legal entities and natural persons owning sources of emission and which pollute one or more environmental media and areas and/or use natural resources shall under the special law carry out internal monitoring of the emission sources or natural resources use. Legal entities and natural persons that with their activities contribute to imission, shall also carry out monitoring of imisssions in accordance with the integrated environmental permits.

(2) Entities and persons referred to in paragraph (1) of this Article shall carry out the monitoring of the emission sources by using devices and instruments approved through the procedure for measurements verification established by law, and maintain the monitoring devices and instruments in proper working condition.

(3) Entities and persons referred to in paragraph (1) of this Article may carry out the monitoring through their own services or through accredited scientific and expert organizations, and other legal entities meeting the requirements for the monitoring performance.

(4) In case the monitoring obligation is established in the mandatory conditions contained in the integrated environmental permits issued in accordance with this or the special law, the entities and persons referred to in paragraph (1) of this Article shall carry out the monitoring in accordance with the said conditions.

- (5) Entities and persons referred to in paragraph (1) of this Article shall:
- regularly monitor the emissions and impact on the environment (by measuring the emissions or calculating and estimating the emission quantities) from the source of pollution in a manner laid down in the special law;
  - regularly monitor the imissions close to emission sources determined by the special law or the regulation issued on the basis of that law and in the manner specified in the integrated environmental permit;
  - submit data obtained from the regular monitoring of the emissions from the source of pollution to the body of the state administration responsible for the affairs of the environment, on a monthly basis, not later than every fifth day of the current month; and
  - if requested by the body of the state administration responsible for the affairs of the environment, submit data referred to in items 1, 2

and 3 of this paragraph within term shorter than the term specified in item 4 of this paragraph.

## **Article 37**

### **Methodology**

(1) Monitoring of the quality of individual environmental media and areas and of the emission sources through state and local monitoring networks, as well as the monitoring performed by entities and persons referred to in Article 36 of this Law, shall be carried out in accordance with the methodology prescribed by the special laws.

(2) Bodies of the state administration, bodies of the municipality and of the City of Skopje and entities and persons referred to in Article 36 of this Law shall submit free of charge the monitoring data to the body of the state administration responsible for the affairs of the environment, in a manner and under conditions stipulated by the Minister managing the body of the state administration responsible for the affairs of the environment .

(3) For the purpose of assessing the risk to human health and the adverse impacts on environment, the body of the state administration responsible for the affairs of the environment shall regularly submit the monitoring results to the body of the state administration responsible for the affairs of the health.

## **Article 38**

### **Authorized scientific and expert organizations**

(1) Accredited or authorized scientific and expert organizations, and other legal entities may carry out the monitoring of individual environmental media and areas, in a manner and under the conditions set forth in the special law.

(2) The body of the state administration responsible for the affairs of the environment shall establish and maintain the list of scientific and expert organizations referred to in paragraph (1) of this Article.

## **Article 39**

### **Submitting monitoring data to international organizations**

(1) The body of the state administration responsible for the affairs of the environment shall, for the purpose of fulfillment of obligations assumed by the Republic of Macedonia under the ratified international agreements, submit monitoring data and environmental data to international organizations and bodies.

(2) The Government of the Republic of Macedonia, at the proposal of the body of the state administration responsible for the affairs of the environment, in line with the requirements contained in the ratified international agreements, shall prescribe the content of data, the manner of such data submission and the terms within which it shall be submitted.

## **VI. INFORMATION SYSTEM**

### **Article 40**

#### **Environmental Information System**

(1) For the purposes of management of the data on the state of the environment on the territory of the Republic of Macedonia, the body of the state administration responsible for the affairs of the environment shall establish Environmental Information System (hereinafter: Information System).

(2) The body of the state administration responsible for the affairs of the environment through the Macedonian Environmental Information System shall carry out the activities pertaining to the Information System referred to in paragraph (1) of this Article.

(3) The Information System referred to in paragraph (1) of this Article shall be established and organized in a manner that would provide a relevant database, comprehensive, accurate and publicly accessible information on the state of the nature, the state, the quality and the trends of all environmental media and other environmental areas, noise, ionising and non-ionising radiation, including electromagnetic radiation, as well as forecasts through the use of modeling techniques.

(4) The Information System referred to in paragraph (1) of this Article shall include collection, processing, systematization, storage, use, distribution and presentation of data obtained through state monitoring network and local monitoring networks, from the monitoring performed by entities and persons referred to in Article 36 of this Law of individual environmental media and areas, as well as data referred to in Article 41 and Article 42 of this Law.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner and the procedure for collection, processing, systematization, storage, use, distribution and presentation of data and information referred to in paragraph (4) of this Article.

### **Article 41**

#### **Register of pollutants and polluting substances and their properties**

(1) The body of the state administration competent for the execution of the works from the area of environment shall establish and maintain a Register of pollutants and polluting substances and their properties (hereinafter: Register).

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content, the methodology and the manner in which the Register referred to in paragraph (1) of this Article is maintained.

(3) The municipalities, the City of Skopje and the Municipalities of the City of Skopje, for their respective territories, may establish and maintain Register of pollutants and polluting substances and their properties. The Mayor of the Municipality, the Mayor of the City of Skopje and the Mayors of the municipalities of the City of Skopje shall submit the data from the Register of the Municipality, City of Skopje and Municipalities of the City of Skopje to

the body of the state administration responsible for the affairs of the environment, once in a month at minimum .

(4) Legal entities and natural persons shall submit data required for development and maintenance of the Register referred to in paragraph (1) of this Article in accordance with the regulation referred to in Article 40 paragraph (5) and in accordance with the issued integrated environmental permits.

## **Article 42**

### **Environmental Cadastre**

(1) The body of the state administration responsible for the affairs of the environment shall establish and maintain the unique Environmental Cadastre (hereinafter: Cadastre), which shall include the Cadastre of polluters of air, water and soil, Cadastre of noise generators, Cadastre of waste generators, Cadastre of protected areas and other cadastres as specified in the special laws.

(2) The Cadastre referred to in paragraph (1) of this Article shall contain data on activities and installations, which pose or may pose a threat to the environment, in particular the following data:

- name or title of the operator and the address of the installation location;
- a short description of the activities and technical process;
- relevant data on emissions, hazardous substances found in the plants, waste generation, use of natural resources and energy;
- on issued permits, and on the changes and supplements of permits;
- on inspection carried out, relevant results and measures undertaken.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content and the manner in which the Cadastre shall be maintained.

(4) Legal entities and natural persons shall submit data for the development and maintenance of the relevant cadastres referred to in paragraph (1) of this Article, in accordance with the regulation referred to in Article 40 paragraph (5) and in accordance with the issued integrated environmental permits.

(5) The municipalities, the City of Skopje and the Municipalities of the City of Skopje, for their respective territories, may establish and maintain Environmental Cadastre. The Mayor of the Municipality, the Mayor of the City of Skopje and the Mayors of the municipalities of the City of Skopje shall submit the data from the Cadastre of the Municipality, City of Skopje and Municipalities of the City of Skopje to the body of the state administration responsible for the affairs of the environment, once in a month at minimum

## **Article 43**

### **Entities authorized for Cadastre and Register development**

(1) The Minister managing the body of the state administration responsible for the affairs of the environment, the Mayor of the municipality, the Mayor of the City of Skopje and the Mayors of the Municipalities of the City of Skopje may delegate the development and the maintenance of the

Register referred to in Article 41 of this Law and of the Cadastre referred to in Article 42 paragraph of this Law to authorised legal entity.

(2) Authorized legal entities referred to in paragraph (1) of this Article shall develop the Register referred to in Article 41 paragraph (2) of this Law and the Cadastre referred to in Article 42 in accordance with Article 42, paragraph (3) of this Law, provided that they meet the conditions concerning the staff and the equipment.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the detailed conditions referred to in paragraph (2) of this Article that have to be met by legal entities in order to be allowed to develop and maintain the Register and the Cadastre, as well as the procedure through which authorization for development and maintenance of the Register referred to in Article 41 and the Cadastre referred to in Article 42 of this Law.

(4) The body of the state administration responsible for the affairs of the environment shall establish and maintain list of authorised entities referred to in paragraph (1) of this Article.

## **Article 44**

### **Transboundary impact control**

The body of the state administration responsible for the affairs of the environment shall undertake all necessary measures for the purpose of controlling the transboundary impacts on environmental media and areas, on the basis of data obtained through environmental monitoring and in accordance with the ratified international agreements.

## **Article 45**

### **State of the environment report**

(1) The body of the state administration responsible for the affairs of the environment shall in cooperation with other relevant bodies of the state administration, as well as with the municipalities, with the City of Skopje and with the municipalities of the City of Skopje prepare a state of the environment report in the Republic of Macedonia every three years. The Report shall be publicly accessible in accordance with Chapter VIII of this Law.

(2) The Government of the Republic of Macedonia shall approve the report referred to in paragraph (1) of this Article. The Government of the Republic of Macedonia shall submit it to the Assembly of the Republic of Macedonia for the purpose of information.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the report referred to in paragraph (1) of this Article.

(4) The municipality, the City of Skopje and the municipalities of the City of Skopje may prepare a state of the environment report for their respective areas. The Report shall be publicly accessible in accordance with Chapter VIII of this Law.

(5) The Mayor of the municipality, the Mayor of the City of Skopje and the Mayor of the municipalities of the City of Skopje shall submit the report



referred to in paragraph (4) of this Article to the body of the state administration responsible for the affairs of the environment for approval.

#### **Article 46**

##### **Reporting to international organizations and bodies**

The body of the state administration responsible for the affairs of the environment shall be responsible for submission of the reports concerning the environment to the relevant international organizations and bodies in accordance with the international agreements ratified by the Republic of Macedonia.

### **VII. RESEARCH ACTIVITY AND ENVIRONMENTAL EDUCATION**

#### **Article 47**

##### **Support for environmental research**

(1) The improvement of the environmental protection shall be based upon:

- the scientific and the technical and technological development;
- encouraging, assisting and organizing scientific and technical and technological research;
- publication of research results and their application; as well as
- training and improvement of staff in respect of environmental protection issues in accordance with this or another law.

(2) The body of the state administration responsible for the affairs of the environment in cooperation with the body of the state administration responsible for the affairs of the science shall provide support to research on the state of the environment and to environmental protection projects on the basis of annual programme for improvement of the environment, which shall be part of the Programme for environmental investments referred to in Article 172 of this Law

#### **Article 48**

##### **Education in the field of environmental protection and sustainable development**

(1) The Minister managing the body of the state administration responsible for the affairs of education and science should approve curriculum for primary or secondary school where environmental protection is included as optional or compulsory subject.

(2) The body of the state administration responsible for the affairs of the environment, in cooperation with the body of the state administration responsible for the affairs of the education, shall provide the necessary support to educational and scientific institutions, professional organizations and associations of citizens set up to promote environmental protection and sustainable development for the implementation of educational activities.

(3) The Government of the Republic of Macedonia, the body of the state administration responsible for the affairs of the education and the body of the state administration responsible for the affairs of the environment shall provide the necessary support for publication of books and brochures on topics related to environmental protection and improvement and sustainable development for the purpose of improvement of the education in the area of environment protection, issued in a manner and through procedure stipulated by the laws on primary and secondary level education.

(4) The municipalities, the City of Skopje and the municipalities in the City of Skopje shall promote the development of environmental education and public awareness.

## **Article 49**

### **Acknowledgements and awards**

(1) Awards and acknowledgements for achievements in the area of environmental protection and improvement shall be given for:

- Achievements in the prevention of environmental pollution;
- the most environment-friendly solution in production processes;
- developmental and research projects in the area of environmental protection;
- achievements in sustainable development;
- development of educational programmes on environmental protection;
- contribution by legal entities to environmental protection development and improvement;
- contributions by individuals to the protection, development and improvement of the environment, or contributions to the international cooperation in the area of environmental protection; and/or
- contributions by professional and other societies or citizens' associations to the development and improvement of environmental protection.

(2) Awards and acknowledgements shall be given by the body of the state administration responsible for the affairs of the environment on 21 March each year.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the procedure, the manner and the conditions under which acknowledgements and awards are granted, as well as the manner of work and the composition of the Commission for awards and acknowledgements.

## **Article 50**

### **The procedure of awards and acknowledgements granting**

(1) The granting of awards and acknowledgments shall be carried out on the basis of an open competition announced by the body of the state administration responsible for the affairs of the environment .

(2) Every legal entity and natural person from the Republic of Macedonia shall be entitled to propose a candidate for the contest.

(3) For the purpose of evaluation of the received applications, the Minister managing the body of the state administration responsible for the

affairs of the environment shall establish a Commission for awards and acknowledgements. The members of the Commission for awards and acknowledgements shall be elected upon the proposal of the bodies of the state administration responsible for the affairs of the environment, education and science, economy, health, construction and agriculture and upon proposal by non-governmental organizations, public information media, producers and scientific and professional organizations with a mandate of one year. The decision on the entity to which acknowledgement or awards is to be granted shall be adopted by the Commission for awards and acknowledgements by means of two-thirds majority of the total number of Commission's members. The Commission shall inform the Minister managing the body of the state administration responsible for the affairs of the environment on the decision, within three working days from the day of the adoption of the decision.

## VIII. ACCESS TO ENVIRONMENTAL INFORMATION

### Article 51

#### Access to information

(1) Everyone shall have the right to request validated environmental information and data from public authorities and legal entities and natural persons as defined in Article 52 paragraph (1) of this Law without having to prove their interest. Environmental information may be possessed by, or on behalf of the bodies and legal entities and natural persons referred to in Article 52 paragraph (1) of this Law.

(2) The right of access to environmental information shall be exercised in respect of all information in written, visual, audible, electronic or any other available form, pertaining to:

1. **the state of environmental media and areas**, such as air and atmosphere, water, soil, biological and landscape diversity, including genetically modified organisms, as well as interaction among these elements;
2. **factors**, such as substance, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including radioactive waste, emissions and other releases into the environment, affecting or likely to affect the environmental media and areas and the human life and health;
3. **measures**, including administrative measures, such as policy, legislation, plans, programmes, agreements on environmental issues, as well as activities which may directly or indirectly affect the environmental media, areas and factors, and measures or activities designed to protect those elements;
4. **reports** on the implementation of environmental laws and other regulations and acts.
5. **costs/benefit analysis** and other financial and economic analyses and assumptions applied as part of the measures and activities aimed at environment protection and improvement;

6. **conditions related to human life and health and safety**, safety of foodstuffs, human living conditions, sites of importance to culture and man built structures, to the extent to which they are affected, or are likely to be affected by the environmental media and areas, or through the impact of such media and areas on any condition of the aforementioned elements and factors.

## **Article 52**

### **Entities holding environmental information**

(1) The bodies and the legal entities and natural persons (hereinafter: entities) holding environmental information or on which environmental information is held shall be:

- The Government of the Republic of Macedonia;
- Bodies of the municipalities, of the City of Skopje and of the municipalities of the City of Skopje;
- legal and natural entities that have been entrusted in accordance with the law to perform public authorisations, including special environmental duties, activities and services; and/or
- legal entities and natural persons performing, on the basis of the law or an agreement, environmental activity or service of public interest, under supervision of the bodies or entities referred to in items 1, 2 and 3 of this paragraph.

(2) The Government of the Republic of Macedonia shall, upon a proposal made by the body of the state administration responsible for the affairs of the environment, publish and maintain a List of entities holding environmental information or on which environmental information is held. The List shall also specify the information held by each of the stated entities.

## **Article 53**

### **Requirements applicable to requests for information**

(1) The request for environmental information may be submitted to any of the entities which hold environmental information, or on which environmental information is held, as specified in Article 52 of this Law.

(2) The entities referred to in Article 52 of this Law holding environmental information, or on which environmental information is held, shall provide access to environmental information:

1. within shortest possible term, but not later than one month from the date of receipt of the request or

2. two months from the date of receipt of the request, if the volume and the complexity of the information is such that the period of one month, indicated in item 1 of this paragraph, is insufficient to complete the documentation. In such case, the entity referred to in Article 52 of this Law shall inform the applicant within shortest possible term, and before the expiry of the period of one month, of the need for extension of the term and the reasons for which the extension is required.

(3) The entity referred to in Article 52 of this Law shall supply to the person requesting environmental information referring to Article 51, paragraph

(2), item 2 of this Law, information on the location where the measurement procedure has been carried out, methods of analysis, sampling and pre-treatment of samples used to complete the information.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner and the procedure through which access to environmental information is provided.

## **Article 54**

### **Form in which the requested information is delivered**

(1) The information shall be delivered in the form requested, unless:

1. the information requested is already available in a previously prescribed form and is easily accessible to the public and thus to the person requesting it, and
2. it is more reasonable to make the information available in another form than the one requested, in which case the entity shall issue a decision explaining the reasons for which the information is submitted in a different form.

(2) Where it is impossible to provide the information in the form requested, the entity referred to in Article 52 of this Law to which the request for information has been submitted shall, within seven days from the receipt of the request, inform the person requesting the information of the reasons due to which the information is provided in different form than the one requested.

## **Article 55**

### **Refusal of request for environmental information**

(1) The entities referred to in Article 52 of this Law may refuse the request for environmental information if;

- the information requested is not held by or on them. Within seven days from the date of receipt of the request, the entity referred to in Article 52 of this Law to which the request has been submitted, shall forward the request to the entity that holds the requested information if they are aware of that entity, and inform the applicant thereon, or inform the applicant on the entity most probably holding the requested information.

- the request is manifestly unreasonable;

- the request is too general. The entity referred to in Article 52 of this Law shall, within term that shall not be longer than 15 days from the date of receipt of the request, provide in writing guidance to the person concerned as to the form, the content and the volume of the request, and/or

- the request refers to information the completion of which is under way, or which is used for internal needs and communications. If the information completion is in progress, the entity referred to in Article 52 of this Law shall inform the applicant on the entity prepares the information and when it will be completed.

(2) The entities referred to in Article 52 of this Law may refuse to allow access to information if disclosure of the information would have negative effects on:

1. the confidentiality of the proceedings managed by the competent authorities;
2. the international relations, public security and national defence;
3. the court procedure, the right of legal entities and natural persons to a fair trial and the right to initiate court or disciplinary procedure;
4. the confidentiality of commercial or industrial information where such confidentiality is guaranteed by law with view of protecting legitimate economic interest;
5. the protection of persons and the confidentiality of personal data;
6. the protection of intellectual and industrial property rights;
7. the interests of any person who supplied the requested information without any obligation to do so, where that person has not consented to the disclosure of the information concerned; and/or
8. the protection of specific wild species and/or types of habitats.

(3) The entities referred to in Article 52 of this Law shall not refuse the request for information based on paragraph (2), items 1, 4, 5, 6, and 7 of this Article, if such request relates to information on discharges or other emissions in the environment;

(4) In each of the cases referred to in paragraph (1), item 2 and paragraph (2), of this Article, the entities referred to in Article 52 shall assess whether the protection of public interest, to which the requested information pertains, is of higher importance than the interest served by the disclosure of the information.

(5) Environmental information shall be available to the extent not covered by paragraph (1), item 4 and paragraph (2) of this Law.

(6) The entities referred to in Article 52 of this Law shall issue a decision on the refusal of the request, in part or in full, or a conclusion in writing which shall contain the reasons for the refusal of the request, as well as reference to the possibilities for an appeal against the decision or the conclusion. The entities referred to in Article 52 of this Law shall submit the decision or conclusion within a period of time specified in Article 53 of this Law.

(7) The requesting party shall have the right to lodge an appeal against the decision or conclusion referred to in paragraph (6) of this Article, issued by the entities referred to in Article 52 paragraph (1) item 1 of this Law, with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolution of administrative matters in the area of environment.

(8) The requesting party shall have the right to lodge an appeal against the decision or conclusion referred to in paragraph (6) of this Article, issued by the entities referred to in Article 52 paragraph (1) items 2, 3 and 4 of this Law, with the body of the state administration responsible for the affairs of the environment.

## **Article 56**

### **Collection and dissemination of environmental information**

(1) The entities referred to in Article 52 of this Law shall, within the scope of their competence, provide for dissemination, public accessibility and

maintenance of environmental information they hold, or which is held on their behalf, in forms and formats that are easy to reproduce and accessible by computer communication networks.

(2) The entities referred to in Article 52 of this Law shall, within the scope of their competence, provide for public participation in the process of laws, other regulations and legal acts drafting, in accordance with the conditions, the manner and the procedure specified in Article 62 paragraph (4) of this Law.

(3) In cases of direct threat to human life and health, or to the environment, caused by human activity or natural effects, the entities referred to in Article 52 of this Law shall disseminate, without any delay, all relevant information they hold, or which is held on their behalf, so that the public may take measures of prevention or mitigation of the damage likely to occur.

### **Article 57**

#### **The body competent for dissemination of environmental information**

The body of the state administration responsible for the affairs of the of the environment shall be responsible for dissemination of environmental information and for facilitating the access to environmental information held by the entities referred to in Article 52 of this Law.

### **Article 58**

#### **Compensation for the expenses made while delivering the requested information**

(1) The entities referred to in Article 52 of this Law shall not charge any compensation for the expenses related to the delivery of the requested information.

(2) Notwithstanding the provision of paragraph (1) of this Article, the entities referred to in Article 52 of this Law shall in certain cases charge compensation for the delivery of the information requested by the interested party .

(3) The Government of the Republic of Macedonia shall specify the cases and the level of the compensation referred to in paragraph (2) of this Article, as well as the cases of exemption from the payment of the compensation for the delivery of the information.

(4) The level of the compensation for the expenses related to the delivery of the information, determined by the regulation based on paragraph (3) of this Article, shall be reasonable and shall not exceed the real costs incurred for the provision of the requested information.

(5) Searching of registers and records of data, as well as verification of information where it is held or maintained shall be free of charge.

## **IX. ENVIRONMENTAL PROTECTION PLANNING**

### **Article 59**

#### **Planning system**

(1) For the purpose of accomplishing the objectives referred to in Article 4, paragraph (1) of this Law, the system of measures and activities for environmental protection and improvement planning shall provide for a long term definition and direction of the development of environmental protection and improvement in line with the overall economic, social and cultural development of the Republic of Macedonia, where priority is given to the environmental protection and improvement measures which are in the interests of the present and future generations.

(2) The system of planning referred to in paragraph (1) of this Article shall direct and harmonize the implementation of economic, technical, scientific, educational, organizational and other measures and activities, as well as measures aimed at the implementation of obligations assumed under the ratified international agreements, in order to protect and improve the environment and provide sustainable development.

(3) The measures for environmental protection and improvement set out in the environmental planning documents shall be consistent with the measures set out in strategic, planning and programme documents in the field of regional development, education and science, economic activities based on the use of natural resources, transport, telecommunications, tourism, spatial and urban planning and use of the land.

### **Article 60**

#### **Types of planning documents and competence for their adoption**

(1) The Government of the Republic of Macedonia shall, upon a proposal made by the body of the state administration responsible for the affairs of the environment and on the basis of environmental policies and goals, the assessment of the conditions and the determination of necessary measures to be taken in order to achieve the environmental goals, adopt the National Environmental Action Plan of the Republic of Macedonia, (hereinafter: National Environmental Action Plan),

(2) The Council of the municipality, of the City of Skopje and the of the municipalities of the City of Skopje shall adopt the local environmental action plans in accordance with the methodology referred to in Article 61 paragraph (3) of this Law, and on the basis of the assessment of their specific conditions and needs and in line with the National Environmental Action Plan.

(3) Certain parts of the local environmental action plans may constitute strategies or plans provided that they meet the conditions set forth in the special laws.

(4) The planning documents referred to in paragraphs (1) and (2) of this Article shall be adopted for a period of six years and regularly updated in accordance with the emerged conditions and shall be reviewed upon the expiry of the term for which they have been adopted.

(5) The Council of the municipality, of the City of Skopje and of the municipalities of the City of Skopje shall establish a body, managed by the



Mayor to monitor the implementation of the local environmental action plan and to propose changes in the local environmental action plan, and to inform the body of the state administration responsible for the affairs of the environment thereon, once in a year.

## **Article 61**

### **Procedure for planning documents adoption, regulations drafting and public participation in the procedure**

(1). The Government of the Republic of Macedonia upon proposal of the body of the state administration responsible for the affairs of the environment shall adopt the National Environmental Action Plan.

(2) Participation of the public in the process of preparation and adoption of the National Environmental Action Plan and the local environmental action plans shall be carried out in a manner and under conditions set out in Article 69 of this Law.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall adopt the methodology for the local environmental action plans development.

(4) The Government of the Republic of Macedonia upon proposal of the body of the state administration responsible for the affairs of the environment shall prescribe the conditions, the manner and the procedure of public participation in the process of preparation of environmental regulations and other acts.

## **Article 62**

### **Competence for the planning documents implementation**

(1) The National Environmental Action Plan shall be implemented by the competent bodies of the state administration and of the municipalities, the City of Skopje and the municipalities of the City of Skopje, public enterprises and public institutions and other legal entities and natural persons that on the basis of public authorizations perform activities or undertake activities that affect the environment.

(2) On the basis of the data provided by the bodies, organizations, institutions and legal entities and natural persons referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall prepare and submit a report on the implementation of the plan to the Government of the Republic of Macedonia once in every three years.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner in which the data shall be submitted by the bodies, organizations and institutions, public enterprises and public institutions and other legal entities and natural persons referred to in paragraph (1) of this Article, responsible for the implementation of the plan.

(4) The local environmental action plan shall be implemented by the Mayor of the municipality, of the City of Skopje and the municipalities of the City of Skopje, as well as by other legal entities and natural persons specified in the plan. At the proposal of the Mayor, the Council of the municipality, of

the City of Skopje and the municipalities of the City of Skopje shall prescribe the manner in which the data shall be submitted by the bodies and legal entities and natural persons responsible for the implementation of the plan.

(5) Based on the data submitted in accordance with the provisions of paragraphs (2) and (4) of this Article, the body competent for adoption of the plan may decide to amend or supplement the plan.

## **Article 63**

### **The contents of the National Environmental Action Plan**

(1) The National Environmental Action Plan shall contain:

1. general, medium and long term measures for environment and human health protection and management;
2. guidelines as to the protection against pollution and the improvement of the quality of water, air and soil, nature protection, protection against noise, ionising and not-ionising radiation, waste management, as well as other activities for protection of climate system against the negative anthropogenic effects and activities of relevance to the protection of the environment and human health regulated by special laws;
3. natural resources management and use;
4. activities envisaged for the purpose of the public awareness raising and education development with regard to environment protection and improvement;
5. impact of the specified measures on the economic development;
6. entities responsible for the implementation of individual elements of the plan; and
7. other measures and activities of relevance to environment protection and improvement.

## **Article 64**

### **Contents of the local environmental action plans**

(1) The local environmental action plans, based on the assessment of the level of environmental pollution in specified area, shall contain medium and long term measures and activities for protection of the environment and human health which are of interest to and under the competence of the municipality, the City of Skopje and the municipalities of the city of Skopje, in particular on:

1. protection against pollution and improvement of the quality of air;
2. supply of proper quality drinking water in sufficient quantity;
3. protection of water against pollution, treatment of waste water, progressive reduction of harmful discharges and gradual elimination of the emissions of hazardous substances into the water and mitigation of consequences resulting from harmful activity of water and from shortage of water;
4. waste management;
5. protection against noise and vibrations resulting from economic and other activities and interventions;
6. urban development and spatial planning;
7. development of the local public transportation and traffic in the area;

8. energy efficiency improvement;
9. development of the eco-cultural tourism and its impact on the environment;
10. biological diversity protection;
11. natural resources management and use;
12. public awareness raising and development of the environmental education;
13. environmental impact of the economic development;
14. competent entities for implementation of individual elements of the plan.

## **X. ENVIRONMENTAL IMPACT ASSESSMENT OF STRATEGIES, PLANS AND PROGRAMMES**

### **Article 65 Strategic assessment**

(1) The Government of the Republic of Macedonia shall, upon a proposal of the body of the state administration responsible for the affairs of the environment, stipulate the strategies, the plans and the programmes, including amendments to such strategies, plans and programmes, (hereinafter: planning documents), that are subject to a mandatory assessment of their impact on the environment and human health (hereinafter: strategic assessment).

(2) Strategic assessment shall be carried out on the planning documents prepared in the area of agriculture, forestry, fisheries, energy, industry, mining industry, transport, regional development, telecommunications, waste management, water management, tourism, spatial and urban planning and land use, on the National Environmental Action Plan and local environmental action plans, as well as on all strategic, planning and programme documents by which implementation of projects that are subject to environmental impact assessment are planned.

(3) Planning documents that are not covered by paragraph (1) of this Article shall be subject to strategic environmental assessment only if they are likely to have significant impact on the environment and on human life and health. In cases in which a planning document is adopted by a municipal body, the Council of the municipality, of the City of Skopje and of the municipalities of the City of Skopje, may decide against carrying out a strategic environmental assessment only upon prior approval issued by the body of the state administration responsible for the affairs of the environment. In cases in which a planning document is adopted by a body of the state administration, the body of the state administration responsible for the development of the planning document may decide against carrying out a strategic assessment only upon prior approval of the Government of the Republic of Macedonia.

(4) The Government of the Republic of Macedonia shall set out the criteria on the basis of which the decisions referred to in paragraph (3) of this Article as to whether a given planning document is likely to have a significant impact on the environment shall be issued.

(5) When making the decision referred to in paragraph (3) of this Article, the competent body shall consult the bodies affected by the implementation of the planning documents.

(6) The decision referred to in paragraph (3) of this Article, along with reasoning against the carrying out of a strategic assessment, shall be published in the manner prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment, in the act adopted accordance with Article 69, paragraph (5) of this Law.

## **Article 66**

### **Exemptions**

Strategic assessment shall not be obligatory with respect to the planning documents adopted:

- for the needs of the defense of the Republic of Macedonia;
- in war or state of emergency; and
- in the area of finance and the Budget of the Republic of Macedonia and budgets of the municipalities and of the City of Skopje and of the municipalities of the City of Skopje.

## **Article 67**

### **Report on the Strategic Environmental Assessment**

(1) When a strategic environmental assessment is required in accordance with Article 65 of this Law, the body preparing the planning document shall prepare a strategic environmental assessment report (hereinafter: Environmental Report).

(2) The Government of the Republic of Macedonia shall, upon proposal of the body of the state administration responsible for the affairs of the environment prescribe the content of the Environmental Report.

(3) When deciding on the scope and level of detail of the information in the Environmental Report, the body carrying out the strategic assessment shall request the opinion of the bodies affected by the implementation of the planning document.

(4) When deciding on the scope and level of detail of the information, the body carrying out the strategic assessment shall in accordance with paragraph (2) of this Article take into consideration the existing knowledge and methods of assessment, the content and details of the planning documents, and their contribution to the decision-making process, public interests and the need of information for the decision making authority.

(5) For the purpose of developing the strategic assessment report, the body preparing the planning document shall engage at least one person from the List of experts for strategic environmental assessment referred to in Article

68 of this Law, who shall sign the Report as a responsible person with regard to its quality. In case the report is prepared by several persons, or other experts or legal entities, the report shall obligatory be signed by at least one person from the List of experts for strategic environmental assessment referred to in Article 68 of this Law, who shall sign the Report as a responsible person with regard to its quality.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the procedure for selection of persons from the List of experts referred to in Article 68 of this Law to prepare the report referred to in paragraph (5) of this Article.

(7) The strategic assessment shall be carried out by the body responsible for the planning document preparation.

(8) The strategic assessment of planning documents adopted by the municipality, of the City of Skopje and of the municipalities of the City of Skopje shall be carried out by the Mayor of the municipality, the Mayor of the City of Skopje and the Mayors of the municipalities of the City of Skopje

## **Article 68**

### **List of Experts for strategic environmental assessment**

(1) The body of the state administration responsible for the affairs of the environment shall establish and maintain a List of Experts for strategic environmental assessment.

(2) Any natural person may be an expert for strategic environmental assessment if he/she meets the following conditions:

- has university degree in natural sciences;
- has technical knowledge at an expert level in the field of environmental protection; and
- has a minimum of five years experience in the field to which the strategy, the plan or the programme refers.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the criteria, the manner, the procedure and the level of compensation for the expenditures related to enrolment and withdrawal from the List referred to in paragraph (1) of this Article.

(4) The List of experts referred to in paragraph (1) of this Article shall be managed by areas determined in Article 65, paragraph (2) of this Law.

## **Article 69**

### **Public information and participation**

(1) Prior to the commencement of the planning document adoption procedure and within five days from the date of Environmental Report completion, the body that prepares the planning document shall publish information concerning the draft planning document and the environmental report, the place where the draft planning document can be reviewed, along with information on the public participation procedure.

(2) The body referred to in paragraph (1) of this Article shall at the same time submit the draft planning document and the Environmental Report to the body of the state administration responsible for the affairs of the environment .

(3) The body of the state administration responsible for the affairs of the environment, and the bodies affected by the implementation of the planning document, legal entities and natural persons and the public, may submit their opinion on the draft planning document and the Environmental Report to the body that prepares the planning document within 30 days from the date of submission and publication of information thereon.

(4) The body referred to in paragraph (1) of this Article shall in the development of the planning document take into account the opinions received in accordance with paragraph (3) of this Article and prepare special report thereon.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner in which information shall be published and the public participation referred to in paragraph (1) of this Article and the manner of preparation of the report referred to in paragraph (4) of this Article.

## **Article 70**

### **Transboundary impact assessment when the planning document is prepared in the Republic of Macedonia**

(1) When the implementation of planning document in the Republic of Macedonia is likely to have transboundary impact on the environment and human life and health, at the proposal of the body of the state administration responsible for the affairs of the environment, the affected country shall be furnished with:

- a description of the planning document;
- environmental impact assessment report on the planning document;
- an invitation for participation in the consultation procedures related to the planning document within two months from the submission of the invitation;

(2) Upon request by the country, which considers that certain planning document prepared in the Republic of Macedonia is likely to have an impact on the environment and human life and health on its territory, the body of the state administration responsible for the affairs of the environment shall provide the information referred to in paragraph (1) of this Article..

(3) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the body of the state administration responsible for the area of foreign affairs shall prescribe the manner of carrying out the transboundary consultations referred to in paragraphs (1) and (2) of this Article.

## **Article 71**

### **Transboundary impact assessment when the planning document is prepared in another country**

(1) If the Republic of Macedonia receives notification from a competent authority of another country on preparation of a planning document which is likely to have an impact on the environment and human life and health in the Republic of Macedonia, the body of the state administration responsible for the affairs of the environment shall immediately initiate a procedure for assessment of the impact status in the Republic of Macedonia from the implementation of the said planning document.

(2) When the body of the state administration responsible for the affairs of the environment finds that the planning document referred to in paragraph (1) of this Article may have an impact on the environment and human life and health in the Republic of Macedonia, they shall immediately notify the competent authority of the other country of the intention of the relevant institutions and the affected public of the Republic of Macedonia to participate in consultations prior to the adoption of the planning document, under conditions and in a manner prescribed by the relevant international agreements ratified by the Republic of Macedonia.

(3) When the body of the state administration responsible for the affairs of the environment, or some other relevant institution of the Republic of Macedonia, learn of the preparation of a planning document in another country as referred to in paragraph (1) of this Article, they shall immediately notify the body of the state administration responsible for the area of foreign affairs of the Republic of Macedonia of the necessity for submission of official notification to the competent authorities of the other country, in order to enable the participation in the procedure referred to in paragraph (2) of this Article.

## Article 72

### **Evaluation of the Environmental Report**

(1) The body that prepares the planning document shall integrate in the environmental report the relevant opinions obtained in accordance with Article 69 paragraph (3) of this Law submit the planning document together with the report to the body of the state administration responsible for the affairs of the environment.

(2) The body of the state administration responsible for the affairs of the environment shall evaluate the adequacy of the environmental report within 60 days from the date of submission of the documentation referred to in paragraph (1) of this Article, and shall submit the evaluation to the body responsible for adoption of the planning document.

(3) The body of the state administration responsible for the affairs of the environment may authorize persons to evaluate the environmental report from the List referred to in Article 68 of this Law that have not participated in the preparation of the report.

(4) When the body responsible for the planning document preparation is the body of the state administration responsible for the affairs of the environment, it shall make the environmental report together with the evaluation, available to the public.

## **Article 73**

### **Decision-making**

(1) The body that prepares the planning document or the amendment of the planning document shall, in accordance with Article 65 of this Law, take into consideration the findings of the Environmental Report, the opinions and the comments obtained from the bodies concerned with the implementation of the planning document, as well as the results from the transboundary consultations.

(2) The body that adopts the planning document shall also take into consideration the opinion of the body of the state administration responsible for the affairs of the environment on the adequacy of the environmental report.

## **Article 74**

### **Publication of the decision**

(1) The body that adopts the planning document shall publish the decision on the adoption and notify of that fact the country consulted in accordance with Article 70 of this Law, in a manner specified in Article 69, paragraph (3) of this Law.

(2) In cases referred to in Article 71 of this Law, the body of the state administration responsible for the affairs of the environment shall propose to the Government of the Republic of Macedonia to adopt conclusion on the strategic assessment of the planning document adopted by another country.

(2) The Government of the Republic of Macedonia, through the body of the state administration responsible for the area of foreign affairs shall notify the other country on the outcome from the implemented strategic assessment.

## **Article 75**

### **Monitoring the effects of implementation of the planning documents**

(1) The body that prepares the planning document shall monitor the impact on the environment and on human health caused by the implementation of the planning documents for the purposes of early identification of unpredictable adverse effects and undertaking of remedial actions.

(2) In case of identified negative effects from the implementation of the planning document referred to in paragraph (1) of this Article, the body that prepares the planning document, as well as other legal entity and natural person and associations of citizens in the area of environment shall notify thereon the body of the state administration responsible for the affairs of the environment.



## **IX. ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN PROJECTS**

### **Article 76**

#### **Subject of environmental impact assessment**

(1) Subject of environmental impact assessment shall be the projects determined in accordance with Article 77 of this Law, which due to their character, scope or location of their implementation, may have significant impact on the environment.

(2) The assessment referred to in paragraph (1) of this Article shall be carried out by determination, description and assessment of the impacts made or that may be made by the given project during its execution, operation and termination of operation on:

- human beings and biological diversity;
- soil, water, air and other natural resources, and climate;
- historical and cultural heritage, as well as on the
- inter-action between the elements referred to in items 1, 2 and 3 of this paragraph.

### **Article 77**

#### **Projects requiring environmental impact assessment**

(1) The Government of the Republic of Macedonia shall, at the proposal of the body of the state administration responsible for the affairs of the environment, specify projects which are subject to a mandatory requirement for an environmental impact assessment procedure and define the criteria on the basis of which a need is identified for an environmental impact assessment of other projects specified in general terms which may have a significant impact on the environment, as well as define the criteria on the basis of which a need is identified for an environmental impact assessment in case of changes appearing on existing projects.

(2) The need for an environmental impact assessment shall also be identified on the basis of case-by-case examination of characteristics, size and location, in accordance with the criteria referred to in paragraph (1) of this Article, in light of the latest scientific and technical developments, and the provisions in the regulations, which specify the lowest limit values of emissions into the environment.

### **Article 78**

#### **Projects which are not subject to environmental impact assessment**

(1) The Government of the Republic of Macedonia may in exceptional cases decide on the basis of case-by-case examination not to carry out environmental impact assessment, either in whole or in part, of projects, in case of:

- war or state of emergency,

- defense needs of the Republic of Macedonia, if it is found that the implementation of the procedures for environmental impact assessment would have adverse effect on the defense, or
- need for urgent prevention of events that could have not been predicted and are likely to have a serious impact on health, security or property of people, or on the environment.

(2) With respect to projects referred to in paragraph (1) of this Article which are not subject to an environmental impact assessment, an alternative method of environmental impact assessment proposed by the Government of the Republic of Macedonia shall apply.

(3) With regard to projects referred to in paragraph (1) item 2 of this Article which are not subject to an environmental impact assessment, the Government of the Republic of Macedonia shall:

- inform appropriately the public and explain the decision not to carry out an environmental impact assessment; and
- inform the public concerned on information obtained through alternative environmental impact assessment methods.

(4) The Government of the Republic of Macedonia shall more closely determine the procedure and manner of the public information regarding the data referred to in paragraph (2) of this Article on projects in cases referred to in paragraph (1) of this Article.

(5) Upon receiving the notification referred to in Article 80 of this Article, in cases specified by paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall inform thereon the Government of the Republic of Macedonia.

## **Article 79**

### **Manner of a project environmental impact assessment**

(1) The environmental impact assessment procedure shall encompass screening, scoping, assessment and evaluation of the direct and indirect impact on the environment from the project implementation or non-implementation.

(2) The impact of the project on the environment shall be assessed in accordance with the status of the environment in the area affected at the time of submission of the notification on the intention to carry out the project.

(3) When assessing the project environmental impact, the following shall be taken into account:

- the project preparation, execution, implementation and termination, including the results and effects arising from the completion of the project;
- removal of the polluting substances and restoration of the affected area into its original condition, if such obligation is prescribed by special regulations, and
- normal functioning of the project, as well as the likelihood of accidents.

## **Article 80**

### **Notification on the intention for project implementation**

(1) Legal entities and natural persons intending to implement a project that is likely to fall under Article 77 and Article 78, paragraph (1), item 2 of this Law (hereinafter: Investor) shall send a notification on their intention to implement the project, together with an opinion of the need of environmental impact assessment (hereinafter: notification) to the body of the state administration responsible for the affairs of the environment.

(2) The Investor shall submit the notification referred to in paragraph (1) of this Article to the body of the state administration responsible for the affairs of the environment in written and electronic form.

(3) The body of the state administration responsible for the affairs of the environment shall inform the investor within 10 days from the date of the receipt of the notification on the need for supplementing the notification.

(4) The body of the state administration responsible for the affairs of the environment shall, within five working days of the receipt of the full notification, announce the notification in a manner determined in Article 90 paragraph (1), Item 1 of this Law.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the information to be incorporated in the notification. The prescribed information shall be sufficient for the body of the state administration responsible for the affairs of the environment to make the screening decision.

## **Article 81**

### **Screening procedure**

(1) The screening procedure shall be carried out for projects determined under Article 77 of this Law.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the environmental impact assessment screening procedure for projects.

(3) The body of the state administration responsible for the affairs of the environment shall complete the environmental impact assessment screening procedure within 30 days from the date of receipt of the full notification in accordance with Article 80 of this Law.

(4) The body of the state administration responsible for the affairs of the environment shall inform the Investor by means of decision whether or not an environmental impact assessment shall be carried out. Based on such information, the Investor shall apply for environmental impact assessment scoping.

(5) The decision referred to in paragraph (4) of this Article shall be published, within five days from the date of issuance, in a manner specified in Article 90, paragraph (1), item 2 of this Law.

(6) The Investor, the legal entities or natural persons concerned, as well as the citizens' associations established for the purpose of environment protection and improvement may lodge an appeal against the decision referred to in paragraph (4) of this Article to the Second Instance Commission

of the Government of the Republic of Macedonia responsible for resolution of administrative matters in the area of environment within eight days from the date of publication of the decision.

(7) Legal entities and natural persons referred to in Article 80 paragraph (1) of this Law may, with the submission of the notification on their intention to carry out a project, simultaneously submit to the body of the state administration responsible for the affairs of the environment a request for environmental impact assessment scoping of the project as referred to in paragraph (4) of this Article.

(8) In cases referred to in paragraph (7) of this Article, the body of the state administration responsible for the affairs of the environment shall issue a single decision containing also the scoping of the environmental impact assessment study for the project as referred to in Article 82 of this Law.

## **Article 82**

### **Scoping of the environmental impact assessment for the project**

(1) Based on the request for determination of the scope of the environmental impact assessment study for the project and on the type of the project, the body of the state administration responsible for the affairs of the environment shall determine the scope of the study on environmental impact assessment.

(2) For the purposes of determining the scope of the study on environmental impact assessment, the body of the state administration responsible for the affairs of the environment may authorize persons from the List of Experts referred to in Article 85 paragraph (1) of this Law.

(3) In drafting the opinion on the scope of the environmental impact assessment study, the body of the state administration responsible for the affairs of the environment shall take into account the opinions of the Investor and the opinions obtained in accordance with Article 81 paragraph (5) of this Law.

(4) The opinion on the scope of the study on environmental impact assessment shall in particular contain:

- alternatives to be taken into consideration;
- basic review and research required;
- methods and criteria used for anticipation and assessment of the effects;
- measures for improvement to be taken into consideration;
- legal entities that should be consulted during the preparation of the study on the project environmental impact assessment; and
- structure, content and length of environmental information.

## **Article 83**

### **Study on the Project Environmental Impact Assessment**

(1) The Investor shall prepare the study on the project environmental impact assessment required for the carrying out of the project environmental impact assessment procedure and submit it to the body of the state

administration responsible for the affairs of the environment in written and electronic form.

(2) The Investor preparing the study on the project environmental impact assessment shall engage at least one person from the List of Experts referred to in Article 85 paragraph (1) of this Law, who shall sign the study as responsible person with regard to its quality. If the study is prepared by more than one person, other experts or legal entity, the Investor shall appoint at least one person from the List of Experts, who shall sign the study as responsible person with regard to its quality.

(3) Bodies of the state administration, bodies of the municipality and of the City of Skopje and of the municipalities of the City of Skopje holding information relevant to the development of the study on the project environmental impact assessment shall make such information available to the Investor in response to his request in accordance with Article 51, paragraph (1) and Article 53 of this Law.

(4) Within five days from the receipt or completion, the body of the state administration responsible for the affairs of the environment shall publish the study on the project environmental impact assessment in a manner determined in Article 90 paragraph (1) item 3 of this Law and submit it for consultation to the municipality or the City of Skopje on the territory of which the project will be implemented.

(5) Any person, state administration body, the Mayor of the Municipality, of the City of Skopje and of the municipalities of the City of Skopje may submit their opinion in written form to the body of the state administration responsible for the affairs of the environment within 30 days from the date of publication of the study on the project environmental impact assessment.

(6) The body of the state administration responsible for the affairs of the environment shall not be obliged to take into account the opinions submitted after the expiry of the term referred to in paragraph (5) of this Article.

(7) Where the body of the state administration responsible for the affairs of the environment finds that the study on the project environmental impact assessment submitted does not contain the requirements set forth in Article 84 of this Law, it shall return the study to the Investor and shall set a term for its supplement or revision which may not be longer than 40 days from the date of receipt of the study.

(8) When the Investor fails to supplement the study on the project environmental impact assessment as required under paragraph (7) of this Article, the body of the state administration responsible for the affairs of the environment shall forward the study to the person assigned in accordance with Article 86 of this Law to prepare the report on the environmental impact of the project.

## **Article 84**

### **The content of the study on environmental impact assessment**

The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the

requirements that need to be fulfilled by the study on environmental impact assessment.

## **Article 85**

### **List of Experts for project environmental impact assessment**

(1) The body of the state administration responsible for the affairs of the environment shall establish and maintain a List of Experts for projects environmental impact assessment.

(2) Environmental impact assessment expert may be any natural person if he/she meets the following conditions:

- has technical knowledge at an expert level, in the field of environment, acquired through higher education in the areas of natural and technical sciences, as well as through training, and
  
- has a minimum of five years experience in the field for which he/she is to be enrolled in the List of experts.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the additional criteria, the manner, the procedure and the compensation of expenses for enrolment in and withdrawal from the List referred in paragraph (1) of this Article .

## **Article 86**

### **Report on the adequacy of the study on project environmental impact assessment**

(1) The report on the adequacy of the study on the project environmental impact assessment shall be prepared by the body of the state administration responsible for the affairs of the environment or by persons appointed thereby from the List of Experts for project environmental impact assessment referred to in Article 85 paragraph (1) of this Law.

(2) The persons from the List referred to in Article 85 paragraph (1) of this Law who have prepared the notification on the intention for project implementation or the opinion on the scope of the study on project environmental impact assessment or the study on the environmental impact assessment shall not have the right to prepare the report referred to in paragraph (1) of this Article.

(3) The preparation of the report referred to in paragraph (1) of this Article shall be carried out on the basis of the study on the project environmental impact assessment, as well as on the basis of the opinions submitted with regard to the study on the project environmental impact assessment.

(4) The report referred to in paragraph (1) of this Article shall state whether the study on the project environmental impact assessment fulfils the requirements laid down in this Law and shall propose the conditions which should be set out in the permit for the project implementation, as well as measures for prevention and reduction of harmful impacts.

(5) The term for preparation of the adequacy report on the study on the project environmental impact assessment shall not be longer than 60 days from the date of the submission of the study on the project environmental impact assessment together with the opinions thereon.

(6) The term specified in paragraph (5) of this Article may be extended for justified reasons, and especially in complex circumstances, but by not more than 30 days.

(7) In case certain deficiencies in the study on the project environmental impact assessment are found out in the course of the preparation of the report referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall return the study to the Investor who shall supplement and finalize it within not more than 30 days. In case the report is prepared by authorised person referred to in paragraph (1) of this Article, such person shall not have the right to supplement or finalize the study on the project environmental impact assessment.

(8) The Investor shall, at its own expense, provide the documents used in the preparation of the study on the project environmental impact assessment within five days from the date of receipt of the request for documents provision.

(9) The person referred to in paragraph (1) of this Article shall submit the report on the project environmental impact assessment to the body of the state administration responsible for the affairs of the environment in written form.

(10) The body of the state administration responsible for the affairs of the environment shall, within five days from the completion of the report on the project environmental impact assessment, submit the report to the bodies of the state administration holding responsibility for the performance of the activities to which the project relates, and to the bodies of the municipality, of the City of Skopje and of the municipalities of the City of Skopje on the territory of which the project would be implemented and shall publish the report in a manner determined by Article 90 paragraph (1) item 4 of this Law.

(11) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the form, the content, the procedure and the manner of development of the adequacy report on the study on the project environmental impact assessment.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the procedure for authorisation of persons from the List of Experts referred to in Article 85 paragraph (1) of this Law, that will develop the report referred to in paragraph (1) of this Article.

## **Article 87**

### **Decision granting consent to or rejecting the application for the project implementation**

(1) The body of the state administration responsible for the affairs of the environment shall, on the basis of the study on the project environmental impact assessment, the report on the adequacy of the study on the project

environmental impact assessment, the public debate referred to in Article 91 of this Law and the opinions obtained, issue a decision on whether to grant consent to or reject the application for the project implementation (hereinafter: decision) within 40 days from the date of submission of the report referred to in Article 86 of this Law.

(2) The decision shall contain assessment of whether the project environmental impact assessment study fulfils the requirements prescribed by this Law and the permit conditions for the project implementation in accordance with Article 88 of this Law, as well as measures for prevention and reduction of the harmful effects especially:

- prevention against harmful impact on the environment resulting from the project implementation;
- prevention, limitation, mitigation or reduction of harmful impacts;
- enhancement of the favorable impacts on the environment resulting from the project implementation, and
- evaluation of the expected effects from the proposed measures.

(3) The body of the state administration responsible for the affairs of the environment shall, within five days from the day of issuance of the decision referred to in paragraph (1) of this Article, submit the decision to the Investor, to the body of the state administration responsible for issuance of permit or decision for the project implementation and to the municipality or the City of Skopje on the territory of which the project would be implemented.

(4) The decision referred to in paragraph (1) of this Article shall be published within five days from the date of issuance in accordance with Article 90 paragraph (1) item 5 of this Law.

(5) The decision referred to in paragraph (1) of this Article shall cease to have a legal effect within two years from the date of its issuance if the project implementation has not commenced. Upon request by the Investor, the validity of the decision may be extended, provided that no significant changes have occurred in the conditions in the area affected, new information related to the main content of the study and the development of new technology that may be used in the project.

## **Article 88**

### **Legal effect of the decision**

(1) The body responsible for issuance of permit or decision for the implementation of project which is subject to environmental impact assessment shall not issue the permit or the decision for the project implementation if the investor fails to submit the decision referred to in Article 87 of this Law granting consent to the implementation of the project or the decision referred to in Article 81 paragraph (4) of this Law according to which the project is not subject to environmental impact assessment or a decision of the Government of the Republic of Macedonia concerning projects under Article 78 paragraph (1) item 2 of this Law.

(2) The body responsible for issuance of permit or decision for the implementation of project which is subject to environmental impact assessment shall immediately inform the body of the state administration responsible for the affairs of the environment of the applications submitted for



projects implementation for which no environmental impact assessment has been carried out and that are determined under Article 77 and Article 78, paragraph (1) of this Law.

(3) The permit or decision for the project implementation issued contrary to paragraph (1) of this Article shall be considered invalid.

## **Article 89**

### **Exercise of the rights of the legal entities and natural persons concerned**

(1) Legal entities or natural persons concerned, as well as the citizens' associations established for the purpose of environment protection and improvement shall have the right to lodge an appeal against the decision referred to in Article 87, paragraph (1) of this Law to the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolution of administrative matters in the area of environment within 15 days from the date of publication of the decision in accordance with Article 90 paragraph (1) item 5 of this Law.

(2) Legal entities or natural persons concerned, as well as the citizens' associations established for the purpose of environment protection and improvement shall have the right to lodge an appeal against the decision referred to in Article 87, paragraph (1) of this Law to the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolution of administrative matters in the area of environment within 15 days from the date on which they have learned of the decision if the body of the state administration responsible for the affairs of the environment fails to act in accordance with Article 90, paragraph (1) and Article 91 of this Law.

(3) The Investor shall have the right to a compensation in accordance with the general regulations on compensation for damage, when the permit or the decision on granting consent for the project implementation has been annulled as issued in contravention of the procedure prescribed by this Law.

(4) Legal entities or natural persons concerned, as well as the citizens' associations established for the purpose of environment protection and improvement shall have the right to submit request before the competent court for undertaking the temporary measure - prohibition of the project implementation within 15 days from the date on which they have learned of the issuance of the permit or of the decision for the project implementation referred to in Article 88 paragraph (1) of this Law.

## **Article 90**

### **Access of the public to the environmental impact assessment documents and information**

(1) The body of the state administration responsible for the affairs of the environment shall:

1. publish the notification referred to in Article 80, paragraph (1) of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on the Website of the body of the state administration responsible for the affairs of the environment;

2. publish the decision referred to in Article 81 paragraph (4) of this Law in in at least one daily newspaper available throughout the territory of the Republic of Macedonia, on the web site as well as on the notice board of the body of the state administration responsible for the affairs of the environment;
3. announce that the study on the project environmental impact assessment referred to in Article 83 of this Law has been prepared and is available to the public in at least one daily newspaper available throughout the territory of the Republic of Macedonia, local radio/TV station, while non technical report of the study shall be published on the Website of the body of the state administration responsible for the affairs of the environment;
4. publish the report on the adequacy of the study on the project environmental impact assessment referred to in Article 86 of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on the Website of the body of the state administration responsible for the affairs of the environment;
5. publish the decision referred to in Article 87 paragraph (1) of this Law granting consent to or rejecting the application for the project implementation in at least one daily newspaper available throughout the territory of the Republic of Macedonia, on the web site as well as on the notice board of the body of the state administration responsible for the affairs of the environment;
6. announce the time and the place of the public hearing referred to in Article 91 of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia and local radio and TV station.

(2) Where a foreign country so requests, information referred to in items 2, 3, 4 and 5 of paragraph (1) of this Article shall be made available to the competent authority of the foreign country, in accordance with the procedure referred to in Article 93, paragraph (1) of this Law.

(3)The day on which the information was last published in one of the manners specified in paragraph (1) of this Article shall be considered as the day on which the information was published.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the content of the announcement of the documents referred to in paragraph (1), items 1,2,3,4 and 5 of this Article, as well as the manner of public consultation referred to in Article 91 of this Law.

## **Article 91**

### **Public Hearing**

(1) The body of the state administration responsible for the affairs of the environment shall provide for a public hearing at least 5 days before the expiry of the term referred to in Article 86, paragraph (5) of this Law regarding the study on the project environmental impact assessment and ensure availability of information needed to the public for participation in the public hearing in accordance with Article 90 of this Law, as well as inform citizens'

associations established for the purpose of environment protection and improvement in the area in which the project would be implemented.

(2) The body of the state administration responsible for the affairs of the environment may postpone the public hearing if the Investor, the persons who prepared the study on the project environmental impact assessment do not participate therein, and shall in such case set a new term which will be at least five days after the day on which the public hearing was discontinued.

(3) The body of the state administration responsible for the affairs of the environment shall keep minutes from the public hearing in which it shall list the participants as well as the conclusions, and stenographic notes and video or audio records of the hearing shall be attached to the minutes.

(4) The body of the state administration responsible for the affairs of the environment shall submit a copy of the minutes along with the attachments to the Investor, the bodies of the public administration responsible for the activities to which the project relates and to the bodies of the municipality or of the City of Skopje and of the municipalities of the City of Skopje where the project would be implemented, and shall publish the minutes on its web site.

(5) Information protected under special regulations shall not be discussed at the public hearing.

## **Article 92**

### **The cost of carrying out the project environmental impact assessment procedure**

(1) The Investor shall pay for the proceeding of the notification on project implementation intention, for the environmental impact assessment scoping and for the preparation of the report on the adequacy of the study on the project environmental impact assessment.

(2) The costs of organizing a public hearing and providing information availability to the public shall be borne by the body of the state administration responsible for the affairs of the environment.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the level of the expenses for implementation of the environmental impact assessment procedure, which shall be borne by the Investor.

## **Article 93**

### **Transboundary environmental impact assessment when the project is to be carried out in the Republic of Macedonia**

(1) Where the implementation of a project determined in accordance with Article 77 of this Law is likely to cause significant effects on the elements referred to in Article 76, paragraph (2) of this Law which are located on the territory of another country, the body of the state administration responsible for the affairs of the environment shall, in observance of the obligations assumed by the Republic of Macedonia under the ratified international agreements, submit to the competent authorities of that country:

1. a description of the project
2. information on the possible environmental impact of the project

3. an invitation for participation in the environmental impact assessment procedure, and

4. a deadline of 30 days for response of the acceptance or refusal of the invitation for participation.

(2) After receiving a notification of the acceptance of the invitation for participation in the procedure or upon request to participate in the procedure, the body of the state administration responsible for the affairs of the environment shall provide for the competent authority of the foreign country equal treatment in the participation in the procedure as for the domestic public.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the procedures referred to in paragraphs (1) and (2) of this Article, in accordance with the principle of reciprocity and with the procedures regulated by international agreements ratified by the Republic of Macedonia.

#### **Article 94**

##### **Transboundary environmental impact assessment when the project is to be carried out on the territory of another country**

(1) When the Republic of Macedonia receives a notification from a competent authority of another country on initiation of the implementation of a project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, the body of the state administration responsible for the affairs of the environment shall immediately initiate a procedure for assessment of the impacts of the project on the elements specified in Article 76 paragraph (2) of this Law on the territory of the Republic of Macedonia.

(2) When the body of the state administration responsible for the affairs of the environment estimates that the project referred to in paragraph (1) of this Article may have an impact on the environment in the Republic of Macedonia, it shall immediately initiate a procedure to inform the competent authority of the other country of the intention that the relevant institutions and the concerned public of the Republic of Macedonia become involved in the procedure for environmental impact assessment, under the conditions and in the manner stipulated by the regulations of that other country.

(3) When the body of the state administration responsible for the affairs of the environment, or another relevant institution of the Republic of Macedonia gain knowledge about the project referred to in paragraph (1) of this Article, they shall immediately inform the the body of the state administration responsible for the foreign affairs of the Republic of Macedonia, which shall submit official notification to the competent authority of the other country, in order to provide for participation in the procedure referred to in paragraph (2) of this Article.

## **XII. INTEGRATED ENVIRONMENTAL PERMITS FOR OPERATION OF INSTALLATIONS WITH AN ENVIRONMENTAL IMPACT**

### **Article 95**

#### **General provision**

(1) The activities of new installations or substantial changes on existing installations, specified by the Government of the Republic of Macedonia, shall be performed only upon prior obtained integrated environmental permit, unless:

- the installation is defined as existing under Article 5, item 17 of this Law, in which case Article 134 of this Law shall apply;

- the operator of an installation, which is starting operation before 31 December 2009, has decided to apply for an adjustment permit with adjustment plan, in accordance with the time schedule referred to in Article 135 paragraph (5) of this Law and under the provisions of Chapter XIV of this Law.

(2) The permit referred to in paragraph (1) of this Article shall be issued as A integrated environmental permit by the body of the state administration responsible for the affairs of the environment or as B integrated environmental permit issued by the municipality or by the City of Skopje, in accordance with Article 123 of this Law.

### **1. A Integrated Environmental Permit**

### **Article 96**

#### **Application for A Integrated Environmental Permit**

(1) The application for A integrated environmental permit is submitted to the body of the state administration responsible for the affairs of the environment .

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form and the content of the application referred to in paragraph (1) of this Article, as well as the manner of submission of the application and documentation attached to the application referred to in paragraph (1) of this Article..

(3) For the purpose of developing the application and the technical part of the documentation referred to in paragraph (2) of this Article, the operator may engage at least one expert from the List of experts for integrated environmental permits, who will be responsible for their quality.

(4) The body of the state administration responsible for the affairs of the environment shall establish and maintain List of experts for integrated environmental permits.

(5) Any natural person may be an expert referred to in paragraph (3) of this Article if he/she fulfils the following conditions:

- has technical knowledge at an expert level, in the field of environment, acquired through higher education in the areas of natural and technical sciences, as well as through training, and

- has a minimum of five years experience in the field for which he/she is to be enrolled in the List of experts.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the additional criteria, the manner, the procedure and the compensation of expenses for enrolment in and withdrawal from the List referred in paragraph (3) of this Article .

## **Article 97**

### **A Integrated Environmental Permit application proceedings**

(1) Within 15 days from the date of receipt of the application, the body of the state administration responsible for the affairs of the environment shall by a statement determine which additional data referred to in the regulation adopted on the basis of Article 96, paragraph (2) of this law should be provided to the application, and depending on the type of deficiencies and data availability, determine a period for amending the application which shall not be shorter than 15 days from the date of statement receipt.

(2) In case the body of the state administration responsible for the affairs of the environment has not issued the statement referred to in paragraph (1) of this Article, the period within which the A integrated environmental permit shall be issued starts from the date of submission of the application.

(3) In case the applicant fails to act in accordance with the statement referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall by decision reject the application as incomplete.

(4) The applicant has the right to file a complaint against the decision referred to in paragraph (3) of this Article to the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of receipt of the decision.

## **Article 98**

### **Compliance concerning the application**

(1) The body of the state administration responsible for the affairs of the environment shall within five days submit a copy of the full application to which it responds to:

- the body of the state administration responsible for the affairs of the health;
- the bodies of the state administration responsible for the activities to be performed in the installation (hereinafter: other competent bodies);
- the municipality or the City of Skopje on the territory of which the installation will be developed;

(2) The body of the state administration responsible for the affairs of the environment shall, on the basis of their written application, forward the

application to the citizens' associations established for the purposes of environment protection and improvement.

(3) The bodies of the state administration referred to in items 1 and 2 of paragraph (1) of this Article shall have the capacity of participants in the procedure that shall bring their actions in compliance with the obligatory and additional conditions required to be contained in the A integrated environmental permit, and consultations shall be carried out with the municipality or the City of Skopje referred to in paragraph (1) item 3 of this Article and with the citizens' associations referred to in paragraph (2) of this Article.

## **Article 99**

### **Publication of the application for issuing an A integrated environmental permit**

(1) The body of the state administration responsible for the affairs of the environment shall publish the application in at least one daily newspaper available throughout the territory of the Republic of Macedonia as well as on their own internet website within seven days from the day of receipt of the application. The costs of publication in the daily newspaper shall be borne by the applicant.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the announcement referred to in paragraph (1) of this Article.

(3) The body of the state administration responsible for the affairs of the environment shall provide within 15 days from the announcement of the application public access to information needed to form opinions and positions in accordance with the provisions of this Law.

## **Article 100**

### **Rights and obligations of the municipality and the City of Skopje with regard to the application**

(1) The Mayor of the municipality and the Mayor of the City of Skopje shall submit a written opinion to the body of the state administration responsible for the affairs of the environment with regard to the statements contained in the application, within 30 days from the receipt of the application submitted thereto in accordance with Article 98 paragraph (1) of this Law.

(2) Based on a written request, the body of the state administration responsible for the affairs of the environment shall submit, or make available Mayor of the municipality or to the Mayor of the City of Skopje, within 15 days, all information needed to form the opinion referred to in paragraph (1) of this Article.

(3) The term for submission of the information referred to in paragraph (2) of this Article shall not be included in the term specified in paragraph (1) of this Article.

(4) The Mayor of the municipality or the Mayor of the City of Skopje may within the term specified in paragraph (1) of this Article, organize a public hearing with regard to the application in a manner and procedure determined

by the Statute and other acts of the municipalities and the Statute of the City of Skopje.

(5) When, within the term referred to in paragraph (1) of this Article, the Mayor of the municipality and the Mayor of the City of Skopje fail to submit the written opinions, it shall be considered that they have no comments on the application.

## **Article 101**

### **Application proceedings in case of a transboundary impact when the installation is on the territory of the Republic of Macedonia**

(1) When the body of the state administration responsible for the affairs of the environment concludes, on the basis of the content of the application, that the performance of the activities in the installations subject to A integrated environmental permit may have an adverse impact on human life and health and on the environment on the territory of another country, it shall in observance of the obligations assumed by the Republic of Macedonia under the ratified international agreements, submit to the competent authorities of that country:

- description of the activity;
- information on the possible impact of the installation on the environment;
- an invitation for participation in the procedure, and
- a term of 30 days for notification of the acceptance or refusal of the invitation for participation.

(2) After receiving a notification of interest in participation in the procedure or upon receiving a request for participation in the procedure, the body of the state administration responsible for the affairs of the environment shall provide for the competent authority of the foreign country equal treatment with regard to the participation in the procedure as for the domestic public.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the procedures referred to in paragraphs (1) and (2) of this Article.

## **Article 102**

### **Application proceedings in case of a transboundary impact when the installation is on the territory of another country**

(1) When the the body of the state administration responsible for the affairs of the environment receives a notification from another country that a procedure has been initiated for the issuance of an integrated pollution prevention and control permit in respect of an installation the operation of which could have an adverse impact on human life and health and on the environment on the territory of the Republic of Macedonia, it shall immediately initiate a procedure for assessment of the impact on the Republic of Macedonia by the operation of such installation.



(2) When the body of the state administration responsible for the affairs of the environment finds that the installation referred to in paragraph (1) of this Article could have an adverse impact on human life and health and on the environment on the territory of the Republic of Macedonia, it shall immediately notify the competent authority of the other country of the intention of the body of the state administration responsible for the affairs of the environment and of the relevant institutions and the concerned public in the Republic of Macedonia to participate in the procedure for the issuance of the integrated pollution prevention and control permit in the manner and under the conditions provided for in the regulations of that country.

(3) When the body of the state administration responsible for the affairs of the environment, or another relevant body or institution of the Republic of Macedonia gain knowledge about the installation referred to in paragraph (1) of this Article, they shall immediately inform the the body of the state administration responsible for the foreign affairs of the Republic of Macedonia which shall submit an official notification to the competent authority of the other country, in order to enable participation in the procedure referred to in paragraph (2) of this Article.

## **Article 103**

### **Submission of opinions on the application**

(1) The public concerned may, within 30 days from the announcement of the application, submit their written opinions and comments.

(2) When preparing the A integrated environmental permit, the body of the state administration responsible for the affairs of the environment shall not be obliged to take into consideration the opinions submitted after the expiry of the term specified in paragraph (1) of this Article.

(3) The body of the state administration responsible for the affairs of the environment shall indicate in the explanation attached to the integrated environmental permit the opinions and comments submitted by the public that have or have not been taken into consideration, and the reasons to that effect.

(4) Upon request of the public concerned the investor shall organize public hearing within 10 days after the expiry of the term referred to in paragraph (1) of this Article.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner and the procedure for the public hearing organization.

(6) The body of the state administration responsible for the affairs of the environment shall inform the municipalities and the City of Skopje of the obligation of the investor to organize a public hearing upon the request of the public concerned.

## **Article 104**

### **Scientific-technical Commission on Best Available Techniques**

(1) The Minister managing the body of the state administration responsible for the affairs of the environment shall establish a Commission for

Best Available Techniques for the purpose of definition of the best available techniques in A integrated environmental permits.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall in the Commission referred to in paragraph (1) of this Article assign recognized experts from the fields of techniques, economy and environment.

(3) The body of the state administration responsible for the affairs of the environment shall consult the Commission referred to in paragraph (1) of this Article as required.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall, at the proposal of the Commission referred to in paragraph (1) of this Article adopt Work Programme for the Commission.

(5) The body of the state administration responsible for the affairs of the environment shall at the proposal of the Commission referred to in paragraph (1) of this Article, specify the best available techniques in the Republic of Macedonia by individual sectors.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the conditions to be met by the members of the Commission referred to in paragraph (1) of this Article.

## **Article 105**

### **Term for issuance of the A integrated environmental permit**

(1) On the basis of the positions and the opinions submitted in accordance with Articles 100, 101 and 103 of this Law, the body of the state administration responsible for the affairs of the environment shall issue the A integrated environmental permit within 60 days from the expiry of the term determined in Article 103, paragraph (1) of this Law.

(2) Where the application refers to particularly complex cases, the body of the state administration responsible for the affairs of the environment may extend the term referred to in paragraph (1) of this Article, but for not longer than 30 days, with an obligation to notify the applicant of the A integrated environmental permit in written form and to explain the reasons for the extension.

(3) When the body of the state administration responsible for the affairs of the environment, in processing the application referred to in Article 96 of this Law, determines on the basis of comments and opinions submitted in accordance with Articles 100, 101 and 103 of this Law that additional data is required, it shall issue a conclusion to cancel the procedure, and set a term not shorter than 15 days from the date of receipt of the conclusion, for submission of required data by the applicant for the A integrated environmental permit.

## **Article 106**

### **Refusal to issue the permit**

(1) The body of the state administration responsible for the affairs of the environment shall take a decision to refuse the application, if:

1. proposed manner of carrying out activities is likely to cause harmful consequences for human life and health and the environment;
2. the application submitted is not in accordance with this or other laws and other regulations adopted on the basis of them;
3. the proposed techniques for the activity performance in the installation do not comply with the best available techniques accepted in accordance with Article 104 paragraph (5) of this Law, for the respective industrial sector of the installation; and/or
4. the operator has failed to provide the required data in a manner and within the term determined in the statement referred to in Article 97, paragraph (1) of this Law, and in accordance with Article 97, paragraph (3) of this Law.

(2) The operator may appeal against the decision referred to in paragraph (1) of this Article with the Second Instance Commission of the Government of Republic of Macedonia responsible for resolution of administrative matters in the area of environment, within 15 days from the day of receipt of the decision. The appeal shall not have any effect in terms of postponement of the enforcement of the decision.

## **Article 107**

### **Content of the A integrated environmental permit**

(1) The A integrated environmental permit shall be based on the application of the best available techniques.

(2) The A integrated environmental permit shall contain data on the operator and the installation and obligatory conditions that refer to the limit values of emissions, measures of protection of individual environmental media and areas and the manner of performing the monitoring by the operator.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the content, the form and the procedure for issuance of the A integrated environmental permit.

(4) When issuing the integrated environmental permit, the body of the state administration responsible for the affairs of the environment shall take into consideration:

- the nature and type of activity to be performed in the installation;
- the state of the environment at the location where the installation is located;
- the requirements concerning protection of human life and health and the environment prescribed by the law;
- information contained in the project environmental impact assessment study or report, if any;
- the comments and the opinions submitted in accordance with Articles 100, 101 and 103 of this Law; and
- the best available techniques.

(5) The emission limit values for each installation in accordance with paragraph (2) of this Article, as well as other conditions in the A integrated

environmental permit shall be specified on the basis of application of the best available techniques.

(6) The emission limit values specified in the A integrated environmental permit for the installation shall not exceed the prescribed emission limit values.

(7) If the proscribed imission limit values cannot be achieved by implementation of the specified best available techniques, the operator shall undertake additional measures to ensure that limit values are met.

(8) On the basis of the emission limit values specified in the A integrated environmental permit, through application of the best available techniques, as well as in line with the local geographic and hydro meteorological conditions, the operator shall meet the environmental protection standards and to prevent or minimize the transboundary environmental impact.

(9) The emission limit values defined in the A integrated environmental permit shall be enforced at the source of emission in the installation, and may be defined as both mass and concentration.

(10) When emissions are indirectly released in the surface water, the effects of the wastewater treatment facilities shall also be taken into account when defining the emission limit values in the A integrated environmental permit.

(11) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the substances and their emission limit values specified in the A integrated environmental permit.

(12) The draft A integrated environmental permit shall be submitted to the operator. The operator may submit their comments within 14 days from the day of the receipt of the draft permit.

(13) The draft permit shall be made available to the public in a manner prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment. The public may provide comments within 14 days from the publication of the draft permit.

## **Article 108**

### **Issuance of A Integrated Environmental Permit**

(1) The body of the state administration responsible for the affairs of the environment shall issue a decision on granting an A integrated environmental permit, stating the conditions for operation of the installation under A integrated environmental permit.

(2) Other than to the operator, one copy of the permit shall also be submitted to the bodies of the state administration responsible for the affairs of transport and communications, agriculture, forestry and water economy, health and economy, and one copy shall be kept in the Register of A integrated environmental permits.

(3) The competent authority shall not issue an operational permit for the installation which is subject to, A integrated environmental permit if the operator fails to submit the A integrated environmental permit.

(4) An A integrated environmental permit shall be granted to installations which are subject to an obligatory environmental impact assessment only after a prior positive decision made in accordance with Article 87, paragraph (1) of this Law.

(5) Interested legal entities or natural persons, as well as citizens' associations established for the protection and improvement of the environment, may lodge an appeal against the decision referred to in paragraph (1) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 30 days from the date of announcement of the decision. The appeal shall not have any effect in terms of the decision enforcement.

(6) The operator shall have the right to lodge an appeal against the decision referred to in paragraph (1) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days only with regard to mandatory conditions specified in the permit that have not been contained in the draft permit or on which the operator has made comments that have not been accepted by the body of the state administration responsible for the affairs of the environment. The appeal shall not have any effect in terms of postponement of the decision enforcement.

(7) The decision referred to in paragraph (1) of this Article shall be issued on the basis of inspection in the installation and its operation for the purpose of establishing the fulfilment of the requirements specified in the A integrated environmental permit, carried out by the body of the state administration responsible for the affairs of the environment. The body of the state administration responsible for the affairs of the environment shall issue a conclusion on the conducted inspection.

(8) The Investor may lodge an appeal against the conclusion referred to in paragraph (7) of this Article with the Minister managing the body of the state administration responsible for the affairs of the environment.

(9) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the manner and the procedure of performance of the inspection referred to in paragraph (7) of this Article.

## **Article 109**

### **Register of A Integrated Environmental Permit**

(1) The body of the state administration responsible for the affairs of the environment shall establish and maintain a Register of A integrated environmental permits.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content and the manner of management of the Register referred to in paragraph (1) of this Article, as well as the manner of submission of data for entry into the Register.

## **Article 110**

### **General obligations of the operator**

(1) The operator shall, within the validity period of the A integrated environmental permit and five years after the expiry of the permit validity, keep all documents and data regarding the application, issuance and the monitoring determined by the mandatory conditions in the A integrated environmental permit and make them available at the request of the body of the state administration responsible for the affairs of the environment or the State Inspectorate of Environment.

## **Article 111**

### **Reporting obligations of the A integrated environmental permit holder**

(1) The holder of the A integrated environmental permit shall report to the body of the state administration responsible for the affairs of the environment as follows:

1. regularly, on the results of the monitoring carried out in accordance with the mandatory conditions of the A integrated environmental permit;
2. immediately, on any defect that has or could have significant impact on human health, environment or property;
3. on any change in the operation of the installation that may have an impact on human health, environment or property;
4. on any planned replacement of the persons with special authorisations with regard to the A integrated environmental permit that manage the installation.

## **Article 112**

### **Obligation for assistance**

At the request of the body of the state administration responsible for the affairs of the environment or State Inspectorate of Environment, the holder of the A integrated environmental permit shall:

- provide full assistance to the inspector that inspects the installation;
- provide access to the sampling spots and to the points of monitoring marked in the A integrated environmental permit, and enable the inspector to gather data on the compliance with the mandatory conditions of the A integrated environmental permit and this Law; and
- provide necessary data to the body of the state administration responsible for the affairs of the environment concerning issuance, amendment or revocation of the A integrated environmental permit.

## **Article 113**

### **Publication of A Integrated Environmental Permit**

(1) The body of the state administration responsible for the affairs of the environment shall within 15 days from the date of issuance publish the A integrated environmental permit on its web site and in at least one daily newspaper available throughout the territory of the Republic of Macedonia,

and allow access to the concerned public to the information relevant for the public participation in the procedure of issuing the permit and to the opinions taken into consideration and upon which the permit has been issued.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the announcement referred to in paragraph (1) of this Article.

## **Article 114**

### **Amendment of the A integrated environmental permit**

The A integrated environmental permit may be amended ex officio or at a request of the operator.

## **Article 115**

### **Amendment of the A integrated environmental permit ex officio**

(1) The body of the state administration responsible for the affairs of the environment shall decide on amending the A integrated environmental permit ex officio in the following cases:

- changes have occurred in the development of the best available techniques that may provide significant reduction in the emissions without incurring excessive costs;
- the safety in the operation of the installation requires implementation of different technologies;
- the environmental pollution has increased to such levels that cause harmful consequences on human life and health and on the environment;
- changes have occurred in the regulations on environmental protection that may have an impact on the operation of the installation; and/or
- when the general environmental audit requires amending of conditions in the A integrated environmental permit.

(2) The body of the state administration responsible for the affairs of the environment shall make a decision on amendment of the A integrated environmental permit.

(3) The operator has a right to lodge an appeal to the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the delivery of the decision referred to in paragraph (2) of this Article.

(4) The body of the state administration responsible for the affairs of the environment shall determine the period within which the operator shall bring the operation of the installation in compliance with the requirements contained in the amended A integrated environmental permit.

(5) The amendment of the A integrated environmental permit or of the conditions in the A integrated environmental permit shall be carried out in accordance with the procedure for issuance of a new A integrated environmental permit.

(6) The body of the state administration responsible for the affairs of the environment shall regularly every 10 years review the conditions specified in the A integrated environmental permit and if necessary modify them.

(7) The operator shall submit an application for renewal of the A integrated environmental permit to the body of the state administration responsible for the affairs of the environment at least one year before the expiry of the time period referred to in paragraph (6) of this Article.

(8) The provisions of this Law on the issuance of A integrated environmental permit, on the procedure, public participation, conditions and content of the A integrated environmental permit, as well as on the conditions for appeal shall also apply to the procedure for A integrated environmental permit renewal.

## **Article 116**

### **Amendment of the A integrated environmental permit at request of the permit holder**

(1) The notification referred to in Article 111, item 3 of this Law shall contain details on the scope and manner of planned changes in the operation of the installation conducting, as well as changes in their environmental impact.

(2) An excess that does not have an effect of change in the mandatory conditions of the A integrated environmental permit shall not be considered excess of the prescribed level of negative environmental impact, and in particular when:

- it does not increase the consumption of raw materials and energy;
- it does not increase the quantity of waste generated in the course of operation;
- it does not increase the level of emission in the environment, and/or
- it does not require changes in the safety report, if the submission of such report is a mandatory requirement.

(3) When the body of the state administration responsible for the affairs of the environment determines that the changes referred to in paragraph (1) of this Article is likely to significantly exceed the prescribed level of adverse environmental impact, it shall require from the operator to supplement the request with the elements laid down in the regulation referred to in Article 96, paragraph (2) of this Law and set the term for the submission of the supplement.

(4) When the body of the state administration responsible for the affairs of the environment determines that the execution of the planned change in the operation of the installation is unlikely to exceed the prescribed negative impact on the environment, it shall amend the A integrated environmental permit.

## **Article 117**

### **Procedure for amendment of the A integrated environmental permit**

In the cases referred to in Article 115 and Article 116 of this Law, the body of the state administration responsible for the affairs of the environment shall change the A integrated environmental permit within 90 days from the



date of receipt of the full documentation, with full consideration of the provisions of this Law concerning:

- the general conditions for issuance of an A integrated environmental permit;
- the participation of the public in the procedure for issuance of the A integrated environmental permit;
- the procedure for issuance of the A integrated environmental permit, and
- the procedure for determining the compliance with the requirements defined in the A integrated environmental permit.

## **Article 118**

### **Transfer of the A integrated environmental permit**

(1) The body of the state administration responsible for the affairs of the environment may transfer the whole or a part of the A integrated environmental permit upon a joint application of the actual and the potential operator.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the contents of the application. The application shall be accompanied by the A integrated environmental permit for which or for a part of which the transfer is required.

(3) The body of the state administration responsible for the affairs of the environment shall make a decision within 60 days from the date of the submission of the application on full or partial transfer of the A integrated environmental permit and shall publish it in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on its web site.

(4) Interested legal entities and natural persons and citizens' associations established for the purposes of environment protection and improvement shall have the right to lodge an appeal against the decision with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of announcement of the decision referred to in paragraph (3) of this Article. The appeal shall not have any effect in terms of postponement of the decision enforcement.

(5) In case of partial transfer of the A integrated environmental permit the operator shall submit a drawing indicating precisely the installation or part of the installation which is subject to a transfer to another operator. In case of partial transfer, the conditions of the permit may be changed due to division of emissions.

(6) In case of partial transfer, the operator to which the permit is transferred is granted a new permit for the assumed part of the installation, while the original permit, submitted in accordance with paragraph (2) of this Article, with a clear indication as to which parts of the installation it refers, shall be returned to the operator from which part of the installation is transferred.

(7) The operators referred to in paragraph (1) of this Article shall have the right to lodge an appeal to the Second Instance Commission of the

Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of receipt of the decision referred to in paragraph (3) of this Article only with regard to new mandatory conditions specified in the permit.

## **Article 119**

### **Revocation of A integrated environmental permit**

(1) The body of the state administration responsible for the affairs of the environment shall pass a decision on revocation of A integrated environmental permit if the operator:

- has committed more than three violations of the mandatory conditions defined in the A integrated environmental permit, as determined in the enforceable decisions issued by the State Inspectorate of Environment;
- has made changes to the installation without prior permit obtained from the body of the state administration responsible for the affairs of the environment;
- has failed to carry out the activities within the scope and the period defined in the A integrated environmental permit.

(2) The body of the state administration responsible for the affairs of the environment shall immediately notify the operator holding the A integrated environmental permit, as well as other competent bodies, on the initiation of the procedure for revocation of the A integrated environmental permit as well as on the reasons for making such decision.

(3) The operator may file an appeal against the decision referred to in paragraph (1) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of submission of the decision.

(4) The appeal referred to in paragraph (3) of this Article shall not have any effect in terms of postponement of the enforcement the decision.

(5) The holder of the A integrated environmental permit shall have no right to compensation for the damage suffered by the revocation of the A integrated environmental permit.

## **Article 120**

### **Obligation for restoration of the environment to a satisfactory state in the event of termination of operations of the installation**

(1) The operator holding A integrated environmental permit shall notify the body of the state administration responsible for the affairs of the environment of the intention for termination of operations of the installation and shall propose a plan with the measures for remediation of the site on which the installation is located.

(2) The body of the state administration responsible for the affairs of the environment shall approve the plan referred to in paragraph (1) of this Article if it finds out that the proposed measures provide for remedy of the site to a satisfactory state.

(3) The operator shall implement the measures in the manner and within the term specified in the plan referred to in paragraph (1) of this Article.

(4) When the operator has restored the site to a satisfactory state, the body of the state administration responsible for the affairs of the environment shall decide on reimbursement of part of the charge, referred to in Article 121, paragraph (1), item 2 of this Law, taking into account the costs for remediation of the site, the site condition and the approved plan.

(4) In case the operator has not restored the site to a satisfactory state, the body of the state administration responsible for the affairs of the environment shall do that using the resources of the charges collected in accordance with Article 121, paragraph (1), item 2 of this Law.

## **Article 121**

### **Charges**

(1) The operator shall be charged:

- when submitting an application for A integrated environmental permit,
- when submitting an application for amendment of the A integrated environmental permit or when submitting an application for the A integrated environmental permit transfer;
- for holding an A integrated environmental permit, payable annually; and
- for regular supervision of the installation in accordance with the conditions of the A integrated environmental permit.

(2) The Government of the Republic of Macedonia shall set the level of charges payable by operators of installations.

(3) The funds generated through the charges referred to in paragraph (1) of this Article shall be paid to a special account of the body of the state administration responsible for the affairs of the environment and shall be used for covering the costs for A integrated environmental permit issuance, transfer or amendment, for covering the costs for remedial measures referred to in Article 120 of this Law, as well as for the work of the Commission for Best Available Techniques.

## **2. B Integrated Environmental Permit**

### **Article 122**

#### **B Integrated environmental permit**

(1) The operators of new installations with emissions harmful to the environment and human life and health other than those defined in accordance with the regulation based on Article 95, paragraph(1) of this Law shall acquire B integrated environmental permit.

(2) The Government of Republic of Macedonia shall determine the installations requiring B integrated environmental permit.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the procedure for issuance, amendment, partial or full transfer of the B

integrated environmental permit, the conditions for termination of the activity and the conditions for revocation and cancellation of the permit.

### **Article 123**

#### **Competent bodies for B integrated environmental permits issuance**

(1) The Mayor of the municipality and the Mayor of the City of Skopje shall be the competent body for B integrated environmental permits issuance. In case the installation is located within protected area determined in accordance with the law, the body of the state administration responsible for the affairs of the environment shall be the competent body for B integrated environmental permits issuance.

(2) For the purpose of issuing B integrated environmental permit, the municipalities and the City of Skopje shall have at least one employee in the local administration for each industrial sector existing on their respective territory, with completed higher education in the field of technical sciences.

(3) The municipality and the City of Skopje shall inform the body of the state administration responsible for the affairs of the environment on the fulfillment of the conditions stipulated in paragraph (2) of this Article.

(4) The municipalities may form a join administration for the purpose of the B integrated environmental permits issuance.

### **Article 124**

#### **Application for B environmental permit**

(1) For the purpose of the B integrated environmental permit issuance, the operator shall submit an application to the competent body of the municipality or of the City of Skopje or to the body of the state administration responsible for the affairs of the environment .

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form and the content of the application, as well as the manner of submission of the application referred to in paragraph (1) of this Article and the required documentation to be attached to the application.

### **Article 125**

#### **The content of the B integrated environmental permit**

(1) The B integrated environmental permit shall contain data on the operator and the installation, as well as the requirements that have to be fulfilled by the operator through the operation of the installation, in accordance with the conditions specified in the law and the regulations on the basis of the law.

(2) The permit referred to in paragraph (1) of this Article shall also specify the obligations regarding the monitoring of emissions, the methods and the frequency of measurements.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the form and the content of the permit referred to in paragraph (1) of this Article.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the substances and their emission limit values specified in the B integrated environmental permit.

## **Article 126**

### **Issuance of the B integrated environmental permit**

(1) When the competent body referred to in Article 123, paragraph (1) of this Law determines that the pollution of the environment is within the prescribed limits on the basis of the complete application, it shall issue a decision granting the B integrated environmental permit within 60 days from the date of receipt of the application.

(2) The operator of the installation shall have the right to file an appeal related to the decision issued by the Mayor of the municipality and the Mayor of the City of Skopje to the body of the state administration responsible for the affairs of the environment, within 15 days from the date of the decision issuance.

(3) The operator of the installation shall have the right to file an appeal against the decision issued by the body of the state administration responsible for the affairs of the environment with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of the decision issuance.

(4) The Mayor of the municipality and the Mayor of the City of Skopje shall establish and maintain Register of B integrated environmental permits for their respective areas and shall submit a copy thereof to the body of the state administration responsible for the affairs of the environment.

(5) The body of the state administration responsible for the affairs of the environment shall establish and maintain Register of issued B integrated environmental permits.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content and the manner of managing the Register referred to in paragraphs (4) and (5) of this Article, as well as the manner of submission of data for entry into the Register.

(7) When the installation is required to obtain other permits apart from B integrated environmental permit, related to natural resources use and exploitation, or permits for releases into the environment, the body holding competence for B integrated environmental permit issuance shall not issue the permit unless the Investor provides the required permits.

## **Article 127**

### **Fulfilment of requirements**

(1) The competent body shall not issue the permit for use of the installation requiring acquisition of B integrated environmental permit unless the operator submits the B integrated environmental permit thereto.

(2) The fulfillment of the requirements defined in the B integrated environmental permit shall be established by the competent body referred to in paragraphs (3) and (4) of this Article through inspection in the installation and its operation, upon which it shall issue a conclusion.

(3) The operator of the installation shall have the right to file an appeal against the decision referred to in paragraph (2) of this Article issued by the Mayor of the municipality and the Mayor of the City of Skopje to the body of the state administration responsible for the affairs of the environment, within 15 days from the date of the conclusion issuance.

(4) The operator of the installation shall have the right to file an appeal against the decision referred to in paragraph (2) of this Article issued by the body of the state administration responsible for the affairs of the environment with the Minister managing the body of the state administration responsible for the affairs of the environment within 15 days from the date of the conclusion issuance.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the manner and the procedure of carrying out the inspection referred to in paragraph (2) of this Article.

## **Article 128**

### **Environmental impact assessment**

Installations which are subject to a mandatory Environmental Impact Assessment may obtain the B integrated environmental permit only upon prior positive decision granting consent to the project implementation, made in accordance with Article 87 paragraph (1) of this Law.

## **Article 129**

### **Charges**

- (1) The Council of the municipality and the Council of the City of Skopje shall set the level of charges payable by operators of the installations under , except for for those installations requiring the B integrated environmental permit and located within protected area, for:
  - application to acquire the B integrated environmental permit,
  - application for amendment or transfer of the B integrated environmental permit;
  - holding of the B integrated environmental permit, payable annually; and
  - regular supervision of the installation in accordance with the conditions of the B integrated environmental permit.

- (2) Operators of installations shall pay charges for:
  - application to acquire the B integrated environmental permit within protected area,
  - application for amendment or transfer of the B integrated environmental permit within protected area;
  - holding of the B integrated environmental permit within protected area, payable annually; and

regular supervision of the installation in accordance with the conditions of the B integrated environmental permit within protected area.

(3) The Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment, shall prescribe the criteria and the manner of setting and calculating the charges referred to in paragraphs (1) and (2) of this Article.

(4) The funds generated through the charges referred to in paragraph (1) of this Article shall be paid to a special budgetary account as revenues of the budget of the municipality and as revenues of the Budget of the City of Skopje and shall be used for covering the costs for B integrated environmental permit issuance, transferring or amending and B integrated environmental permit control.

(5) The funds generated through the charges referred to in paragraph (2) of this Article shall be paid to a special budgetary account as revenues of the budget of the body of the state administration responsible for the affairs of the environment and shall be used for covering the costs for B integrated environmental permit issuance, transferring or amending, as well as control over B integrated environmental permit within protected area.

### **XIII. GENERAL ENVIRONMENTAL AUDIT**

#### **Article 130**

##### **General Environmental Audit**

- (1) Operators shall carry out general environmental audit in cases of:
- termination of activities of an installation with A integrated environmental permit;
  - full or partial transfer of A or B integrated environmental permit.

(2) The operator shall attach the report from the completed general environmental audit to the application for carrying out the activities referred to in paragraph (1) of this Article.

(3) The general environmental audit may be carried out by legal entities and natural persons in accordance with Article 131 of this Law.

(4) The general environmental audit shall be carried out in accordance with international unified standards and generally recognized methods and principles.

(5) Findings of the general environmental audit shall be submitted to the operator in a form of report. The operator shall submit the report to the body of the state administration responsible for the affairs of the environment.

(6) General environmental audit may be carried out with regard to other installations or facilities, upon request by the operator or by the body of the state administration responsible for the affairs of the environment in case of transfer of the ownership of the installation.

## **Article 131**

### **Right to General Environmental Audit**

(1) General environmental audit may be performed by a natural person possessing certificate for environmental auditor and registered in accordance with Article 132 of this Law.

(2) For the purpose of carrying out audit referred to in paragraph (1) of this Article, expert team of environmental auditors may be established, in which case a lead auditor shall be appointed to sign the audit. Lead auditor may be only a person that has acquired appropriate authorisation by other members of the expert team and has been registered in accordance with Article 132 of this Law..

(3) The audit referred to in paragraph (1) of this Article may also be carried out by a legal entity registered for environmental audit performance in accordance with Article 132 of this Law.

## **Article 132**

### **Registration of Environmental Auditors**

(1) The Minister managing the body of the state administration responsible for the affairs of the environment shall establish a Commission for registration of environmental auditors (hereinafter: Commission).

(2) The Commission referred to in paragraph (1) of this Article shall be composed of five members elected from among distinguished experts for a period of two years and right to be re-elected.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the conditions that have to be met by the members of the Commission referred to in paragraph (1) of this Article, as well as the manner of their election and dismissal from the Commission.

(4) The Commission referred to in paragraph (1) of this Article shall elect president from among its members.

(5) The Commission referred to in paragraph (1) of this Article shall perform the following activities:

- determine if the persons applying for registration as environmental auditors meet the required conditions;
- issue an "Environmental auditor" certificate to candidates that meet the conditions;
- propose suspension of certificates and deletion of the registration in the Register referred to in paragraph (10) of this Article; and
- supervise the work of the environmental auditors.

(6) The Commission referred to in paragraph (1) of this Article shall adopt Rules of Procedure for its work.

(7) Natural person may be registered as environmental auditor if:

- they have acquired higher education in the fields of natural and technical science;
- they have five years of relevant working experience; and
- they have not been deleted from the Register of environmental auditors referred to in paragraph (10) of this Article.



(8) The registration of an environmental auditor may be deleted from the Register of environmental auditors referred to in paragraph (10) of this Article if the Commission establishes that:

- data submitted to the Commission referred to in paragraph (1) of this Article is incorrect;
- the environmental auditor fails to submit a report of his/her activities within the prescribed term; and
- the environmental auditor has been involved in activities that affect, or may affect, his/her impartiality, that is conflict of interests exists.

(9) Legal entity may be registered for performance of environmental audit provided it has at least one person possessing certificate for environmental auditor that shall sign the findings from the completed audit on behalf of the legal entity.

(10) The body of the state administration responsible for the affairs of the environment shall manage the Register of environmental auditors of natural persons that possess certificate for environmental auditor and of legal entities performing environmental audits (hereinafter: Register of environmental auditors).

(11) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the form and the content of the Register of environmental auditors referred to in paragraph (10) of this Article, as well as the procedure for registration and registration deletion.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the form of the certificate for environmental auditor, as well as the procedure for verification of the compliance with the conditions for issuance of certificates and for suspension of the certificate validity.

### **Article 133**

#### **Supervision of environmental auditors activities**

(1) The supervision of the activities of environmental auditors shall be carried out by the Commission for registration of environmental auditors.

(2) The environmental auditor shall submit a report of his/her activities to the Commission for registration of environmental auditors once in a year in a scope determined by the Commission for registration of environmental auditors.

(3) The Commission for registration of environmental auditors has the right to review the reports prepared by the environmental auditors.

(4) An appeal may be filed against decisions taken by the Commission for registration of environmental auditors to the body of the state administration responsible for the affairs of the environment.

(5) In cases referred to in paragraph (4) of this Article, the body of the state administration responsible for the affairs of the environment shall inform the Commission for registration of environmental auditors on its findings in each individual case and shall provide instructions to it, as required.

## **XIV. ADJUSTMENT PERMITS WITH ADJUSTMENT PLANS**

### **Article 134**

#### **Adjustment permits with adjustment plans**

The operators of existing installations determined by the Government of the Republic of Macedonia under Article 95, paragraph (1) and Article 122, paragraph (2) of this Law shall obtain an adjustment permit with adjustment plan as a condition for continuation or start of the operation of the installation until compliance with the conditions for issuance of integrated environmental permit is achieved thereby.

### **Article 135**

#### **Application for an adjustment permit with an adjustment plan**

(1) The procedure for obtaining an adjustment permit with adjustment plan shall begin with the submission of an application for issuance of an adjustment permit together with a proposal of an adjustment plan to the body of the state administration responsible for the affairs of the environment for installation for which an A integrated environmental permit or B integrated environmental permit for installation within protected area is required, and to the Mayor of the municipality or the Mayor of the City of Skopje for installation for which B integrated environmental permit is required.

(2) The application referred to in paragraph (1) of this Article shall include:

1. financial indicators of the performance of the legal entity or natural person;
2. number and structure of staff;
3. data on the operator and the location of the installation;
4. description of the installation and its operations;
5. summary of emissions in all environmental media and areas;
6. data on waste, raw materials and use of natural resources and energy;
7. assessment of the environmental condition in the vicinity of the installation;
8. proposed adjustment plan including deadlines for completion and a financial plan;
9. report on the site condition;
10. assessment of the contribution of the installation to environmental pollution; and
11. environmental risk assessment.

(3) The documents containing data referred to in paragraph (2) items 9, 10 and 11 of this Article shall be prepared under supervision and upon suggestions of the body of the state administration responsible for the affairs of the environment for installation for which an A integrated environmental permit or B integrated environmental permit for installation within protected area is required, and of the municipality or the City of Skopje for installation for which B integrated environmental permit is required.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the form and the content, as well as the manner of submission of the

application referred to in paragraph (1) of this Article, as well as of documentation to be attached to the application.

(5) Operators shall submit the application referred to in paragraph (1) of this Article to the competent body referred to in Article 135 paragraph (1) of this Law starting from 01.01.2006 and until 31.12.2009, and in accordance with the time schedule determined by the Government of the Republic of Macedonia, at a proposal by the Minister managing the body of the state administration responsible for the affairs of the environment.

(6) The time schedule referred to in paragraph (5) of this Article shall be determined as a time interval of six months, for each industrial sector separately.

### **Article 136**

#### **Announcement of the application for adjustment permit with adjustment plan and public hearing**

(1) The body of the state administration responsible for the affairs of the environment, Mayor of the municipality and the Mayor of the City of Skopje shall announce the application for issuance of adjustment permit with draft adjustment plan in at least one daily newspaper available throughout the territory of the Republic of Macedonia, within seven days from the receipt of the application, including information on the place where the public can review in full, copy and/or comment it.

(2) The body of the state administration responsible for the affairs of the environment, the Mayor of the municipality and the Mayor of the City of Skopje may organize public hearing within a period that shall not be longer than 25 days from the announcement of the application.

(3) The interested public shall have the right to submit opinions and comments, within 30 days from the announcement of the application, to the body of the state administration responsible for the affairs of the environment, to the Mayor of the municipality or the Mayor of the City of Skopje.

### **Article 137**

#### **Content of the adjustment plans and expert for adjustment plans development**

(1) The adjustment plan shall constitute an integral part of the adjustment permit.

(2) The adjustment plan shall include:

- measures, phase-specific solutions and deadlines for achieving the conditions for obtaining integrated environmental permit;
- conditions for the operation of the installation;
- schedule of implementation of the plan by specific phases;
- monitoring and manner of reporting;
- summary financial resources required for the implementation of each of the phases of the adjustment plan, and summary of the total financial resources required for the implementation of the plan;
- emission values during the implementation of specific phases of the plan;

- indicators of usage of raw materials, energy, natural resources, water and other materials by specific phases of the plan; and
- other issues stipulated in the special laws on individual environmental media and areas protection.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the content of the adjustment plans.

(4) The phases of the adjustment plan referred to in paragraph (2) item 3 of this Article shall include a set of tasks to be accomplished within specified time period that may not be longer than 12 months.

(5) For the purpose of the adjustment plan development, the operator may engage at least one expert from the List of experts for integrated environmental permits referred to in Article 96 paragraph (3) of this Law to sign the adjustment plan as a person responsible for its quality.

## **Article 138**

### **Deadline for implementation**

(1) Operators shall implement the adjustment plans within the individually set deadline, but not later than 01.04.2014.

(2) The individual deadline for implementation of the adjustment plans referred to in paragraph (1) of this Article shall be set in the adjustment plan for each installation separately according to the environmental impact, the scale of emissions from each installation, the financial ability for implementation of the adjustment plan, the number and structure of staff, the location of the installation and the technical equipment of the installation.

(3) The individual deadlines for implementation of the adjustment plans referred to in paragraph (1) of this Article for installations subject to A integrated environmental permits shall be set within time frame sufficient to achieve the conditions for A integrated environmental permit granting.

(4) The individual deadlines for implementation of the adjustment plans referred to in paragraph (1) of this Article for installations subject to B integrated environmental permits shall be set within time frame sufficient to achieve the conditions for B integrated environmental permit granting.

(5) The operator shall, within six months from the expiry of the individual deadline for implementation of the adjustment plan referred to in paragraph (2) of this Article and upon fulfillment of the obligations in the adjustment plan, notify the competent body referred to in Article 135 paragraph (1) of this Law.

(6) On the basis of the notification referred to in paragraph (5) of this Article, the body of the state administration responsible for the affairs of the environment shall issue a decision granting A integrated environmental permit in accordance with Article 107 paragraph (13) and Article 108 paragraphs (1), (2), (5), (6), (7), (8) and (9) of this Law and in accordance with Article 126 and Article 127 paragraphs (2), (3) and (5) of this Law in case of B integrated environmental permit.

(7) On the basis of the notification referred to in paragraph (5) of this Article, the Mayor of the Municipality and the Mayor of the City of Skopje shall issue a decision granting B integrated environmental permit in

accordance with Article 126 and Article 127 paragraphs (2), (3) and (5) of this Law.

## **Article 139**

### **Exceptions**

(1) Notwithstanding Article 138 of this Law, when the body of the state administration responsible for the affairs of the environment concludes that the achievement of conditions for integrated environmental permit granting cannot be fulfilled by 01.04.2014, it shall inform the Government of the Republic of Macedonia thereon with a proposal for setting of additional deadline.

(2) Notwithstanding Article 138 of this Law, when the Mayor of the municipality and the Mayor of the City of Skopje concludes that the achievement of conditions for integrated environmental permit granting cannot be fulfilled by 01.04.2014, he/she shall inform the body of the state administration responsible for the affairs of the environment with a proposal for setting of additional deadline.

(3) In cases referred to in paragraph (2) of this Article, the body of the state administration responsible for the affairs of the environment shall consider each case and inform the Government of the Republic of Macedonia thereon with a proposal for setting of additional deadline.

(4) In cases referred to in paragraphs (1) and (2) of this Article, the Government of the Republic of Macedonia may set additional deadline for each installation separately that shall not be longer than 01.04.2019.

(5) Within the deadline referred to in paragraph (4) of this Article, operators shall adjust their adjustment plans to the procedure prescribed in Article 141 and Article 144 of this Law.

## **Article 140**

### **Content of the adjustment permit with adjustment plan**

(1) The adjustment permit with adjustment plan shall specify the level of financial guarantees to be provided by the operator as special measures for ensuring the implementation of the adjustment plans, to the level covering the expenses of the implementation of one phase of the adjustment plan of an average value.

(2) All existing permits related to the installation which is subject to A integrated environmental permit, if integrated into the adjustment plan, shall be replaced by adjustment permit with adjustment plan.

(3) As an exception, when the adjustment permit with adjustment plan fail to include the financial guarantees referred to in paragraph (1) of this Article, the permit shall also specify special penalties for the operators of the installations to be activated in case they fail to comply with the measures, time limits and conditions stipulated in the permit.

(4) Within 10 days from the date of issuing the adjustment permit with adjustment plan, the body of the state administration responsible for the affairs of the environment, the Mayor of the municipality and the Mayor of the City of Skopje shall announce in at least one daily newspaper available throughout the territory of the Republic of Macedonia that the adjustment

permit with adjustment plan has been issued and information on where the adjustment permit with adjustment plan can be obtained for review.

(5) The bodies referred to in Article 135 paragraph (1) of this Law shall keep a Register of adjustment permits with adjustment plans. The Mayor of the Municipality and the Mayor of the City of Skopje shall submit data on adjustment permits with adjustment plans to the body of the state administration responsible for the affairs of the environment in accordance with the regulation adopted under paragraph (6) of this Article.

(6) The Minister managing the the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the contents of the adjustment permit with adjustment plan and the manner of keeping, as well as the manner and the procedure of data submitting for the Register referred to in paragraph (5) of this Article.

### **Article 141**

#### **Procedure for granting the permit and manner of negotiation and reaching of agreement on the contents and the deadlines of adjustment plans implementation**

(1) The procedure for granting the adjustment permit with adjustment plan shall be carried out through negotiations between the operator of the installation and the body of the state administration responsible for the affairs of the environment , or the Mayor of the municipality and the Mayor of the City of Skopje.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the procedure for negotiation and agreement reaching on the contents of the adjustment plan and on the deadline for the adjustment plan implementation.

(3) The agreement on the contents and on the deadline for the adjustment plan implementation should be reached within a year as of the application for issuance of adjustment permit with adjustment plan. If no agreement is reached within that period, the body of the state administration responsible for the affairs of the environment , or the Mayor of the municipality and the Mayor of the City of Skopje shall inform thereon the. Minister managing the body of the state administration responsible for the affairs of the environment.

(4) In case the Mayor of the municipality or the Mayor of the City of Skopje or the body of the state administration responsible for the affairs of the environment fail to comply with paragraph (3) of this Article, the operator shall inform thereon the Minister managing the body of the state administration responsible for the affairs of the environment.

(5) In cases referred to in paragraphs (3) and (4) of this Article, the Minister managing the body of the state administration responsible for the affairs of the environment shall, within 30 days from the receipt of the notification referred to in paragraphs (3) and (4) of this Article, establish the Commission for adjustment plans referred to in Article 144 of this Law.

### **Article 142**

#### **Amendments to the adjustment permit with an adjustment plan**

(1) The adjustment permit with adjustment plan may be amended if:

- the operator of the installation proposes a more efficient solution from an environmental perspective;
- the need for amendment is a result of amendment of laws and other regulations;
- there are changes in BAT; or
- the general environmental audit so requires.

### **Article 143**

#### **Financial guarantees and penalties for failures to fulfil the obligations**

In cases of failure to fulfill the obligations specified in the adjustment plan, the Minister managing the body of the state administration responsible for the affairs of the environment, or the Mayor of the municipality or the Mayor of the City of Skopje may effectuate the financial guarantee or request enforcement of the penalties, as stipulated in the adjustment permit.

### **Article 144**

#### **Settlement of disputes**

(1) Disputes related to the contents of and the deadline for adjustment plans implementation, as well as disputes related to negotiations referred to in Article 141 of this Law that have failed to reach an agreement shall be settled by the Commission for adjustment plans (hereinafter: Commission).

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall, based on nominations referred to in paragraphs (3) and (4) of this Article, Commission for each case separately. The Commission shall be composed of president and four members from among the List of experts. The Minister managing the body of the state administration responsible for the affairs of the environment shall establish the List of experts in the areas of environment, economy, technical and law science, from among the members of the Commission shall be elected.

(3) For the purpose of establishing the Commission, two members from among the list referred to in paragraph (2) of this Article shall be appointed by each the operator and the body of the state administration responsible for the affairs of the environment or the Mayor of the municipality and the Mayor of the City of Skopje.

(4) The nominated members referred to in paragraph (3) of this Article shall jointly appoint the president of the Commission from among the list referred to in paragraph (2) of this Article, by which the Commission shall be considered established for each case separately.

(5) The Commission shall take decision within two months from the receipt of the necessary information.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the work and the organization of the Commission, as well as the manner of its work.

(7) In case the Commission considers adjustment plan with regard to which additional deadline has been set in accordance with Article 139 paragraph (4) of this Law, the Commission shall be competent to decide only on the contents of the adjustment plan concerning the conditions that need to be fulfilled within the specified period.

(8) The Commission shall be independent and work in accordance with its expert findings and shall decide by majority votes.

(9) The decision of the Commission shall be binding and final for the parties of the dispute and shall be integrated in the adjustment permit with adjustment plan by the body of the state administration responsible for the affairs of the environment or the Mayor of the municipality and the Mayor of the City of Skopje.

(10) Administrative dispute before the competent court may be initiated against the decision referred to in paragraph (9) of this Article only with regard to conditions that are subject of negotiations and taking into account the negative environmental impacts and the opinions thereon of the public concerned thereby.

(11) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the conditions that have to be met by the experts referred to in paragraph (2) of this Article, as well as the procedure for the establishment of the list of experts referred to in paragraph (2) of this Article.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the procedure for selection of experts to be involved in the Commission.

(13) The members of the Commission shall be entitled to compensation. The level of the compensation and the manner of the compensation payment shall be established by the Government of the Republic of Macedonia at the proposal by the Minister managing the body of the state administration responsible for the affairs of the environment.

## **XV. PREVENTION AND CONTROL OF MAJOR ACCIDENTS INVOLVING HAZARDOUS SUBSTANCES**

### **Article 145**

#### **General provisions**

(1) Any legal entity or person that owns, or performs activity in a production, transport or storage system (hereinafter: system) involving hazardous substances in quantities equal to or in excess of the permissible limit values (thresholds) specified in the regulation adopted under paragraph (2) of this Article (hereinafter: Operator) shall:

- undertake all necessary measures for prevention of major accidents and limitation of their effects to the environment and human life and health health as prescribed by this Law, and
- report on the measures undertaken to the body of the state administration competent for the execution of the works from the area of environment.



(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the hazardous substances referred to in paragraph (1) of this Article, the limit values (thresholds) for the presence of hazardous substances and the criteria or properties by which a substance shall be classified as hazardous.

## **Article 146**

### **Exemptions**

The provisions of this Chapter shall not apply to:

1. installations and storehouses of the armed forces of the Republic of Macedonia;
2. hazards caused by ionising radiation;
3. transport of hazardous substances on public roads, railroad, internal water ways or air and their temporary storage, except in the systems specified in this Law, including their loading and unloading and transport to and from other transportation means at docks, commercial ports or marshalling stations;
4. transport of hazardous substances in pipelines, including pump stations, except in the systems specified in this Law; and
5. extractive industrial activities such as research and exploitation of mineral resources, if the prevention and the control of major accidents when performing these activities is regulated by a special law;

## **Article 147**

### **Notification**

(1) The operator shall notify the body of the state administration responsible for the affairs of the environment on the systems involving hazardous substances, as follows:

1. within three months prior to the commencement of construction or commencement of operation of new systems; and
2. on the existing systems, within one year from the day of application of this Chapter.

(2) The notification referred to in paragraph (1) of this Article shall contain the following data:

1. the name of the operator's company and full address of the system which is subject to the obligations for prevention and control of major accidents;
2. the name and title of the person responsible for meeting the obligations for prevention and control of major accidents in the system;
3. information needed for full identification of the hazardous substances, or the type of substances used in the system, as well as their quantity and physical state;
4. the activity performed or planned to be performed in the system; and

5. the characteristics of the site on which the system is located (especially the elements that have the potential to cause major accidents or aggravate their consequences).

(3) In the event of any significant change in the quantity or the physical state of the hazardous substance referred to in paragraph (2) item 3 of this Article, as well as permanent closure of the system, the operator shall notify immediately the body of the state administration responsible for the affairs of the environment on the changed situation.

(4) The operator shall submit the notification referred to in paragraph (1) of this Article to the Mayor of the Municipality and the Mayor of the City of Skopje.

## **Article 148**

### **Report on safety measures**

(1) For systems where the present hazardous substances are within the prescribed quantities, the operator shall prepare a report on the safety measures, upon which the body of the state administration responsible for the affairs of the environment shall unambiguously conclude that:

1. measures and activities for prevention of major accidents and a system for safety management are in place;
2. the danger of major accidents is defined and all necessary measures are taken for prevention of such accidents and limitation of their consequences on human life and health and environment;
3. the prescribed safety and security measures are included in the design, construction, operation and maintenance of the system; and
4. internal plans for state of emergency are prepared and information is made available to allow for the preparation of an external plan.

(2) The report on safety measures referred to in paragraph (1) of this Article shall contain sufficient information to allow the competent authority to determine the locations for the new activities nearby the existing ones when preparing the spatial and urban plans. The report shall contain a list of hazardous substances involved in the system.

(3) The operator shall submit the report on safety measures referred to in paragraph (1) of this Article to the body of the state administration responsible for the affairs of the environment and to the Mayor of the municipality and the Mayor of the City of Skopje, as follows:

1. within three months prior to the commencement of the construction or operation of the new systems; and
2. within two years from the day of application of the provisions of this Chapter for the existing systems.

(4) The report on safety measures referred to in paragraph (1) of this Article shall be analyzed and updated periodically, at least once in five years, or earlier upon initiative of the operator or at a request of the competent authority, when this request arises from the knowledge of new facts, or when it is necessary to take into consideration new scientific and technical developments regarding safety improvements.

(5) The report on safety measures referred to in paragraph (1) of this Article shall be available to the public. If this report contains information that violates industrial and commercial confidentiality or the confidentiality of

personal data, public security or national defense, and upon consent given by the body of the state administration responsible for the affairs of the environment, the operator may also provide another report that does not contain such information.

### **Article 149**

#### **Changes in the system or changes in the type and quantity of substances**

In case of change in the system, production process or the type or the quantity of hazardous substances that may cause major accidents, as well as in case of permanent termination of operations, the operator shall conduct analysis and revision of the safety measures and activities for prevention of major accidents and of the report on safety measures and notify thereon the body of the state administration responsible for the affairs of the environment.

### **Article 150**

#### **Information on safety measures**

(1) The operator shall provide information on the anticipated activities and safety measures, and the response procedure in the event of major accident, to be available to the persons likely to be affected by the major accident caused by the system.

(2) The information referred to in paragraph (1) of this Article shall be analyzed and checked every third year, and when necessary updated in case of change referred to in Article 149 of this Law.

(3) The information referred to in paragraphs (1) and (2) of this Article shall be made available to the public at all times.

### **Article 151**

#### **Information to be provided by the operator in case of a major accident**

(1) The operator shall notify the body of the state administration responsible for the affairs of the environment immediately of the occurrence of a major accident, and furnish it with data, as soon as such data becomes available, on:

1. the circumstances under which the major accident occurred;
2. hazardous substances involved during and after the major accident;
3. the data needed for evaluation of the consequences on human health and the environment resulting from the major accident; and
4. the extraordinary measures undertaken.

(2) The operator shall notify the body of the state administration responsible for the affairs of the environment of the measures provided for mitigation of the medium-term and long-term consequences from major accidents and for prevention against the possibility of repeated accident. If further investigation discovers additional facts which may give rise to an alteration of measures and activities in place, the operator shall add such measures and activities.

(3) The body of the state administration responsible for the affairs of the environment shall, by way of examination, investigation or other

appropriate way, as well as in cooperation with other competent bodies of the state administration, the Mayor of the Municipality and the Mayor of the City of Skopje, provide all necessary information for full analysis of technical, organizational, management and other reasons that have caused the major accident.

(4) The operator shall immediately submit the information on major accident occurred referred to in paragraphs (1) and (2) of this Article to the Mayor of the Municipality and the Mayor of the City of Skopje, as well as to other authorities and bodies determined by the law holding competence for measures undertaking within the system of protection and rescue.

## **Article 152**

### **The obligations of the body of the state administration responsible for the affairs of the environment**

(1) On the basis of the notifications submitted by the operators, the body of the state administration responsible for the affairs of the environment shall establish and maintain a Register of systems and keep records of major accidents occurred.

(2) The body of the state administration responsible for the affairs of the environment shall by decision prohibit the use or putting into operation of any system or part thereof, in cases when the measures undertaken by the operator for prevention and mitigation of major accidents are with serious insufficiencies or the recommendations, positions and opinions of the competent authority have not been taken into account in the process of their preparation.

(3) The body of the state administration responsible for the affairs of the environment shall by decision prohibit the use or putting into operation of plants, installations or storehouses, or any part thereof, if the operator fails to submit the notification, report or other information prescribed by this Law within the specified term.

(4) The operator may file an appeal against the decision referred to in paragraphs (2) and (3) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of receipt of the decision.

(5) The appeal referred to in paragraph (4) of this Article shall not have any effect in terms of postponement of the decision enforcement.

## **Article 153**

### **Cumulative effect**

(1) The body of the state administration responsible for the affairs of the environment shall use the information provided by the operators to identify the systems where the likelihood of a major accident, or consequences likely to arise from a possible major accident, may be increased due to the site location or mutual proximity of such systems, and due to the quantities of hazardous substances involved therein.

(2) Once the systems referred to in paragraph (1) of this Article are identified, the body of the state administration responsible for the affairs of the

environment shall ensure an appropriate exchange of relevant information in order to enable the operators of these installations to take into consideration the nature and scale of the overall hazard from major accident in relation to the measures and activities for prevention of major accidents, safety management systems, security reports and internal emergency plans.

(3) The body of the state administration responsible for the affairs of the environment shall ensure that conditions are in place for mutual cooperation between operators with regard to public information and provision of information for the purpose of preparing external emergency plans.

## **Article 154**

### **Emergency plans**

(1) The operator shall prepare an internal emergency plan that will incorporate the measures that have to be undertaken inside the system in case of a major accident, and submit the plan to the municipality and the City of Skopje on the basis of which they shall prepare an external emergency plan. The operator shall submit the emergency plan to the body of the state administration responsible for the affairs of the environment, within 15 days from the day of their adoption.

(2) The persons employed in the systems shall participate in the preparation of the internal emergency plans.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment, in cooperation with other competent bodies of the state administration, shall prescribe the content of the internal and external emergency plans, as well as the manner of their approval.

(4) The operator shall within 30 days from the day of internal plan adoption, submit it to the municipality and the City of Skopje, as well as the additional data specified in the regulation adopted under paragraph (3) of this Article, in order to enable them to prepare an external emergency plan.

(5) The emergency plans shall be prepared in a way that provides:

- locating and control of major accidents, for the purpose of minimizing the consequences and limiting damages on human life and health, environment and property;
- implementation of necessary measures for protection of people and environment against consequences from major accidents;
- disclosure of necessary information to the public, as well as to services and authorities concerned with this issue; and
- restoration and clean-up of the environment after the major accident.

(6) The Mayor of the municipality and the Mayor of the City of Skopje shall make the external and internal emergency plan available to the public.

(7) The internal and external emergency plans shall without undue delay immediately be applied by the operator, and where necessary, by the municipality and the City of Skopje, in the event of a major accident, or in the event which has spun out of control and which, due to its nature, is likely to cause a major accident.

(8) The Mayor of the municipality and the Mayor of the City of Skopje shall submit the external emergency plan within 15 days from its adoption to

the body of the state administration responsible for the affairs of the environment.

(9) The operator and, the Mayor of the municipality and the Mayor of the City of Skopje and the body of the state administration responsible for the affairs of the environment shall, within periods not exceeding 3 years from the plans adoption, analyze and test, and where necessary, update and revise the internal and external emergency plans, taking into consideration the latest technical developments pertaining to response to major accidents.

(10) Operators shall adopt the internal emergency plans within three months before the expiry of the term specified in Article 148 paragraph (3) of this Law.

(11) The Mayor of the municipality and the Mayor of the City of Skopje shall adopt the external emergency plans within three years from the day of application of the provisions of this Chapter.

(12) Internal and external emergency plans shall constitute an integral part of the unique system for protection and rescue of the Republic of Macedonia.

## **Article 155**

### **Spatial and urban planning**

(1) When preparing spatial and urban plans the measures and activities for prevention of major accidents and limitation of their consequences shall be taken into account, particularly when determining the area where new systems are planned, the changes to occur on the existing systems and on the new structures in the vicinity of residential zones and the places visited by the public.

(2) When preparing spatial and urban plans the municipalities and the City of Skopje shall take into consideration the distance between the systems and the residential areas, the places visited by the public and environmentally important areas, as well as the use of additional technical measures by the existing systems, in order to avoid increased danger for human life and health and the environment.

## **Article 156**

### **Transboundary effects from major accidents and transboundary cooperation**

In the event of a major accident in a system located on the territory of the Republic of Macedonia which may have transboundary effects, the body of the state administration responsible for the affairs of the environment shall provide the potentially concerned countries with all information required to undertake the necessary activities and security measures, even if not requested from the competent authorities of potentially concerned countries.

## **XVI. LIABILITIES FOR DAMAGES CAUSED TO THE ENVIRONMENT**

### **Article 157**

#### **Liability for environmental damage**

(1) The goal of the liability for environmental damage, based on the "polluter pays" principle, shall be:

- prevention and remediation of entire damage caused to environment (hereinafter: environmental damage);
- restoration of the environment; and
- introduction of measures and practices for minimization of the risk of environmental damage.

(2) Liability for environmental damage shall occur due to:

- direct threat of environmental damage or environmental damage resulting from the performance of professional activities specified in the regulation adopted under paragraph (3) of this Article, and/or

1. - direct threat of damage on protected species and natural habitats or damage on protected species and natural habitats resulting from the performance of professional activities specified in the regulation adopted under paragraph (3) of this Article, regardless of the level of fault by the operator.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall specify the professional activities referred to in paragraph (2) of this Article, the performance of which may lead to liability for environmental damage. The regulation shall also specify the criteria for establishment of the occurrence of environmental damage, as well as cases in which, as an exception, no liability for environmental damage shall occur.

(4) The operator performing professional activity determined in the regulation adopted under paragraph (3) of this Article that has by its performance caused environmental damage or direct threat of environmental damage shall be held liable.

(5) The operator shall be liable if it:

- fails to undertake the necessary prevention measures;
- fails to undertake the necessary remediation measures;
- fails to notify the competent body of the danger of environmental damage, that could have occurred despite the measures undertaken or of the damage occurred.

(6) When the environmental damage has not occurred yet, but there is a direct threat of such damage, the operator shall immediately and without any delay, undertake all necessary measures to prevent the occurrence of environmental damage. If the operator fails to fulfil this obligation, prevention measures shall be undertaken by the body of the state administration responsible for the affairs of the environment at the expense of the operator.

(7) If, apart from the measures referred to in paragraph (6) of this Article being undertaken, the operator fails to eliminate the direct threat of environmental damage, it shall immediately and without any delay inform the body of the state administration responsible for the affairs of the environment thereon. The body of the state administration responsible for the affairs of the environment shall issue a decision by which it shall:

- request the operator to provide information on any threat of environmental damage or on the cases for which there is doubt of direct threat of environmental damage,

- request the operator to undertake the necessary measures and instruct it on prevention measures undertaking, and

- undertake the necessary prevention measures or appoint another legal entity or natural person to undertake the measures at the expense of the operator.

(8) In case of environmental damage occurred, the operator shall:

- inform the body of the state administration responsible for the affairs of the environment on the damage occurred,

- carry out restoration of entire damage, in accordance with the "polluter pays" principle,

- undertake all necessary measures to control, retain, eliminate or other type of management of factors that have caused the environmental damage in order to limit or prevent further environmental damage, negative effects on human life and health and endangering of the function of the natural resource; and

- undertake all necessary remediation measures determined in accordance with the regulation referred to in paragraph (10) of this Article.

(9) In case of environmental damage occurred, the body of the state administration responsible for the affairs of the environment shall issue a decision by which it shall:

- request the operator to provide additional information on the damage occurred,

- undertake, request and/or instruct the operator to undertake the necessary measures to control, retain, eliminate or other type of management of factors that have caused the environmental damage in order to limit or prevent further environmental damage, negative effects on human life and health and endangering of the function of the natural resource;

- request the operator to undertake the necessary remediation measures and provide instructions on remediation measures to be undertaken; and

- undertake the necessary remediation measures or appoint another legal entity or natural person to undertake the measures at the expense of the operator.

(10) The Minister managing the body of the state administration responsible for the affairs of the environment shall specify the remediation measures with regard to occurred environmental damage.

(11) In case of occurred environmental damage, the operator shall under the regulation referred to in paragraph (10) of this Article, define and propose remediation measures and submit them to the body of the state administration responsible for the affairs of the environment for approval. When defining remediation measures, the operator shall take care that the remediation measures are appropriate and efficient with regard to elimination of entire damage occurred on the environment.

(12) When the environmental damage occurred is multifold so that remediation measures cannot be undertaken simultaneously, the body of the state administration responsible for the affairs of the environment shall decide on the priority in measures to be undertaken. While specifying the priority



remediation measures, the body of the state administration responsible for the affairs of the environment shall in particular take into account the nature, the scale and the severity of each environmental damage occurred, the risk to human health and the ability of natural restoration of the resource.

(13) The operator may file an appeal against the decision referred to in paragraphs (7) and (9) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for resolving administrative matters in the area of environment within 15 days from the date of receipt of the decision. The appeal shall not have any effect in terms of postponement of the decision enforcement.

(14) The body of the state administration responsible for the affairs of the environment shall hold competence to identify the operator that has caused the direct threat of damage or environmental damage, to estimate the significance of the damage, as well as to specify the remediation measures that fall under its exclusive competence. Upon the request of the body of the state administration, the estimate shall be carried out by the operator or by another legal entity or natural person.

## **Article 158**

### **Expenses for prevention and remediation measures undertaking**

(1) The operator shall cover all expenses for prevention and remediation measures undertaking.

(2) Notwithstanding paragraph (1) of this Article, the operator shall not be obliged to compensate the expenses for prevention and remediation measures undertaking with regard to occurred environmental damage if it proves that the occurred environmental damage or the threat of environmental damage occurrence:

- has been caused by a third party and/or has occurred despite the undertaking of appropriate measures, and

- has resulted from the observation of compulsory decision issued by a state body.

(3) The operator shall not be obliged to compensate the expenses for prevention and remediation measures, if it proves that the environmental damage has occurred without its fault and if it proves that the environmental damage has been caused by:

- emission or event that have been authorised or in compliance with the conditions specified in the permit based on the law, and

- emission or activity or use of product during the activity performance which at the moment of the damage occurrence and the level of scientific and technical development has not indicated that it could cause environmental damage.

(4) In the cases referred to in paragraphs (2) and (3) of this Article, the operator shall apply to the body of the state administration responsible for the affairs of the environment in accordance with the Law on General Administrative Procedure.

## **Article 159**

### **Restitution of environmental damage**

(1) Legal entity or natural person, as well as citizens' associations established for the purposes of environment protection and improvement which is directly affected by or suffers consequences from the occurred environmental damage, has the right to request the operator before the competent Court:

1. to reconstitute the environment to its original state,
2. compensation for the occurred environmental damage, in accordance with the general regulations on compensation for damage, if restitution to original state is not possible.

(2) The Republic of Macedonia shall retain the right to request restitution of the environment to its original state and compensation for the occurred environmental damage, if there are no or no other persons appear with the right to that under the provisions of this Law.

(3) In case environmental damage has been caused on goods of general interest to the Republic, enjoying special protection under the law, restitution to original state or compensation for the occurred environmental damage may be requested by the Republic of Macedonia or the Municipality, the City of Skopje and municipalities of the City of Skopje, on the territory of which the good is located.

(4) In the case referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall furnish the competent court with all data necessary to establish liability for environmental damage, the scale of liability, as well as to establish restitution to original state or the level of the compensation for damage.

(5) The holder of the right to the legal suit referred to in paragraph (1) of this Article may request the Court to order the defendant to provide information, or enable gathering of information from the source of pollution, in order to establish liability for environmental damage and the scale of liability.

(6) When the defendant fails to enable information gathering or to provide information required despite the Court order, the competent body shall gather the information at the expense of the defendant.

## **XVII. ADMINISTRATION OF ENVIRONMENT**

### **Article 160**

#### **Establishment of Administration of Environment**

For the purpose of carrying out expert activities related to environmental media and areas, an Administration of Environment shall be established as a body responsible for expert activities in the area of environment within the body of the state administration responsible for the affairs of the environment.

## **Article 161**

### **Competencies of the Administration of Environment**

The Administration of Environment shall:

1. perform expert activities in the field of nature protection;
2. perform expert activities in the fields of waste, air, chemicals, noise and other environmental areas management;
3. perform expert activities in the fields of water and soil protection against pollution;
4. perform expert activities within the environmental impact assessment procedure and integrated environmental permitting procedure and adjustment permitting with adjustment plans;
5. manage the Cadastre of Environment and Register of pollutants and polluting substances and their characteristics;
6. manage environmental monitoring; and
7. perform other activities determined by this or other law.

## **XVIII. FINANCING**

### **Article 162**

#### **Basis for financing the activities in the area of environment**

(1) Financial resources for the activities of supporting, preservation, sustainable use, protection and improvement of the environment, as well as preparation, implementation and development of programmes and projects for environment protection and improvement, shall be provided from the charges referred to in paragraph (2) and funds referred to in paragraph (3) of this Article.

(2) Financing of activities referred to in paragraph (1) of this Article shall be provided from the charges payable by legal entities and natural persons that:

- have sources that cause environmental pollution;
- pollute the environment through use of products and substances;
- are users of natural resources;
- load the environment with wastes;
- import used products in the Republic of Macedonia; and
- produce or import products and goods that are harmful or contain harmful substances for the environment and nature.

(3) Financing of activities referred to in paragraph (1) of this Article shall also be provided from:

- Budget of the Republic of Macedonia;
- funds acquired on the basis of international cooperation under programmes and projects;
- donations from national and foreign legal entities and natural persons;
- foundations and gifts; and
- other sources.

(4) Financial resources referred to in paragraph (2) of this Article shall be payed to a special budgetary account as revenue of the Budget of the Republic of Macedonia under the safe-deposit box account.

### **Article 163**

#### **Persons under obligation for charges payment**

(1) Persons under obligation for payment of the charges referred to in Article 162 paragraph (2) of this Law shall be legal entities and natural persons that:

1. **have sources that cause environmental pollution** and by their activity cause environmental pollution directly or indirectly or are responsible for emission into the environment within the meaning of the Cadastre of Environment and Register of pollutants and polluting substances and their characteristics, as

well as within the meaning of the special laws and international agreements ratified by the Republic of Macedonia;

2. **pollute the environment** through use of motor vehicles and vessels; through production or import of oil derivatives; through production or import of tobacco products; and through import of ozone depleting substances;
3. **are users of natural resources through:** forests exploitation by wood cutting; collection and export of plants and parts of plants, branches and other parts of plants; and collection and export of mollusks with and without shells;.
4. **load the environment with wastes through:** generation of industrial non-hazardous waste through their activity or generation of hazardous waste; plastic products and packaging materials of plastic masses; import of wastes and residues of lead, ashes and wastes, residues containing mainly lead, residues and refuse of used primary cells, primary batteries and electric accumulators and lead containing wastes and residues; and production and import of petroleum residues or oils and waste oils;
5. **import used products** such as: used passenger cars and other motor vehicles, motor vehicles for goods transportation; technical goods, refrigerators, other cooling and freezing devices; protected and used tires; tape recorders and other sound recorders, television receivers, video monitors and video projectors; and
6. **produce or import products and goods** that are harmful or contain harmful substances for the environment and nature.

#### **Article 164**

##### **Basic of determination of the charges level**

(1) The level of charges payable by legal entities and natural persons possessing sources of pollution shall be determined on the basis of:

- the quantity, the type and the scale of environmental impact and emission of pollutants, heat, noise, vibrations, light, ionising and non-ionising radiation into the environment;
- the manner of treatment of waste and waste matters, products or articles that after use reach the environment directly or indirectly or other activities or events that are unfavorable for the environment.

(2) The level of charges payable by legal entities and natural persons that pollute the environment shall be determined on the basis of:

- whether motor vehicles and vessels have catalyst or not, or on the basis of the level of the principal insurance;
- type and quantity of produced or imported oil derivatives;
- type and quantity of produced or imported tobacco products; and
- type and quantity of produced or imported ozone depleting substances.

(3) The level of charges payable by legal entities and natural persons using natural resources shall be determined on the basis of:

- quantity of wood cut;
- type and quantity of collected or exported plants and parts of plants, branches and other parts of plants; and
- quantity of collected or export mollusks with and without shells;

(4) The level of charges payable by legal entities and natural persons loading the environment with wastes shall be determined on the basis of:

- quantity of generated industrial non-hazardous waste;
- type and quantity of generated hazardous waste;
- quantity of imported used products;
- type and quantity of imported and produced plastic products and packaging of plastic masses;
- type and quantity of imported wastes and residues of lead, ashes and wastes, residues containing mainly lead, residues and refuse of used primary cells, primary batteries and electric accumulators and lead containing wastes and residues; and
- type and quantity of imported or generated petroleum residues or oils and waste oils.

(5) The level of charges payable by legal entities and natural persons importing used products shall be determined on the basis of:

- operational capacity and power of the motor of the vehicle, or the extent of vehicle gross mass;
- type, quantity and volume of imported used technical goods, such as: refrigerators, other cooling and freezing devices; protected and used tires; tape recorders and other sound recorders, television receivers, video monitors and video projectors; and
- quantity of imported used or protected tires.

(6) The level of charges payable by legal entities and natural persons producing or importing products and goods that are harmful or contain harmful substances for the environment and nature shall be determined on the basis of:

- the price or customs value of the product, goods and quantity and extent of harmfulness or negative impact on the environment.

### **Article 165**

#### **Exemption from charges payment and charges reimbursement**

(1) Legal entities and natural persons shall be exempted from the payment of part of the future charges referred to in Article 179

and Article 182 of this Law up to the level of the charges payable for the quantity and the type of products and waste transferred thereby to legal entities and natural persons that possess permit for waste processing with which they have concluded an agreement for waste collection.

(2) Legal entities and natural persons shall be exempted from the payment of part of the future charges referred to in Article 185 of this Law up to the level of the charges payable for the quantity of used products and packaging collected and returned thereby if they have established system of collection and deposit based return of used products and packaging.

(3) Legal entities and natural persons shall be exempted from the payment of part of the future charges referred to in Article 179 and Article 182 of this Law up to the level of the charges payable for the quantity and the type of exported waste if they have exported waste from the Republic of Macedonia which is subject to charges payment.

(4) Legal entities and natural persons shall be exempted from the payment of part of the future charges referred to in Article 185 of this Law that have exported packaging of plastic mass or products packed in plastic wrapping material up to the level of the charges payable for the quantity and the type of packaging of plastic mass.

(5) Legal entities and natural persons shall be exempted from the payment of part of the charges paid thereby in the previous year if they have invested in the environment for the purposes of implementing the adjustment plans under the adjustment permits referred to in Chapter XIV of this Law, but it shall not exceed the value of the investment executed in the current phase of the adjustment plan.

(6) The exemptions from charges payment referred to in paragraphs (1) and (2) of this Article shall not be mutually exclusive with the exemption from charges payment referred to in paragraph (5) of this Article.

(7) Persons under obligation for payment of the charges referred to in Article 183 and Article 184 of this Law may submit an application to the body of the state administration responsible for the affairs of the environment requesting reimbursement of the charges referred to in Article 183, Article 184 and Article 185 of this Law, for the exported quantity.

(8) The Government of the Republic of Macedonia shall, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance, prescribe the procedure and the manner of exemption from charges payment as referred to in paragraphs (1) to (5) of this Article.

(9) Legal entities and natural persons referred to in paragraphs (1), (2), (3), (4) and (5) of this Article shall be granted exemption from future charges payment upon submission of application for

exemption from charges payment to the body of the state administration responsible for the affairs of the environment.

(9) The application referred to in paragraph (9) of this Article shall be accompanied by explanation of the application and by additional documentation specified in the regulation referred to in paragraph (8) of this Article.

(10) The body of the state administration responsible for the affairs of the environment shall decide on applications referred to in paragraph (9) of this Article.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall prescribe the conditions, the manner and the procedure of reimbursement of the charges referred to in paragraph (7) of this Article.

### **Article 166**

#### **Obligation, manner and procedure of charges setting, calculation, payment and terms for charges calculation and payment**

(1) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall prescribe the manner and the procedure of charges setting, calculation, payment and the terms of charges calculation and payment.

(2) The provisions of the Law on General Administrative Procedure, the Law on Public Revenues Establishment and Collection and the Law on Personal Income Tax shall apply in the procedure of charges setting, calculation, payment and the terms of charges calculation and payment, unless otherwise provided for by this Law.

(3) The person under obligation for charges payment shall calculate and pay the charges in timely and proper manner, and shall manage, maintain and keep orderly and accurate records of calculated and payed charges.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall adopt more precise regulations on the manner and the procedure of managing, maintaining and keeping the records referred to in paragraph (3) of this Article.

(5) The Administration of Public Revenues shall be competent for the control over the setting, calculation and payment of the charges, exemptions from future charges payment, as well as over the observation of the terms set for the charges payment.

### **Article 167**

#### **Decision on charges payment by the body of the state administration responsible for the affairs of the environment**



(1) The body of the state administration responsible for the affairs of the environment shall set and calculate the charges referred to in Article 179 paragraphs (1), (2), (4), (5) and (8) of this Law, when issuing import or export permit.

(2) The persons under obligation for charges payment shall pay the charges on the basis of a decision issued by the Minister managing the body of the state administration responsible for the affairs of the environment.

(3) The decision referred to in paragraph (2) of this Article shall also specify the term within which charges shall be payed.

(4) An appeal may be filed against the decision referred to in paragraph (3) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for settling administrative matters in the area of finance within eight days from the day of the decision receipt.

(5) The appeal referred to in paragraph (4) of this Article shall not retain the enforcement of the decision.

### **Article 168**

#### **Decision on charges payment by customs body**

(1) The customs body shall carry out the calculation of charges referred to in Article 179 paragraphs (3) and (6) of this Law, while carrying out the customs procedure for export based on net quantity of the conducted export and export permit issued by. the body of the state administration responsible for the affairs of the environment.

(2) An appeal may be filed against the decision referred to in paragraph (1) of this Article with the Second Instance Commission of the Government of the Republic of Macedonia responsible for settling administrative matters in the area of finance within eight days from the day of the decision receipt.

() The appeal referred to in paragraph (2) of this Article shall not retain the enforcement of the decision.

### **Article 169**

#### **Collection of due unsettled charges and forced collection of charges**

(1) The collection of due unsettled amounts of charges set on the basis of the decisions referred to in Article 167 of this Law, along with the applicable interests, shall be carried out by the bank with which the person under obligation carries out payment operations.

(2) The collection referred to in paragraph (1) of this Article shall be executed by transferring funds from the account of the person under obligation to the appropriate payment account under the safe-deposit box account, in accordance with Article 162 paragraph (4) of this Law, on the basis of the enforceable decision issued by the Minister managing the body of the state administration responsible for the affairs of the environment.

(3) The enforceable decision referred to in paragraph (2) of this Article shall be enforced by means of executive order of the bank for funds transfer from the account of the person under obligation.

(4) With regard to the collection of due unsettled amounts of the charges, forced collection of charges and the expenses of the forced collection, the interest, the terms of expiry and return of wrongfully calculated charges, the provisions of the Law on Public Revenues Setting and Collection shall apply accordingly, unless otherwise provided for by this Law.

### **Article 170**

#### **Expiry**

(1) The obligation for charges payment shall expire five years after the expiry of the year in which it has been calculated.

(2) The right to exemption from charges payment shall expire three years after the expiry of the year in which the collection of the charges for which exemption is requested has been conducted.

### **Article 171**

#### **Records of persons under obligation**

(1) The body of the state administration responsible for the affairs of the environment shall keep records of the persons under obligation for charges payment.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall prescribe the content, the manner and the terms of establishment, maintenance and keeping of the records of the persons under obligation for charges payment, as well as the manner of submission of data required for records keeping.

(3) The person under obligation for charges payment shall, within 15 days from the day of arising of the obligation for charges payment, submit data to the body of the state administration responsible for the affairs of the environment, for the purpose of entry into records in accordance with the regulation based on paragraph (2) of this Article.

(4) The person under obligation for charges payment entered in the records shall report to the body of the state administration responsible for the affairs of the environment on the termination of the operations or on the change in activity within 15 days from the day of such changes emergence.

### **Article 172**

#### **Programme for environmental investment**

(1) Financing and implementation of activities in the area of environment referred to in Article 174 of this Law shall be based on

annual programme for environmental investment (hereinafter: Programme).

(2) The Programme referred to in paragraph (1) of this Article shall be developed in accordance with the National Environmental Action Plan, Spatial Plan of the Republic of Macedonia, other strategies, programmes and acts in the area of environment, as well as in accordance with the international agreements ratified by the Republic of Macedonia.

(3) The Programme referred to in paragraph (1) of this Article for the given fiscal year shall be submitted to the Government of the Republic of Macedonia within 30 days from the day of publication of the Budget of the Republic of Macedonia for the same fiscal year in the Official Gazette of the Republic of Macedonia.

(4) The Programme referred to in paragraph (1) of this Article shall be adopted by the Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment. The Programme referred to in paragraph (1) of this Article shall be published in the Official Gazette of the Republic of Macedonia.

(5) The body of the state administration responsible for the affairs of the environment shall implement the Programme referred to in paragraph (1) of this Article through allocation of funds for full or partial financing of programmes, projects and other activities.

(6) The following shall be considered as programmes, projects and other activities referred to in paragraph (5) of this Article eligible for financing under the funds of the Programme: provision of equipment intended for direct protection of the environment and protection and promotion of human health; development of investment documentation and feasibility studies and their implementation; development of adjustment plans and implementation of individual phases of adjustment plans under the adjustment permit; construction works conducting for the purpose of direct protection of the environment; encouragement of waste selection, recycling and removal; achievement of compliance with environmental norms and standards; development of studies and planning documents for biological diversity protection and improvement; education and training of staff and other related activities of environment protection and improvement.

(7) The body of the state administration responsible for the affairs of the environment shall submit annual report on the implementation of the Programme referred to in paragraph (1) of this Article for the previous year to the Government of the Republic of Macedonia.

### **Article 173** **Funds users**

Legal entities and natural persons, including bodies of the state authority, as well as bodies of municipalities, the City of Skopje and municipalities of the City of Skopje, and bodies of local communities in

municipalities that carry out programmes, projects and other related activities of environment protection and improvement shall be users of the funds of the Programme referred to in Article 172 of this Law.

#### **Article 174** **Purpose of the funds**

(1) The funds of the Programme referred to in Article 172 of this Law shall be used for financing the development and the implementation of programmes, projects and other activities referred to in Article 172 paragraph (6) of this Law, as well as for undertaking of preventive measures and measures intended for supporting, preservation, sustainable use, protection and improvement of the environment, especially for:

- protection, preservation and improvement of the quality of air, soil, climate change mitigation; ozone layer protection and protection against radiation;
- rehabilitation and construction of waste landfills; encouragement of waste generation reduction; waste recycling and selection;
- protection and improvement of biological diversity;
- protection and promotion of human health;
- encouragement of cleaner production;
- substitution of fosile fuels use with natural gas, biological fuels and other types of environmentally acceptable fuels,
- improvement of environmental monitoring and state of the environment assessment and introduction of environmental management system;
- encouragement of sustainable use of natural resources;
- encouragement of achievement of environmental standards in the course of economic activities performance,,
- encouragement of educational, research and development studies, programmes, projects and other related activities for environment and nature protection and improvement;
- supporting non-governmental and non-for-profit organizations in the area of environment;
- supporting the development of local environmental action plans,
- encouragement of sustainable development of rural areas.

(2) When awarding the funds of the Programme referred to in Article 172 of this Law, the body of the state administration responsible for the affairs of the environment shall in particular assess if the programmes, projects and activities result in notable and measurable environmental effects, if they are harmonised with the strategies, plans and programmes of the Republic of Macedonia and of the body of the state administration responsible for the affairs of the environment, if they are in line with the priorities and goals of environmental protection or priorities of certain medium protection or improvement of the state in certain environmental area and if they are in accordance with the obligations under the international agreements ratified by the Republic of Macedonia.

**Article 175**  
**Manner of funds awarding**

(1) The funds of the Programme referred to in Article 172 of this Law shall be awarded by means of public competition that shall be announced and carried out by the body of the state administration responsible for the affairs of the environment.

(2) Notwithstanding paragraph (1) of this Article, funds of the Programme referred to in Article 172 of this Law may also be awarded on the basis of decision of the Government of the Republic of Macedonia, at the proposal of the body of the state administration responsible for the affairs of the environment if:

- the funds are intended for development of infrastructure facilities aimed at environmental protection of wider public interest,
- the construction of the facilities is envisaged under the planning documents in the area of environment, and
- the purpose of the funds has been defined in Article 172 of this Law.

**Article 176**  
**Co-financing of projects and programmes**

(1) The body of the state administration responsible for the affairs of the environment may also, as business party using the funds of the Programme referred to in Article 172 of this Law, in accordance with Article 175 of this Law, take part in co-financing of programmes, projects and other related activities referred to Article 174 of this Law organized and financed by the municipality, the City of Skopje and the municipalities of the City of Skopje, local communities, legal entities and natural persons, as well as international organizations, financial and other related institutions.

(2) In cases in which funds are awarded as co-financing, the user of the funds shall announce public invitation for best bidder selection.

**Article 177**  
**Funds from domestic and foreign donors**

The funds from domestic and foreign donors shall be allocated for implementation of programmes, projects and other related activities in a manner and under conditions specified by the donor.

**Article 178**  
**Agreement for funds awarding**

(1) For the purpose of awarding the funds of the Programme referred to in Article 172 of this Law, the body of the state administration responsible for the affairs of the environment and funds user shall conclude an agreement.

(2) The user of the funds shall use the awarded funds in a manner, under conditions and for the purposes specified in the agreement and in accordance with this Law.

(3) During and upon completion of the agreement referred to in paragraph (2) of this Article, the user shall submit report to the body of the state administration responsible for the affairs of the environment along with

an audit of the funds administration as determined in the agreement, as well as report on the environmental effects achieved through the implementation.

**Article 179**  
**Level of import and export charges**

(1) The level of charges payable for import permit for protected or used tires shall be:

- for passenger cars 60.00 den/piece, and
- for buses, lorries and other vehicles 150,00 den/piece.

(2) The level of charges payable for import permit for used refrigerators, freezers and other cooling and freezing appliances, shall be:

- for those with volume up to 250 litres 200 den/piece,
- for those with volume from 250 to 340 litres 300 den/piece,

and

- for those with volume from 340 to 900 litres 400 den/piece.

(3) The level of charges payable for export permit for endangered or strictly protected plants and plants parts, branches and other parts of plants collected in nature shall be:

- for juniper berry (*Juniperus communis*) 1.30 den/kg,
- for oak lichen (*Everina prunastri*) 1.00 den/kg,
- for *Arctostaphylos uva-ursi* 3.00 den/kg,
- for Klamath weed 0.80 den/kg,
- for mushrooms - fresh 1.00 den/kg,
- for mushrooms-preserved 2.00 den/kg,
- for mushrooms - dry 4.00 den/kg, and
- other plants 1.00 den/kg.

(4) The level of charges payable for import permit for ozone depleting substances as classified under the Annexes to the Montreal Protocol shall be:

- for substances under Annex A, group I and II,
- substances under Annex B, group I, II and III and
- substances under Annex C, group II 64.00 den/kg,
  
- for substances under Annex E, group I 100.00 den/kg, and
- for substances under Annex C, group I 6.00 den/kg.

(5) The level of charges payable for import permit for lead wastes and residues; ashes and residues containing mainly lead; wastes and residues of used primary cells, used primary batteries and used electric accumulators, and wastes and residues containing lead, shall be:

- for ashes and residues 20.00 den/kg,
- for wastes and residues 25.00 den/kg, and
- for wastes and residues of used primary cells, used primary batteries and used electric accumulators 200.00 den/ton.

(6) The level of charges payable for export permit shall be:

- for mollusks with or without shell and for snails collected in nature 1.00 den/kg, and

- other protected wild species collected in nature 1.00 den/kg.

(7) The level of charges payable for import permit for:

1. used motor vehicles for transport of ten or more persons, including the driver, with internal combustion piston engine started by compression or by spark plugs, shall be 6.000.00 den/piece;

2. used passenger cars and other motor vehicles designed mainly for transport of persons, except vehicles referred to in item 1 of this paragraph, with piston engine (except rotation piston engine) with internal combustion started by spark plugs:

- with a volume of the cylinder not exceeding 1000 cm<sup>3</sup> shall be 2.500.00 den/piece;

- with a volume of the cylinder exceeding 1000 cm<sup>3</sup>, but not exceeding 1500 cm<sup>3</sup> shall be 3.500.00 den/piece;

- with a volume of the cylinder exceeding 1500 cm<sup>3</sup>, but not exceeding 3000 cm<sup>3</sup> shall be 4.000.00 den/piece;

- with a volume of the cylinder exceeding 3000 cm<sup>3</sup> shall be 5.000.00 den/piece;

3. used passenger cars and other motor vehicles designed mainly for transport of persons, except vehicles referred to in item 1 of this paragraph, with piston engine with internal combustion started by compression (diesel and semi-diesel):

- with a volume of the cylinder not exceeding 1500 cm<sup>3</sup> shall be 4.000.00 den/piece;

- with a volume of the cylinder exceeding 1500 cm<sup>3</sup>, but not exceeding 2500 cm<sup>3</sup> shall be 5.000.00 den/piece;

- with a volume of the cylinder exceeding 2500 cm<sup>3</sup> shall be 6.000.00 den/piece;

4. used motor vehicles for transport of goods, with piston engine with internal combustion started by compression (diesel and semi-diesel):

- with a gross mass not exceeding 5 t shall be 7.500.00 den/piece;

- with a gross mass exceeding 5 t, but not exceeding 20 t shall be 10.000.00 den/piece; and

- with a gross mass exceeding 20 t shall be 12.500.00 den/piece; and

5. used motor vehicles for transport of goods, with piston engine with internal combustion started by spark plugs:

- with a gross mass not exceeding 5 t shall be 6.000.00 den/piece;

- with a gross mass exceeding 5 t shall be 8.500.00 den/piece;

(8) The level of charges payable for import permit for used tape recorders and other sound recorders, television receivers, video monitors, video projectors shall be 200.00 den/piece.

(9) Person under obligation for payment of the charges referred to in paragraphs (1), (2), (4), (5) and (8) of this Article shall be the legal entity applying for import permit for the products.

(10) Person under obligation for payment of the charges referred to in paragraph (7) of this Article shall be the legal entity or the natural person that imports the products.

(11) Person under obligation for payment of the charges referred to in paragraphs (3) and (6) of this Article shall be the legal entity applying for export permit for the products.

(12) The charges referred to in paragraphs (1), (2), (4), (5), and (8) of this Article shall be calculated and collected by the body of the state administration responsible for the affairs of the environment when issuing import or export permit and shall be payed to the appropriate account under the safe-deposit box account prior to the issuance of the permit, while the charges referred to in paragraph (7) of this Article shall be calculated and collected by the customs body when collecting customs duties and shall be payed to the appropriate account under the safe-deposit box account.

(13) The charges referred to in paragraphs (3), and (6) of this Article shall be calculated and collected by the customs body when collecting duties under the customs procedure and shall be payed to the appropriate account under the safe-deposit box account.

(14) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of finance, shall prescribe the products related to charges referred to in paragraph (7) of this Article.

(15) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of finance, shall prescribe other species of protected wild plants and animals collected in nature, related to charges referred to in paragraph (3) item 8 and paragraph (6) item 2 of this Article.

### **Article 180**

#### **Level of charges payable for motor vehicles and vessels**

(1) The level of charges payable at motor vehicles and vessels registration shall be:

- for vehicles without catalytic converters in an amount equivalent to 4% of the general liability insurance contribution.
- for vehicles with catalytic converters in an amount equivalent to 2% of the general liability insurance contribution.

(2) The legal entity or natural person on the name of which the motor vehicle or the vessel is registered shall be the person under obligation for payment of the charges referred to in paragraph (1) of this Article.

(3) The charges referred to in paragraph (1) of this Article shall be calculated and collected by the legal entity responsible for motor vehicles and vessels registration that shall pay it once in a week to the appropriate account under the safe-deposit box account.

### **Article 181**

#### **Level of charges payable for wood cutting**

(1) The level of charges payable for wood cutting shall be specified in the Law on Forests.



(2) The charges referred to in paragraph (1) of this Article shall be paid to the appropriate account under the safe-deposit box account.

### **Article 182**

#### **Level of charges payable for waste management**

(1) The level of charges payable for industrial non-hazardous waste generation shall be:

- 0.5% of the set price for the provided service of waste collection.

(2) The person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal entity or natural person generating the waste referred to in paragraph (1) of this Article.

(3) The charges referred to in paragraph (1) of this Article shall be calculated by the waste collection service provider and shall be collected along with the collection of the charges for the provided waste collection service and shall be presented separately.

(4) The service provider referred to in paragraph (3) of this Article shall pay the collected charges once in a month to the appropriate account under the safe-deposit box account.

### **Article 183**

#### **Level of charges payable for tobacco products**

(1) The level of charges payable at production and import of tobacco products:

- for one produced or imported cigarette containing tobacco shall be 0.05 den/piece; and

- for one produced or imported cigar or cigarillos containing tobacco shall be 0.0160 den/piece.

(2) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal entity producing tobacco products.

(3) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal entity importing tobacco products.

(4) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (2) of this Article shall be calculated by the producer under obligation that shall pay the charges to the appropriate account under the safe-deposit box account within 30 days at latest from the day of releasing the tobacco products from excise storehouse for free legal trade.

(5) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (3) of this Article shall be calculated and collected by the customs authority along with the collection of customs import duties and shall be paid thereby to the appropriate account under the safe-deposit box account.

(6) The charges for tobacco products production shall not be paid if the quantity of invoiced products is exported.

(7) In the case referred to in paragraph (6) of this Article, the producer that has invoiced the product shall attach to the product an export customs

declaration from the exporter as an evidence that the quantity of the product on which the charges have not been calculated has been exported from the Republic of Macedonia.

(8) In case of export of tobacco products, for which the charges referred to in paragraph (1) of this Article has been collected, person under obligation for payment of the charges shall be entitled to a reimbursement of the charges payed for the exported quantity of tobacco products in accordance with the regulation referred to in Article 165 paragraph (12) of this Law.

(9) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of finance shall prescribe the types of products related to the charges referred to in paragraph (1) of this Article.

#### **Article 184**

##### **Level of charges payable for oil derivatives**

(1) The level of charges payable at oil derivatives import or oil derivatives production:

1. for motor petrol:
  - for motor petrol with lead content higher than 0.013 g/l and aircraft petrol, shall be 0.15 den/l, and
  - for unleaded petrol with lead content higher than 0.013 g/l shall be 0.08 den/l.
2. Gas oil used as:
  - for fuel oil for diesel engines shall be 0.03 den/l; and
  - for extra light heating oil shall be 0.04 den/l;and
3. for burning oil M1, M2 (crude oil) shall be 0.05 den/kg;

(2) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal entity producing oil derivatives.

(3) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal entity importing oil derivatives.

(4) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (2) of this Article shall be calculated by the producer that shall pay it to the appropriate account under the safe-deposit box account within 30 days from the day of oil derivatives invoicing when releasing them for free legal trade in accordance with the Law on Excise and shall be presented separately in the invoice.

(5) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (3) of this Article shall be calculated by the customs office when collecting customs duties and shall be payed thereby to the appropriate account under the safe-deposit box account.

(6) The charges referred to in paragraph (1) of this Article shall not be payable if the quantity of invoiced products has been exported.

(7) In the case referred to in paragraph (6) of this Article, the producer that has invoiced the product shall attach to the product an export customs declaration from the exporter as an evidence that the quantity of the product

on which the charges have not been calculated has been exported from the Republic of Macedonia.

(8) In case of export of oil derivatives, for which the charges referred to in paragraph (1) of this Article has been collected, person under obligation for payment of the charges shall be entitled to a reimbursement of the charges payed for the exported quantity of tobacco products in accordance with the regulation referred to in Article 165 paragraph (12) of this Law.

(9) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall in consent with the Minister managing the body of the state administration responsible for the affairs of finance, prescribe the types of products related to the charges referred to in paragraph (1) of this Article.

### **Article 185**

#### **Level of charges payable for plastic products and packaging of plastic mass**

(1) The level of charges payable for plastics and plastic products shall be:

1. for bags and sacks for transportation or packaging of goods 10.00 den/kg; and
2. for products packed in plastic mass wrapping material with a volume

or mass of:

a) for products in liquid state:

- |                                    |                        |
|------------------------------------|------------------------|
| - 0.5 l or less                    | 2.50 den/1000 pieces,  |
| - 1 l or less, but more than 0.5 l | 4.00 den/1000 pieces,  |
| - 1.5 l or less, but more than 1 l | 5.50 den/1000 pieces,  |
| - 2 l or less, but more than 1.5 l | 6.00 den/1000 pieces,  |
| - 3 l or less, but more than 2 l   | 7.50 den/1000 pieces,  |
| - 5 l or less, but more than 3 l   | 8.50 den/1000 pieces,  |
| - 10 l or less, but more than 5 l  | 10.00 den/1000 pieces, |
| - 50 l or less, but more than 10 l | 11.00 den/1000 pieces, |

and

- |                  |                     |
|------------------|---------------------|
| - more than 50 l | 12 den/1000 pieces, |
|------------------|---------------------|

and

b) for products in solid state:

- |                                      |                      |
|--------------------------------------|----------------------|
| - 0.5 kg or less                     | 1.20 den/200 pieces, |
| - 1 kg or less, but more than 0.5 kg | 1.50 den/200 pieces, |
| - 1.5 kg or less, but more than 1 kg | 1.80 den/200 pieces, |
| - 2 kg or less, but more than 1.5 kg | 2.10 den/200 pieces, |
| - 3 kg or less, but more than 2 kg   | 2.40 den/200 pieces, |
| - 5 kg or less, but more than 3 kg   | 2.70 den/200 pieces, |
| - 10 kg or less, but more than 5 kg  | 3.00 den/200 pieces, |
| - 50 kg or less, but more than 10 kg | 3.30 den/200 pieces, |

and

- |                   |                      |
|-------------------|----------------------|
| - more than 50 kg | 3.60 den/200 pieces, |
|-------------------|----------------------|

(2) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal entity or the natural person producing the products referred to in paragraph (1) of this Article.

(3) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall also be the legal entity importing the products referred to in paragraph (1) of this Article.

(4) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (2) of this Article shall be calculated by the producer that shall pay it to the appropriate account under the safe-deposit box within 30 days from the day of products invoicing when releasing them for free legal trade referred to in paragraph (1) of this Article and shall be presented separately in the invoice.

(5) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (3) of this Article shall be calculated by the customs office when collecting customs duties and shall be paid thereby to the appropriate account under the safe-deposit box.

(6) The charges referred to in paragraph (1) of this Article shall not be payable if the quantity of invoiced products has been exported.

(7) In the case referred to in paragraph (6) of this Article, the producer that has invoiced the product shall attach to the product an export customs declaration from the exporter as an evidence that the quantity of the product on which the charges have not been calculated has been exported from the Republic of Macedonia.

(8) In case of export of the products referred to in paragraph (1) of this Article, for which the charges referred to in paragraph (1) of this Article has been collected, person under obligation for payment of the charges shall be entitled to a reimbursement of the charges paid for the exported quantity of products referred to in paragraph (1) of this Article in accordance with the regulation referred to in Article 165 paragraph (12) of this Law

(9) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall in consent with the Minister managing the body of the state administration responsible for the affairs of finance, prescribe the types of products related to the charges referred to in paragraph (1) of this Article.

## **XIX. SUSTAINABLE DEVELOPMENT AND GLOBAL ISSUES IN THE AREA OF ENVIRONMENT**

### **Article 186**

#### **Sustainable development**

(1) The body of the state administration responsible for the affairs of the environment shall, in cooperation with other bodies of the state administration and institutions, and with the municipalities and the City of Skopje and municipalities of the City of Skopje, be responsible for the implementation of the principles of sustainable development, as well as promote and support sustainable development in the Republic of Macedonia.

(2) For the purpose of harmonizing economic development, social progress and environmental protection on national level, the Government of the Republic of Macedonia may develop National Strategy for Sustainable Development. The National Strategy for Sustainable Development shall be adopted by the Government of the Republic of Macedonia, which shall prior to adoption submit it to the Assembly of the Republic of Macedonia for review.

(3) For the purpose of harmonizing economic development, social progress and environmental protection on national level, at the proposal of the Mayor, the Council of the Municipality, the City of Skopje and municipalities of the City of Skopje may adopt Local Agenda 21, as local strategic, planning and programme document for sustainable development, in accordance with the principles of sustainable development referred to in paragraph (1) of this Article and Strategy for Sustainable Development referred to in paragraph (2) of this Article.

(4) For the purpose of harmonizing the contents and the manner of development of the Local Agenda referred to in paragraph (3) of this Article, the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of the local self-government, shall adopt methodology for Local Agenda 21 development.

(5) The body of the state administration responsible for the affairs of the environment shall carry out environmental impact assessment procedure with regard to the Local Agenda referred to in paragraph (3) of this Article, in accordance with the procedure under Chapter X of this Law.

## **Article 187**

### **National plan for mitigation of climate change**

(1) For the purpose of stabilization of green house gases concentration on a level that would prevent dangerous anthropogenic impact on the climate system within a time frame sufficient to allow the ecosystems to naturally adapt to the climate change, in accordance with the principle of international cooperation and the goals of the national social and economic development, a National Plan for mitigation of climate change shall be adopted (hereinafter: National Plan on Climate Change).

(2) The National Plan on Climate change referred to in paragraph (1) of this Article shall particularly contain:

- national inventory of green house gas emissions;
- analysis and projections of green house gas emissions on reduction of the emissions;
- assessment of vulnerability and measures of adaptation;
- information and cartographical presentation of monitoring, research and systematic observation of climate change;
- action plan and measures for mitigation of climate change;
- economic analysis of the proposal measures for climate change prevention and mitigation;
- bodies, institutions and other legal entities responsible for implementation of the national plan, action plan and measures for climate change prevention and mitigation;

- description of activities of public awareness raising, education and professional training of the scientific, technical and management staff and results achieved;
- information on the realization of obligations arising from international agreements related to climate change ratified by the Republic of Macedonia;
- other issues identified by the Minister managing the body of the state administration responsible for the affairs of the environment.

(3) The National Plan on Climate Change referred to in paragraph (1) of this Article shall be adopted for a period of six years.

(4) The National Plan on Climate Change referred to in paragraph (1) of this Article shall be adopted by the Government of the Republic of Macedonia upon proposal of the body of the state administration responsible for the affairs of the environment.

(5) The body of the state administration responsible for the affairs of the environment in consent with: the body of the state administration responsible for the affairs of agriculture, forestry and water management; the body of the state administration responsible for the affairs of nature protection; the body of the state administration responsible for the affairs of economy; the body of the state administration responsible for the affairs of hydrometeorology; the body of the state administration responsible for the affairs of transport and communications; and the body of the state administration responsible for the affairs of health, shall be responsible for the preparation of the National Plan for Climate Change referred to in paragraph (1) of this Article and shall submit it to the Government of the Republic of Macedonia.

(6) Details on the content and manner of preparation of the National Plan on Climate Change referred to in paragraph (1) of this Article shall be determined upon the methodology prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment.

(7) The objectives of the National Plan on Climate Change referred to in paragraph (1) of this Article shall be taken into account in the preparation of other strategic documents which define the policy and goals of land use, the goals of economy development of the Republic of Macedonia, the exploitation of natural resources and the environment protection.

## **Article 188**

### **National inventory of anthropogenic green house gas emissions by sources and sinks**

(1) The Government of the Republic of Macedonia shall, at the proposal of the body of the state administration responsible for the affairs of the environment, adopt a National Inventory of anthropogenic green house gas emissions by sources and sinks (hereinafter: National Inventory).

(2) The National Inventory referred to in paragraph (1) of this Article shall be integral part of the National Plan on Climate Change referred to in Article 187 of this Law.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the details on the

conditions, manner and procedure of preparation of the Inventory referred to in paragraph (2) of this Article.

(4) The National Inventory referred to in paragraph (1) of this Article shall be prepared once in three years.

## **Article 189**

### **Action plan of measures and activities for prevention of the causes and mitigation of negative effects of climate change**

(1) The Government of the Republic of Macedonia shall, on proposal of the body of the state administration responsible for the affairs of the environment, adopt an Action Plan for prevention of the causes and mitigation of the negative effects of climate change (hereinafter: Action Plan for Climate Changes).

(2) The Action Plan on Climate Changes referred to in paragraph (1) of this Article shall be integral part of the National Plan on Climate Change referred to in Article 187 of this Article.

(3) The Action Plan on Climate Change referred to in paragraph (1) of this Article shall contain in particular:

- institutional and legal measures
- preventive measures and activities for reduction of green house gas emissions,
- measures and activities for mitigation of negative effects of climate change;
- measures of education and public awareness raising;
- measures of professional training of the scientific, technical and management staff; and
- time frame and financial plan for implementation of anticipated measures and activities. In the preparation of the financial plan account shall be taken of the economic analysis prepared in accordance with Article 187 paragraph (2) item 8 of this Law.

(4) The Action Plan on Climate Change referred to in paragraph (1) of this Article shall be updated and supplemented, as required, every three years at minimum.

## **Article 190**

### **Implementation of the National Plan and Reporting on the implementation**

(1) The bodies, institutions and other legal entities referred to in Article 187 paragraph (2) item 9 of this Law shall, independently or in cooperation with other bodies, institutions and legal entities, undertake all necessary measures and activities set forth in the National Plan on Climate Change referred to in Article 187 of this Law.

(2) The bodies, institutions and other legal entities referred to in Article 187 paragraph (2) item 9 of this Law shall, at least once a year, submit a report on the implementation of the measures and activities set forth in the

National Plan on Climate Change referred to in Article 187 of this Law to the body of the state administration responsible for the affairs of the environment.

(3) The body of the state administration responsible for the affairs of the environment shall, at least once in three years, report to the Government of the Republic of Macedonia on the implementation of the National Plan on Climate Change referred to in Article 187 of this Law.

## **Article 191**

### **National Plan on Combating Desertification and Mitigation of Drought Effects**

(1) For the purpose of combating desertification and mitigation of drought effects, in accordance with the principle of international cooperation, the principle of integrity and in accordance with the goals of national social and economic development, a National Plan on Combating Desertification and Mitigation of Drought Effects (hereinafter: National Plan against Desertification) shall be adopted.

(2) The National Plan against Desertification referred to in paragraph (1) of this Article shall contain in particular:

- description and assessment of the state of desertification;
- priorities of combating desertification and mitigation of drought effects;
- action programme for combating desertification and mitigation of drought effects;
- economic analysis;
- bodies, institutions and other legal entities responsible for implementation of the national plan, action programme and measures for prevention of the land not yet degraded or slightly degraded against desertification and mitigation of effects from desertification and droughts;
- description of activities and results achieved by the public participation in the preparation of the plan;
- description of activities of public awareness raising, education and professional training of the scientific, technical staff and the results achieved;
- information on the implementation of obligations arising from international agreements related to combating desertification and mitigation of drought effects ratified by the Republic of Macedonia; and
- other issues identified by the Minister managing the body of the state administration responsible for the affairs of the environment;

(3) The National Plan against Desertification referred to in paragraph (1) of this Article shall be adopted for a period of six years.

(4) The National Plan against Desertification referred to in paragraph (1) of this Article shall be adopted by the Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment.

(5) The body of the state administration responsible for the affairs of the environment shall, in consent with the body of the state administration



responsible for the affairs of agriculture, forestry and water management, and the body of the state administration responsible for the affairs of hydrometeorology, be responsible for the preparation of the National Plan against Desertification referred to in paragraph (1) of this Article and shall submit it to the Government of the Republic of Macedonia.

(6) Details on the content and manner of preparation of the National Plan on against Desertification referred to in paragraph (1) of this Article shall be determined by the methodology prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of agriculture, forestry and water management.

(7) The objectives of the National Plan against Desertification referred to in paragraph (1) of this Article shall be taken into account in the preparation of other strategic documents which define the policy and goals of land use, the goals of economy development of the Republic of Macedonia, the exploitation of natural resources and the environment protection.

## **Article 192**

### **Action Programme for Combating Desertification and Mitigation of Drought Effects**

(1) For the purpose of identification of factors contributing to desertification and necessary practical measures in the combat against desertification and mitigation of drought effects, the Government of the Republic of Macedonia shall, at the proposal of the body of the state administration responsible for the affairs of the environment and in cooperation with the body of the state administration responsible for the affairs of agriculture, forestry and water management, adopt an Action Programme for combat against desertification and mitigation of drought effects (hereinafter: Action Programme for Combat against Desertification).

(2) The Action Programme against Desertification referred to in paragraph (1) of this Article shall be integral part of the National Plan against Desertification referred to in Article 191 of this Law.

(3) The Action Programme against Desertification referred to in paragraph (1) of this Article shall contain in particular:

- institutional and legal measures;
- preventive measures and activities for forecasting, prevention and minimization of the causes of desertification, as well as preventive measures for lands not yet degraded or slightly degraded;
- measures for providing timely warning against droughts;
- measures and activities for mitigation of negative effects of desertification and droughts;
- measures of education and public awareness raising;
- measures of professional training of the scientific, technical and management staff;
- time frame and financial plan for implementation of anticipated measures and activities. In the preparation of the financial plan account shall be taken of the economic analysis prepared in accordance with Article 191 paragraph (2) item 4 of this Law; and

- other measures and activities identified by the Minister managing the body of the state administration responsible for the affairs of environment in consent with the Minister managing the body of the state administration responsible for the affairs of agriculture, forestry and water management.

(4) The Action Programme against Desertification referred to in paragraph (1) of this Article shall be updated every three years, at least.

(5) For the purpose of coping with the changes in the social-economic, biological and geo-physical circumstances, the Action Programme against Desertification referred to in paragraph (1) of this Article may be amended and supplemented in a time period shorter than that defined in paragraph (4) of this Article.

## **Article 193**

### **Implementation of the National Plan and Reporting on the Implementation**

(1) The bodies, institutions and other legal entities referred to in Article 191 paragraph (2) item 5 of this Law shall, independently or in cooperation with other bodies, institutions and legal entities, undertake all necessary measures and activities set forth in the National Plan against Desertification referred to in Article 191 of this Law.

(2) The bodies, institutions and other legal entities referred to in Article 191 paragraph (2) item 5 of this Law shall, at least once a year, submit a report on the implementation of the measures and activities set forth in the National Plan against Desertification referred to in Article 191 of this Law to the body of the state administration responsible for the affairs of the environment.

(3) The Minister managing the body of the state administration responsible for the affairs of environment shall, in consent with the Minister managing the body of the state administration responsible for the affairs of agriculture, forestry and water management, prescribe more precisely the criteria for monitoring and assessment of the implementation of the National Plan against Desertification referred to in Article 191 of this Law, as well as the content and procedure of reporting referred to in paragraph (2) of this Article.

(4) The body of the state administration responsible for the affairs of the environment shall, in consent with the body of the state administration responsible for the affairs of agriculture, forestry and water management, at least once in three years, report to the Government of the Republic of Macedonia on the implementation of the National Plan against Desertification referred to in Article 191 of this Law.

## **XX. SUPERVISION**

### **Article 194**

### **Responsible bodies**

(1) The supervision over the enforcement of this Law and the regulations adopted on the basis of this Law shall be performed by the body of the state administration responsible for the affairs of the environment.

(2) Inspection supervision over the enforcement of this Law and the regulations adopted on the basis of this Law shall be performed by the State Inspectorate of Environment through the State Inspectors of Environment, and Inspectors of Nature Protection.

(3) With respect to the affairs that are competence of the municipality, the City of Skopje and municipalities of the City of Skopje, inspection supervision over the enforcement of this Law and the regulations adopted on the basis of this Law shall be performed by Authorized Inspectors of Environment of the municipality and Authorized Inspectors of Environment of the City of Skopje and Authorized Inspectors of Environment of the municipalities of the City of Skopje (hereinafter: Authorized Inspectors of Environment).

(4) Inspection supervision over the enforcement of this Law regarding the trade in products, semi-products, raw material, chemical substances and packaging, as well as the labeling of products and packaging containing information on the environment impacts, shall be performed by the State Market Inspectorate, through the State Market Inspectors, State Sanitary and Health Inspectorate through State Sanitary and Health Inspectors, Phytosanitary Administration through Phytosanitary Inspectors and State Inspectorate of Agriculture through State Inspectors of Agriculture.

(5) Inspection supervision over the enforcement of this Law regarding the trade in products, semi-products, and raw materials intended for use by man for feeding and drinking and their packaging, as well as the labeling of products and packaging containing information on the environment impacts, shall be performed by the Food Directorate through Food Inspectors.

### **Article 195**

#### **Manner of carrying out Inspector's tasks**

State Inspectors of Environment, Inspectors of Nature Protection and Authorized Inspectors of Environment shall, to the end of consistent enforcement of this Law and other environmental laws with regard to which they are authorised, carry out their tasks in a manner and procedure prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment.

### **Article 196**

#### **State Inspectors of Environment, Inspectors of Nature Protection and Authorized Inspectors of Environment**

(1) State Inspectors of Environment in the State Inspectorate of Environment may be persons having at least three years of experience and university education in the following areas: graduates in Environment

Protection, Mechanical Engineering, Technology, Metallurgy, Mining, Chemistry, Meteorology, Medicine, Geography, Civil Engineering, Biology, Agronomy, Forestry, Electrical Engineering, Physics, Architecture and Horticulture and Geology.

(2) The Inspectors of Nature Protection in the State Inspectorate of Environment shall fulfill the conditions set forth in the Law on Nature Protection.

(3) A person may perform the activities under authorisation of an inspector of environment and inspector of nature protection if he/she fulfils the conditions set forth for an inspector of environment specified by this Law and inspector of nature protection specified by the Law on Nature Protection, on the basis of decision issued by the Minister managing the body of the state administration responsible for the affairs of the environment.

(4) Authorized Inspectors of Environment may be persons with at least one year of work experience and completed university education in the areas referred to in paragraph (1) of this Article.

## **Article 197**

### **Official identity card**

(1) The official capacity of the State Inspector of Environment, Inspector of Nature Protection and Authorized Inspector of Environment shall be proved by an official identity card.

(2) When carrying out supervision, the Inspectors referred to in Article 194 of this Law shall present the identity card referred to in paragraph (1) of this Article.

(3) The identity card referred to in paragraph (1) of this Article of the Inspectors of Environment and Inspectors of Nature Protection shall be issued and withdrawn by the Minister managing the body of the state administration responsible for the affairs of the environment.

(4) The identity card referred to in paragraph (1) of this Article of the Authorized Inspectors of Environment shall be issued and withdrawn by the Mayor of the Municipality and the Mayor of the City of Skopje.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, format and contents of the identity card referred to in paragraph (1) of this Article, including the manner and procedure of issuance and withdrawal thereof.

## **Article 198**

### **Scope of work of the State Inspector of Environment**

(1) In carrying out supervision over his/her scope of activities, the State Inspector of Environment shall have the right to:

1. ascertain whether pollutants have been released in the environment in a manner and concentrations that exceed the prescribed standards (Article 20);
2. ascertain whether means of transportation have been produced and imported that do not fulfill the requirements prescribed for emissions of mobile sources of pollution and noise (Article 20);

3. ascertain whether installations have been built and reconstructed without obtaining a permit and complying with the norms and standards of the system of environment protection (Article 20);
4. ascertain whether particular products and substances are produced, placed on the market and used and certain activities and services are performed, regardless of the prohibition referred to in Article 21 of this Law;
5. ascertain whether import, export and transit of hazardous and harmful substances and products is performed in/from/through the Republic of Macedonia, contravening the limitation and control referred to in Article 22 of this Law;
6. ascertain whether domestic or imported technology or technological line, product, semi-product and raw material not complying with the prescribed norms for environment protection is used (Article 23, paragraph (1));
7. ascertain whether imported technologies, or technological lines, products, semi-products and raw materials are prohibited in the country of production or country of export, for the purpose of environment production (Article 23, paragraph (2));
8. ascertain whether elaborate of project's environment impact has been prepared, and the requirements contained in the elaborate have been met, as well as whether the elaborate has been submitted to the body competent for the project implementation approval (Article 24);
9. ascertain whether products, semi-products and raw materials lacking a label warning against a likely pollution or harmful impact on environment have been released for trade (Article 27, paragraph (1));
10. ascertain whether hazardous chemical substances or products are sold in packaging that is not labeled in accordance with Article 27, paragraph (3) of this Law;
11. ascertain whether the data are kept on the use of natural resources, raw materials and energy, emissions of pollutants, waste types, characteristics and quantity and other data provided for in this or other law (Article 28, paragraph (2));
12. ascertain whether a product holding an eco-label is advertised, labeled and released for trade in a manner and according to criteria contravening Article 29 of this Law;
13. carry out inspection and control over the status of fulfillment of the conditions specified in the voluntary agreement (Article 30);
14. ascertain whether monitoring is performed on the sources of emission which pollute one or more environmental media, on immission or on the exploitation of natural resources (Article 36, paragraph (1)), as well as to ascertain whether duties provided for by Article 36 paragraph (5) of this Law are performed;
15. ascertain whether the devices and instruments used in the monitoring are approved through the procedure of measurement devices verification and regularly maintained in proper functioning condition (Article 36, paragraph (2));
16. ascertain whether the monitoring is performed in compliance with the conditions contained in the integrated environmental permit (Article 36, paragraph (4));

17. ascertain whether the data obtained from the monitoring are submitted in a manner and under the conditions prescribed by the body of the state administration responsible for the affairs of the environment (Article 37 paragraph (2));
18. ascertain whether the developer of the Register of Pollutants and their Characteristics is submitted the necessary data on the preparation and maintenance thereof (Article 41 paragraph (4));
19. ascertain whether the developer of the Cadastre of Environment is submitted the necessary data on the preparation and maintenance thereof (Article 42 paragraph (4));
20. ascertain whether the entities referred to in Article 52 paragraph (1) items 3 and 4 of this Law provide access to environmental information they hold and whether they have done it in a specified time limit and format (Article 53 and Article 54);
21. ascertain whether the body of the state administration responsible for the affairs of the environment has been informed of the intention of carrying out a project (Article 80 paragraph (1));
22. ascertain whether a study on the environment impact assessment of the project has been prepared and submitted to the body of the state administration responsible for the affairs of the environment (Article 83 paragraph (1));
23. ascertain whether for a project that is under implementation a decision has been made on the approval of the project implementation (Article 87 paragraph (1));
24. carry out inspection and control whether the project is carried out in compliance with the measures specified in the decision made to approve the implementation of the project (Article 87 paragraph (2));
25. ascertain whether A or B integrated environmental permit is obtained and inspect and control whether the operations of the installations are performed in compliance with the conditions contained in the integrated permits (Article 95 and Article 122 (1));
26. ascertain whether all documents and data related to the permit application and issuance, and the monitoring specified in the binding conditions of the integrated environmental permit are kept during the validity period of the A-integrated permit and five years after its expiry, and whether they are available upon request of the body of the state administration responsible for the affairs of the environment or the Inspectorate of Environment (Article 110);
27. ascertain whether reporting obligations provided for in Article 111 of this Law have been observed;
28. ascertain whether general environmental audit has been completed and a report on the completed environmental audit has been enclosed (Article 130);
29. ascertain whether the environmental audit is prepared by a person holding adequate certificate (Article 131 paragraph 1);
30. ascertain whether an adjustment permit with adjustment plans for continuation or commencement of the operations of the installation until conditions for integrated environmental permit are achieved is obtained and inspect whether the activities of the installation are

- performed in accordance with the conditions specified in the permit and in the operational plan (Article 134);
31. ascertain whether an application for obtaining a adjustment permit with adjustment plan is submitted in the specified terms (Article 135 paragraph (5));
  32. inspect and control the manner of implementation of particular phases of the operational plans and ascertain whether they were implemented in the specified time limits for implementation (Articles 137, 138 and 139);
  33. ascertain whether a report on the implementation of adjustment plan and achievement of the obligations contained in the adjustment plan for the purpose of obtaining an integrated environmental permit has been submitted and whether it was done within the specified time limit (Article 138 paragraph (5));
  34. ascertain whether a notification on the presence of hazardous substances has been forwarded and whether it was done within the specified deadline (Article 147);
  35. ascertain whether a report on the measures of security of appropriate contents is prepared, submitted within the specified time frame and adequately analyzed and updated within the specified terms (Article 148 );
  36. ascertain whether necessary measures for prevention of major accidents and mitigation of consequences over human life and health have been taken in the production, transport or storage systems where hazardous substances are present in amounts exceeding or equal to the prescribed ones (Article 148 paragraph (1) item 2);
  37. carry out inspection and control and ascertain whether an analysis and revision of the measures of security and activities of major accident prevention have been carried out, as well as of the report on security measures as well as whether the competent body has been notified thereon (Article 149);
  38. ascertain whether information on the measures of security are available in a manner prescribed in Article 150 of this Law;
  39. carry out inspection and control and ascertain whether the responsible body has been notified immediately on the occurrence of a major accident, and whether the data on the circumstances in which the accident occurred were submitted, as soon as made available, including data on the hazardous substances present, data needed to assess the effects of the accident on human health end the environment, and the emergency measures taken (Article 151 paragraph (1));
  40. ascertain whether the responsible body has been notified on the measures foreseen for mitigation of midterm and long-term effects of the accident and prevention of the accident and on the failure to supplement the foreseen measures and activities with additional facts found in the investigation (Article 151 paragraph (2));
  41. carry out inspection and control and ascertain whether an internal plan for emergencies has been prepared and submitted to the responsible body in accordance with Article 154 of this Law;

42. ascertain whether internal plans for emergencies have been analyzed, tested, updated and revised in a period not longer than three years, taking into account the new technical developments in the field of major accidents (Article 154 (9));
43. ascertain whether the action undertaken in the event of environment damage caused by the operation of the installation was in accordance with Article 157 (Article 157);
44. ascertain other states for the purpose of enforcement of this and other laws.

(2) In performing inspection supervision, the Inspector of Environment may request presence of a person from the body performing expert activities in the area of environment.

(3) Upon a request of the Inspector of Environment, authorized person from the body of the state administration responsible for the internal affairs shall participate in the performance of activities referred to in paragraph (1) of this Article.

## **Article 199**

### **Other competences of the State Inspector of Environment**

(1) In performing supervision over activities under his/her scope, the State Inspector of Environment shall have the right to perform supervision over the application of measures for protection of soil against pollution, erosion, and land use change, in particular whether:

- prescribed projects for re-cultivation of soil are complied with;
- measures of protection of the soil against pollution undertaken;
- monitoring devices/units are in proper functioning state, and
- other states of his/her competence are ascertained.

(2) In performing supervision under his/her competence, the State Inspector of Environment shall have the right to perform supervision over the application of measures of protection against noise from installation with A-integrated environmental permit, in particular whether:

- the devices for measuring noise function according to the prescribed norms;
- measures of protection against noise are complied with;
- the level of noise during the performance of the activity is within the prescribed limits;
- the legal and natural persons have taken all necessary technical and technological measures and met all specified standards to cut the noise down to the limit values applying for particular equipment and technology they use, as well as for the environment in which the man resides,
- ascertains other states under his competence.

(3) In performing supervision over the implementation of measures of protection against unpleasant odor from installations with A-integrated environmental permit, and installations with B-integrated environmental permit within protected areas, the Inspector of Environment shall have the right to perform supervision whether:



- measures of protection against unpleasant odor in the premises and environment where the man stays and moves are undertaken;
  - the activity is performed in a manner that prevents spreading of the unpleasant odor in the surrounding;
  - objects are removed and activities causing unpleasant odor are prevented, and
  - ascertains other states under his/her competence.
- (4) In performing supervision of his/her competence, the Inspector of Environment shall have the right to perform supervision over all installations, systems and plants having or likely to have impacts on the environment.

## **Article 200**

### **Making decisions by the State Inspector of Environment**

(1) In performing inspection supervision, the State Inspector of Environment shall, by virtue of decision:

- order to eliminate harmful consequences caused by the pollution or degradation of environment and nature and restore the environment to the original state within 90 days at the most;
- specify prevention measures and measures for elimination of the environment and its restoration to a satisfactory state;
- order prohibition of use of transportation means failing to meet the prescribed requirements for emissions of mobile sources of pollution, for a period of 30 days within which the causes of the new state shall be eliminated;
- prohibit the construction or reconstruction of an installation if the prescribed norms and standards of environment protection are not complied with, for a period of 90 days within which the causes of the occurred state shall be eliminated;
- restrict and prohibit the operation of the facilities, plants and installations due to their harmful effects by which they pollute or degrade the environment and human life and health, regardless of whether conditions for their work and permits, approvals and consent have been provided, as prescribed by law, for a period of 90 days at the most within which the causes of the occurred state shall be eliminated;
- prohibit the operation and use of technology, technological line of products, semi-products, raw materials, equipment, devices and machines that have harmful effect and do not meet the prescribed conditions;
- temporarily withdraw the equipment, products, devices and machines which represent a source of pollution or degradation for the environment, or fail to meet the prescribed conditions, until elimination of the shortages, i.e. until the decision of the competent court is in effect;
- oblige legal and natural persons to prepare an elaborate on the environmental impacts of the project within 90 days, at the most,

starting the day when the it was ascertained that they failed to prepare an elaborate;

- restrict or prohibit the operation of a legal entity or natural person that failed to apply for issuance of integrated environmental permit, for a period of 90 days at the most within which the causes of the occurred state shall be eliminated;
- restrict or prohibit the operation of a legal entity or natural person that failed to fulfill the conditions set forth in the integrated environmental permits, adjustment permit with adjustment plans, environment impact assessment elaborates, plans for protection against major accidents, until the conditions are fulfilled, but within 90 days at the most, within which the causes of the occurred state shall be eliminated;
- temporarily withdraw the products, semi-finished products, raw materials and chemical substances that are not labeled with regard to the possibility for pollution or possible harmful impact on the environment, as well as for failure to provide data on their properties and effects;
- restrict or prohibit the operation of the legal entity or natural person that failed to conduct monitoring in a manner prescribed by law, for a period of 30 days at the most, within which the causes of that situation shall be eliminated;
- oblige legal entities and natural persons to submit the necessary data of the monitoring, Register and Cadastre within 30 days at the most.
- restrict or prohibit the implementation of the project that failed to obtain a decision evaluating the study on environment impact assessment for a project which grants consent for project implementation, regardless of whether the competent body has issued a permit for project implementation, for a period of 90 days, within which the causes that have led to that situation shall be eliminated;
- restrict or prohibit the operation of legal entity and natural person that does not possess integrated environmental permit and adjustment permit with adjustment plan for a period of 90 days, within which the causes that have led to that situation shall be eliminated; and
- restrict or prohibit the operation of legal entity and natural person that has not submitted application for issuance of adjustment permit with adjustment plan for a period of 90 days, within which the causes that have led to that situation shall be eliminated;

(2) If the state inspector of environment, while performing inspection supervision, finds out that legal entities and natural persons do not comply with the laws and other regulations, technical regulations, standards and other general acts, he/she will state the irregularities found in minutes and shall in a decision specify the term within which they shall be eliminated.

(3) In case the entities referred to in paragraph (1) of this Article fail to act in accordance with the decision issued by the state inspector of environment, and fail to eliminate the causes that have lead to the

situation occurred, the state inspector of environment shall raise minor or criminal charges before the competent court and shall initiate a procedure for revoking of the permits and authorisations obtained.

(4) In case of established direct danger for human life and health, the state inspector of environment shall issue an oral order for urgent and undelayed elimination of established deficiencies which shall be recorded in minutes in cooperation with the State Sanitary and Health Inspectorate, and shall inform other competent inspectors or other state bodies on the established irregularities and shall request their intervention.

(5) In case the established irregularities referred to in paragraph (4) of this Article pose danger to the environment, human life and health, the state inspector shall immediately prohibit the operation of the installation, facility, plant, device, as well as the use of the means and equipment for the activity performance.

(6) In the cases referred to in paragraph (4) of this Article, the state inspector shall issue written decision within 48 hours from the issuance of the oral order.

(7) The costs for the keeping and storage of confiscated equipment, products, devices and appliances that are sources of pollution or degradation of the environment, shall be borne by the person from which they have been confiscated.

## **Article 201**

### **Scope of work of the authorised inspector of environment**

(1) In carrying out supervision within his/her scope of activities, the authorised inspector of environment shall have the right to:

1. ascertain whether environmental impact elaborates have been developed for projects and submitted to the body responsible for the project implementation approval (Article 24 paragraph (1));
2. ascertain whether B integrated environmental permit has been obtained (Article 122 paragraph (1));
3. ascertain whether adjustment permit with adjustment plan has been obtained in the cases in which the installation is subject to B integrated environmental permit (Article 134);
4. ascertain whether the application for issuance of adjustment permit with adjustment plan has been submitted within the prescribed term in the cases in which the installation is subject to B integrated environmental permit (Article 135 paragraph (5));
5. carry out inspection and control over the manner of implementation of individual phases of adjustment plans and ascertain whether those are implemented within the terms specified in the adjustment permits in the cases in which the installation is subject to B integrated environmental permit (Article 137, Article 138 and Article 139);
6. ascertain whether the notification has been submitted to the competent body within the prescribed period (Article 147);

7. ascertain whether internal emergency plans have been developed and submitted to the municipality and to the City of Skopje (Article 154); and
8. ascertain other situations for the purpose of providing for the enforcement of this and other laws.

(2) Upon request of the authorised inspector of environment, the authorised person of the body of the state administration responsible for the internal affairs shall participate in the execution of the activities referred to in paragraph (1) of this Article.

## **Article 202**

### **Other competences of the authorised inspector of environment**

(1) In carrying out supervision within his/her scope of activities, the authorised inspector of environment shall have the right to supervise the implementation of the measures for protection of the soil against pollution and change of purpose, through ascertaining whether:

- all measures for prevention of the pollution have been undertaken and it is within the prescribed limits;
- appropriate measures have been undertaken in cases of exceeded pollution; and
- ascertains other conditions under his/her responsibility.

(2) In carrying out supervision within his/her scope of activities, the authorised inspector of environment shall have the right to supervise the implementation of the measures for protection against harmful noise, through ascertaining whether:

- the holder or the user of the source of noise has provided conditions to limit the noise within the prescribed limits;
- noise has been reduced in cases of termination of circumstances under which higher level of noise has been allowed;
- the level of noise in the performance of catering and tourist activities is within the prescribed limits;
- the owner of the source of noise has undertaken all specified technical and technological measures for limitation of the noise within the prescribed limits applicable for the relevant equipment, technology and construction design as well as for the environment where people stay;
- ascertains other conditions under his/her responsibility.

(3) In carrying out supervision within his/her scope of activities, the authorised inspector of environment shall have the right to supervise the implementation of the measures for protection against odour, through ascertaining whether:

- measures for protection against odour have been undertaken in the premises and the surrounding where people stay and move;

- catering and tourist activities are performed in a manner preventing odour spread in the environment;
- articles causing odour have been eliminated and activities causing odour have been prevented; and
- ascertains other conditions under his/her responsibility.

### **Article 203**

#### **Decision making by the authorised inspector of environment**

(1) In carrying out inspection supervision, the authorised inspector of environment shall, with regard to installations with B integrated environmental permit in accordance with Article 122 paragraph (1) of this Law and other facilities and plants and the operation of legal entities and natural persons that are not obliged to obtain integrated environmental permit, except installations with A integrated environmental permit and installations with B integrated environmental permit within protected areas, by decision:

1. order elimination of harmful effects occurred due to the pollution or degradation of the environment and determine measures for restoration of the environment in its former state within specified term;
2. temporarily prohibit the operation of facilities, plants and installations due to the harmful activities leading to environment pollution or degradation and human life and health, regardless of whether conditions for their operation have been met and whether permits, approvals and consents as prescribed by the law have been issued;
3. temporarily confiscate equipment, devices, products and appliances that are sources of environment pollution or degradation until deficiencies are eliminated or the decision of the competent court becomes effective;
4. restrict or prohibit the operation of the legal entity or natural person that has not applied for B integrated environmental permit for a period of 30 days, within which the causes that led to that situation shall be eliminated;
5. restrict or prohibit the operation of the legal entity or natural person that does not possess B integrated environmental permit and adjustment permit with adjustment plan for a period of 30 days, within which the causes that led to that situation shall be eliminated; and
6. restrict or prohibit the operation of the legal entity or natural person that has not submitted application for adjustment permit for a period of 30 days, within which the causes that led to that situation shall be eliminated.

(2) If the authorised inspector of environment, while carrying inspection supervision, establishes that legal entities and natural persons fail to comply with the laws and other regulations, standards, recommendations and other general acts, he/she shall record in minutes the established deficiencies and set term in the decision within which such deficiencies shall be eliminated.

(3) If entities referred to in paragraph (1) of this Article fail to proceed in accordance with the decision of the Authorized Inspector of Environment and

eliminate the causes specified in the decision which have led to that particular situation, the Authorized Inspector of Environment shall raise minor offense or criminal charges before the competent court and initiate a procedure for withdrawal of the obtained permits and authorizations.

(4) In the event when immediate threat to human life and health is identified, the Authorized Inspector of Environment shall issue an oral order for urgent and pressing elimination of the identified deficiencies which he/she shall record in the minutes in cooperation with the State Sanitary and Health Inspectorate, and inform the State Inspectorate of Environment, as well as other competent inspectors or other state bodies on the irregularities established and request their intervention.

(5) In case the established irregularities referred to in paragraph (4) of this Article pose a threat to the environment and human life and health, the Authorized Inspector of Environment shall immediately prohibit the operation of the installation, facility, plant, device, and the use of the means and equipment for performance of the activity.

(6) In the cases referred to in paragraph (4) of this Article, the Authorized Inspector of Environment shall made a written decision within 48 hours from the issuance of the oral order.

## **Article 204**

### **Scope of work of the State Market Inspector, State Sanitary and Health Inspectorate, Food Directorate, Phytosanitary Administration and State Agricultural Inspectorate**

(1) In performing supervision of his/her scope, the State Market Inspector, the State Sanitary and Health Inspector, the Food Inspector and the State Inspector of Agriculture, shall have the right to:

1. ascertain whether production, trade and use of particular products, substances and particular activities and services are performed in accordance with the regulation referred to in Article 21 of this Law;
2. ascertain whether hazardous and harmful substances and products are released for trade, as well as substances and products the import, export and transit of which in/from/through the Republic of Macedonia is prohibited or strictly controlled (Article 22);
3. ascertain whether products, semifinished products, raw materials and chemicals, and their packaging not carrying a label warning to the possibility of pollution or likely impact on the environment and human health, are released for trade, in accordance with Article 27 paragraph (1) of this Law; and
4. ascertain whether products and services carrying eco-label that was not obtained in the manner prescribed by law are released for trade (Article 29);

(2) The State Market Inspectorate shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Market Inspection and with this Law.

(3) The State Sanitary and Health Inspectorate shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Sanitary and Health Inspection and with this Law.

(4) The Food Directorate shall perform the inspection supervision referred to in paragraph (1) items 1, 3 and 4 of this Article in accordance with the Law on Safety of Food, Food Stuffs and Substances in Contact with Food and with this Law.

(5) The Phytosanitary Administration shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Plants Health, Law on Plants Protection and with this Law.

(6) The State Inspectorate of Agriculture shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Agricultural Inspection, other special laws in the area of agriculture and with this Law.

### **Article 205** **Right to access**

(1) While performing supervision, state inspector of environment, inspector of nature protection and authorised municipal inspector of environment shall have the right to access where they maintain necessary, at any time and with the prescribed identity card, in areas and business premises in public and private ownership, locations and transport means and shall be entitled to review without any interruptions the overall required documentation of the legal entity or natural person.

(2) For the purpose of carrying out the activities referred to in paragraph (1) of this Article in residential premises, the state inspector of environment, inspector of nature protection and authorised municipal inspector of environment shall have prior court order.

(3) The inspector of nature protection and authorised municipal inspector of environment shall make minutes on the findings and shall submit a copy of the minutes to the responsible person of the legal entity that has been subject of the inspection supervision and to the body of the state administration responsible for the affairs of the environment.

### **Article 206** **Measurement and sampling**

(1) Upon request by the state inspector of environment, inspector of nature protection and authorised inspector of environment, each operator shall submit all information, including economic data of relevance to the assessment of the pollution and determination of prevention and protection measures.

(2) The state inspector of environment, inspector of nature protection and authorised inspector of environment shall be entitled:

- to request that results from investigations, analyses and measurements conducted by the operator are submitted to him/her;
- to take samples, analyze and measure the substances released in the environment, as well as the noise and the energy;
- to take samples and analyze materials and products used or processed, as well as waste products, if there are such;
- to clarify reasons that lead to environmental pollution and degradation; and

- to specify the manner in which the effects from the pollution are to be eliminated or prevented.

(3) In case the results from the investigations, analyses and measurements referred to in paragraph (2) items 2 and 3 of this Article fail to correspond with the data provided by the operator, the costs for the investigations, analyses and measurements shall be borne by the operator.

### **Article 207**

#### **Costs**

(1) The costs for the activities carried out outside the administrative procedure at the request of the client shall be borne by the client.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the levels of the costs referred to in paragraph (1) of this Article and the manner of their payment.

(3) The funds referred to in paragraph (1) of this Article related to a completed supervision by the State Inspectorate of Environment shall be paid to the special account of the body of the state administration responsible for the affairs of the environment and shall be used to cover the costs of the completed supervision.

(4) The funds referred to in paragraph (1) of this Article related to a completed supervision by the authorized inspector of environment shall be paid to the special account of the municipality, City of Skopje and municipalities of the City of Skopje and shall be used to cover the costs of the completed supervision.

### **Article 208**

#### **Procedure for carrying out inspection supervision**

(1) Inspection supervision over legal entities and natural persons that perform activity that makes or is likely to make impact on the environment shall be carried out on regular basis and upon reports and/or information received by other state bodies, organizations, institutions, legal entities and natural persons, as well as by the public information media.

(2) The Director of the State Inspectorate of Environment or the Mayor of the municipality and the Mayor of the City of Skopje shall adopt annual programmes on the performance of the regular inspection referred to in paragraph (1) of this Article.

(3) The state inspector of environment, inspector of nature protection and authorised inspector of environment shall be independent in the performance of the inspection supervision and in undertaking administrative and other measures specified in the law, within their competence stipulated by this and by other laws.

(4) The state inspector of environment shall be authorised to carry out inspection supervision at any time and directly on the location, without prior announcement in business premises, installations, facilities, as well as over means and equipment for performance of activities requiring A integrated



environmental permit and legal entities and natural persons requiring B integrated environmental in accordance with Article 95 of this Law.

(5) The authorised inspector of environment of the municipality and the authorised inspector of environment of the City of Skopje and the authorised inspector of environment of the municipality of the City of Skopje shall be authorised to carry out inspection supervision at any time and directly on the location, without prior announcement in business premises, installations, facilities, as well as over means and equipment for performance of activities requiring B integrated environmental permit and other activities for which integrated environmental permit is not required.

(6) The State Inspector of Environment shall be authorised to carry out inspection supervision at any time and directly on the location, without prior announcement in business premises, installations, facilities, as well as over means and equipment for performance of activities requiring B integrated environmental permit and other activities for which integrated environmental permit is not required in case he/she learns that the authorized inspector of environment has failed to act upon received report and/or information by other state bodies, organizations, institutions, legal entities and natural persons, as well as public information media.

(7) In case the authorised inspector of environment, while performing the inspection supervision finds out irregularities of major scale in installations with A integrated environmental permit or with other legal entity and natural person, he/she shall inform without any delay the State Inspectorate of Environment.

(8) An appeal may be filed against the decision of the state inspector of environment pronouncing administrative measure to the Minister managing the body of the state administration responsible for the affairs of the environment, within eight days from the day of receipt of the decision.

(9) An appeal may be filed against the decision of the authorised inspector of environment pronouncing administrative measure to the Minister managing the body of the state administration responsible for the affairs of the environment, within eight days from the day of receipt of the decision.

(10) The appeal referred to in paragraphs (8) and (9) of this Article shall not postpone the enforcement of the decision if such postponement of the enforcement could lead to danger of affecting the environment and human life and health.

## **Article 209**

### **Duties of state inspectors of environment, inspector of nature protection and authorised inspectors of environment**

(1) The state inspector of environment, inspector of nature protection and authorised inspector of environment shall keep records on the conducted inspections and controls of legal entities and natural persons.

(2) The state inspector of environment, inspector of nature protection and authorised inspector of environment shall keep as an official secret the data he/she has had access to while performing supervision or submitted by legal entities and natural persons in accordance with the law.

(3) The state inspector of environment, inspector of nature protection and authorised inspector of environment shall once in a year, at the end of

January in the current year, prepare annual report on the conducted inspection supervision and findings thereof, on administrative measures, as well as on the reports submitted and results therefrom, on the preceding year and submit it to the body of the state administration responsible for the affairs of the environment for adoption.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the contents of the report referred to in paragraph (3) of this Article, as well as the manner and the term of its submission.

(5) Based on the reports referred to in paragraph (3) of this Article, the Minister managing the body of the state administration responsible for the affairs of the environment shall prepare an annual report on the conducted inspection supervision over the implementation of environmental protection measures on the preceding year and shall submit it to the Government of the Republic of Macedonia for information, not later than by March in the current year.

## **XXI. MANNER AND PROCEDURE FOR SUPERVISION OVER THE WORK OF THE BODIES OF THE MUNICIPALITIES, THE CITY OF SKOPJE AND THE MUNICIPALITIES OF THE CITY OF SKOPJE**

### **Article 210**

#### **Supervision over the legality of the work of the bodies of the Municipality, the City of Skopje and the municipalities of the City of Skopje**

(1) Within the performance of the supervision over the implementation of this Law, the body of the state administration responsible for the affairs of the environment shall also supervise the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje.

(2) The supervision referred to in paragraph (1) of this Article shall be performed by the body of the state administration responsible for the affairs of the environment. Within the performance of the supervision over the implementation of this Law, the body of the state administration responsible for the affairs of the environment shall also supervise the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje.

### **Article 211**

#### **Competencies of supervision performance**

(1) The body of the state administration responsible for the affairs of the environment, while performing the supervision over the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje shall carry out the following activities:

1. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje pass measure of prohibition of activity performance and returning the environment in satisfactory condition on the basis of the regulation referred to in Article 20 paragraph (2) of this Law;
2. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje submit monitoring data (Article 37);
3. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje submit data required for the maintenance of the respective cadstres (Article 42);
4. establishes whether the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje enable access to environmental information possessed thereby and whether they have done so within the prescribed form and in the prescribed form (Article 53 and Article 54);
5. establishes whether the Council of the municipality, of the City of Skopje and of the municipalities of the City of Skopje have adopted local environmental action plans in accordance with the methodology (Article 60);
6. establishes whether the Council of the municipality, of the City of Skopje and of the municipalities of the City of Skopje have established a body to monitor the implementation of the local environmental action plan (Article 60);
7. establishes whether the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje have prescribed the manner of public information with regard to the implementation of the local environmental action plan and whether they provide information to the public (Article 62);
8. establishes whether the strategies, the plans and the programmes of the municipality, the City of Skopje and the municipalities of the City of Skopje have been adopted in the manner and through the procedure prescribed in the provisions of Chapter X of this Law;
9. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have submitted data of relevance to the elaboration of the project environmental impact assessment study (Article 83);
10. establishes whether the municipalities and the City of Skopje have fulfilled the conditions for issuance of B integrated environmental permits and adjustment permits with adjustment plans (Article 123);
11. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have announced the request for adjustment permit with adjustment plan in at least one daily newspaper available throughout the territory of the Republic of Macedonia (Article 136);
12. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have announced that adjustment permit with adjustment plan has been issued in in at

- least one daily newspaper available throughout the territory of the Republic of Macedonia (Article 140);
13. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje issue B integrated environmental permits and adjustment permits with adjustment plans in the manner, under the conditions and through the procedure stipulated in Chapter XII and Chapter XIV of this Law;
  14. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have developed external emergency plans (Article 154);
  15. establishes whether they have adopted programme for inspection supervision performance and submit it to the body of the state administration responsible for the affairs of the environment (Article 208 paragraph (2));
  16. establishes whether they have submitted annual report on the conducted inspection supervision and whether they have done this within the prescribed term (Article 209 paragraphs (3) and (4));
  17. monitors the legality of the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje and undertakes measures and activities and rises initiatives for fulfilment of the competences of the municipality, the City of Skopje and the municipalities of the City of Skopje in accordance with this Law;
  18. establishes whether the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje provide for their competences fulfilment in accordance with the standards and procedures stipulated in this Law;
  19. warns the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje if they act beyond their competences prescribed by this or other law or other regulations and suggests undertaking of appropriate measures in order to overcome the situation;
  20. indicates certain substantive and procedural deficiencies in the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje which could obstruct the conduct of the activities of public interest of local importance;
  21. recommends on consistent implementation of the competences of the municipality, the City of Skopje and the municipalities of the City of Skopje upon their request as stipulated by this Law;
  22. supervises the timely adoption of the regulations adopted by the municipality, the City of Skopje and the municipalities of the City of Skopje in accordance with this Law;
  23. rises initiatives and proposals to the the municipality, the City of Skopje and the municipalities of the City of Skopje in case of established failure to enforce this Law as a result of collision of competences between the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje;
  24. supervises the legality of the decisions adopted by the Mayor of the municipality, the Mayor of the City of Skopje and the Mayors

of the municipalities of the City of Skopje in the decision making on individual rights, obligations and interests of natural persons or legal entities;

25. provides an opinions and expert assistance on the proposals of regulations that should be adopted by the municipality, the City of Skopje and the municipalities of the City of Skopje upon their request;
26. supervises the transparency of work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje, especially with regard to regular, timely, accurate and full information of the citizens;
27. supervises the exercise of the prior informed supervision over the regulations of the municipality, the City of Skopje and the municipalities of the City of Skopje;
28. informs the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje in a timely manner of the detected state in their work and on the measures undertaken during the supervision performance.

(2) With regard to the measures and activities undertaken in accordance with paragraph (1) items 18, 23, 25 and 28 of this Article, the body of the state administration responsible for the affairs of the environment shall inform the body of the state administration responsible for the affairs of the local self government.

## **Article 212**

### **Revoking of the competencies performance**

(1) If despite the warnings and undertaken measures and activities the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje fail to provide for the performance of the activities established as their competence by this Law and the execution of which is the responsibility of the municipality, the City of Skopje and the municipalities of the City of Skopje, the respective competence shall be revoked and the operation shall be carried out by the body of the state administration responsible for the affairs of the environment in duration of one year after the revoking of the competence.

(2) The body of the state administration responsible for the affairs of the environment shall carry out the activities that are the competence of the municipality, the City of Skopje and the municipalities of the City of Skopje referred to in paragraph (1) on behalf of and on the account of the municipality, the City of Skopje and the municipalities of the City of Skopje.

(3) With regard to the taking over of competencies referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the local self government and the body of the state administration responsible for the affairs of finance shall be informed.

## XXII. PENALTY PROVISIONS

### Article 213

(1) A legal entity shall be fined 200.000 denars to 300.000 denars for the following minor offences:

1. release of pollutants into the environmental media in a manner and quantity or concentration exceeding the prescribed norms (Article 20);
2. production and import of transportation means that do not meet the conditions prescribed for emissions from mobile sources of pollution and noise (Article 20);
3. construction or reconstruction of installations, without prior obtaining of the permit and without prior fulfilment of the specified norms and standards of environmental protection (Article 20);
4. production, trade in and release into circulation of certain commodities and substances and performance of certain activities and services in contravention of the prohibition imposed by the Minister managing the body of the state administration responsible for the affairs of the environment (Article 21);
5. use of domestic or imported technology, products, semifinished products and raw materials that do not comply with the prescribed norm of environmental protection (Article 23 paragraph (1));
6. import of technologies, products, semifinished products and raw materials that are prohibited in the country of origin or country of export (Article 23, paragraph (2));
7. commencement of project implementation without prior obtained decision subject to consent for the project implementation (Article 87 paragraph (1));
8. project implementation in contravention to the measures specified in the decision (Article 87 paragraph (2));
9. lack of A integrated environmental permit (Article 95 paragraph (1));
10. lack of adjustment permit with adjustment plan and failure to submit application for adjustment permit with adjustment plan for installations that are subject to A integrated environmental permit;
11. failure to implement individual phases of the adjustment plan within the specified terms for implementation (Articles 137, 138 and 139);
12. failure to undertake the necessary measures for major accidents prevention and limitation of the consequences on human lives and health in production, transport or storage systems involving hazardous substances in quantities equal to or in excess of permissible levels (Article 154);
13. cause of damage to the environment (Article 157);
14. failure to calculate or incorrect calculation of the charges or failure to calculate the charges in the manner stipulated by this law or failure to pay the charges within the prescribed terms in accordance with Chapter XVIII of this Law; and
15. failure to submit report with audit on the administration of funds determined in the agreement, as well as the report on the

environmental effects achieved with the implementation (Article 178 paragraph (3)).

(2) The responsible person of the legal entity shall be fined 30.000 denars to 50.000 denars for the actions referred to in paragraph (1) of this Article.

(3) The natural person shall be fined 10.000 denars to 30.000 denars for the actions referred to in paragraph (1) of this Article.

(4) The natural person shall be fined 30.000 denars to 50.000 denars for minor offence for the actions referred to in items 14 and 15 of this Article.

(5) With regard to the actions referred to in items 1, 2, 3, 6, 12 paragraph (1) of this Article, in addition to the fine, a safety measure - prohibition to perform certain activity for a period of six months to three years shall be imposed upon the legal entity.

(6) With regard to the actions referred to in items 1, 2, 3, 6, and 12 paragraph (1) of this Article, in addition to the fine, safety measure prohibition to perform an activity for a period of three months to one year shall be imposed upon the responsible person of the legal entity.

#### **Article 214**

(1) The legal entity shall be fined 100.000 denars to 200.000 denars for an offence if it:

1. fails to prepare and submit an environmental impact elaborate for projects to the body of the state administration responsible for the the project implementation approval (Article 24 paragraph (1));
2. releases into circulation certain products, semifinished products and raw materials, as well as their packaging which have no label on the possible pollution or impact on the environment (Article 27 paragraph (1));
3. releases into circulation certain products, semifinished products, raw materials and chemicals in packaging that is not labelled in accordance with Article 27 paragraph (3) of this Law;
4. fails to keep records on the raw materials and consumption of energy, pollution substances emissions, waste nature, characteristics and quantity, and other data required by this or other law (Article 28, paragraph (2));
5. advertises, labels and releases into circulation eco-labeled product, which is incompliant with the manners and criteria set forth in this Law or the regulation adopted on the basis of this Law (Article 29);
6. fails to carry out monitoring of the sources of emission by which one or more environmental media are polluted (Article 36, paragraph (1));
7. during monitoring, fails to use devices and instruments approved in the procedure for verification of the measurement instruments, and fails to maintain the monitoring devices and instruments in proper working condition (Article 36, paragraph (2));
8. fails to carry out the monitoring in accordance with the conditions set in the Integrated Environmental Permit (Article 36, paragraph (4));

9. fails to submit to the body of the state administration responsible for the affairs of the environment the data obtained from the monitoring (Article 37, paragraph (2));
10. fails to submit to the developer the data necessary for the preparation of the Cadastre of Environment (Article 42, paragraph (4));
11. fails to enable access to environmental information possessed thereby or thereon or fails to enable access to environmental information possessed thereby or thereon within the prescribed period and in the prescribed form (Article 53 paragraph (2) and Article 54);
12. fails to notify the body of the state administration responsible for the affairs of the environment on the intention to carry out a project (Article 80 paragraph (1));
13. fails to prepare and submit the study on the environmental impact assessment to the body of the state administration responsible for the affairs of the environment (Article 83 paragraph (1));
14. fails to provide the documents used in preparation of the study on the environmental impact assessment (Article 86 paragraph (8));
15. fails to obtain B Integrated environmental permit (Article 122 paragraph (1));
16. during the validity period of the A Integrated Environmental Permit and five years after its expiration fails to keep all the documents and data related to the application, issuance and monitoring envisaged in the obligatory conditions in the Integrated Environmental Permit, and fails to make them accessible at a request of the body of the state administration responsible for the affairs of the environment or the Inspectorate of Environment (Article 110);
17. fails to inform the body of the state administration responsible for the affairs of the environment on each defect that has had or could have had a significant impact on human health, the environment or property; on each change in the nature of the operation of the installation that may have impact on the human health, environment or property and on each planned change. (Article 111).
18. fails to provide complete assistance to the Inspector carrying out the inspection of the installation, and obstructs the inspection supervision (Article 112).
19. fails to provide a report of carried out general environmental audit as a part of the requirement for termination of activities of the installation or full or partial transfer of the A integrated environmental permit (Article 130 paragraph (1));
20. fails to obtain adjustment permit with adjustment plan for installations that are subject to B integrated environmental permit (Article 134);
21. fails to submit the application for adjustment permit with adjustment plan for installations that are subject to B integrated environmental permit within the prescribed timeframe (Article 135 paragraph (5));
22. fails to submit application for B integrated environmental permit (Article 138 paragraph (5));
23. fails to respect the decision of the Commission for adjustment plans (Article 144 paragraph (9));
24. fails to submit to the competent body information, within a period of 3 months prior to the commencement of construction or operation of the



- new systems and for the existing systems within a period of 1 year (Article 147);
25. fails to prepare a report on safety measures and update it adequately (Article 148);
  26. fails to inform the competent body of any significant change in the quantity or the physical form of the present hazardous substance and permanent closure of the system (Article 149);
  27. fails to carry out analysis and revision of the measures and activities for major accidents prevention, as well as of the Report on safety measures, and inform the competent body thereon in accordance with Article 150 of this Law;
  28. fails to inform the competent body immediately of the occurrence of a major accident, and fails to submit to the competent body the information, as soon as such information is available, on the circumstances under which the accident occurred; hazardous substances involved; data needed for assessing the consequences from the accident on human health and the environment, and the extraordinary measures undertaken (Article 151);
  29. fails to inform the competent body on the measures provided for mitigation of the mid-term and long-term consequences from major accidents and major accident hazard prevention, and fails to supplement the provided measures and activities with additional facts discovered during the investigation (Article 151, paragraph (2));
  30. fails to act in accordance with Article 154 of this Law ; and
  31. uses equipment, devices and instruments which produce noise above the prescribed permissible values.

(2) The responsible person of the legal entity shall be fined 10.000 denars to 30.000 denars for the actions referred to in paragraph (1) of this Article.

(3) The natural person shall be fined 10.000 denars to 30.000 denars for the actions referred to in item 2 and item 11 of paragraph (1) of this Article.

(4) In addition to the fine, a safety measure prohibition of activity performance shall be imposed upon the legal entity for the actions referred to in item 2, item 20 and item 24 of paragraph (1) of this Article, for a period between six months and five years.

(5) In addition to the fine, a safety measure prohibition of activity performance shall be imposed upon the natural person for the actions referred to in item 2, item 20 and item 24 of paragraph (1) of this Article, for six months to one year.

## **XXIII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 215**

#### **Data and information for the Register of pollutants and their characteristics and for the Environmental Cadastre**

(1) Legal entities and natural persons shall, within a period of six months from the day of adoption of regulations referred to in Article 41 paragraph (2) and Article 40 paragraph (5) of this Law, submit the required data and information for the Register of pollutants and substances.

(2) Legal entities and natural persons performing activities that pose threat or may pose threat to environment shall, within a period of six months from the day of adoption of regulations referred to in Article 40 paragraph (5) and Article 42 paragraph (3) of this Law, submit the required data and information for the Environmental Cadastre.

### **Article 216**

#### **Environmental impact elaborate for projects**

Existing legal entities and natural persons performing activities that are subject to project environmental impact elaborate shall prepare such elaborate and submit it to the competent body for approval within six months from the adoption of the regulation referred to in Article 24 of this Law.

### **Article 217**

#### **Environmental impact assessment**

Administrative procedures for projects implementation approval initiated under the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02) shall be completed in accordance with the provisions of that law.

### **Article 218**

#### **Information system for data management**

The Information System for data management concerning the state of the environmental media and areas, established by the body of the state administration responsible for the affairs of the environment in accordance with the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02) shall be harmonized with the provisions of this Law by not later than 01 June 2006.

## **Article 219**

### **National Environmental Action Plan and Local Environmental Action Plan**

Until the adoption of the National Environmental Action Plan of the Republic of Macedonia and the Local Environmental Action Plans, as referred to in Article 61 of this Law, the current National Environmental Action Plan and the current Local Environmental Action Plans shall be applied accordingly, until the expiry of the validity term for which they have been adopted.

## **Article 220**

### **Financing of the activities in the area of environment**

(1) On the day of this Law entry into force, the Fund of Environment and Nature Protection and Improvement established under the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02) shall cease its operations.

(2) On the day of the commencement of the application of this Law, the body of the state administration responsible for the affairs of the environment shall take over the resources, the equipment, the personnel and the rights and the obligations of the Fund of Environment and Nature Protection and Improvement.

(3) The employees of the Fund of Environment and Nature Protection and Improvement shall be assigned in accordance with the Act on Jobs Systematization of the body of the state administration responsible for the affairs of the environment.

(4) The programme referred to in Article 172 of this Law for 2005 shall be adopted within 45 days from the day of the publication of the first rebalance of the Budget of the Republic of Macedonia following the day of this Law entry into force.

(5) Provisions of Articles 182, 184 and 185 of this Law shall be applied as of 1 January 2006.

## **Article 221**

### **Regulations for the Law enforcement**

(1) More detailed regulations concerning the enforcement of this Law shall be passed within three years from this Law entry into force.

(2) Until the adoption of the regulations referred to in paragraph (1) of this Article, the existing regulations shall apply.

## **Article 222**

### **The initial State of the Environment Report**

The initial Report on the state of the environment, as referred to in Article 45 of this Law, shall be developed within one year from this Law entry into force and then the Report on the state of the environment shall be prepared subsequently every third year, in accordance with Article 45 of this Law.

## **Article 223**

### **The Administration of Environment**

(1) When established the Administration of Environment shall take over the equipment, archives, documentation and other belongings of the Office of Environment.

(2) The employees of the Office of Environment shall be assigned in accordance with the Act on Jobs Systematization of the body of the state administration responsible for the affairs of the environment.

(3) The Administration shall execute the competences referred to in Article 161 of this Law in a gradual manner with the adoption of the regulations for this Law enforcement.

## **Article 224**

### **Repealing of certain provisions in the area of environment**

On the date of the commencement of the application of this Law, the effectiveness of the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02), as well as provisions of Article 4 paragraph (1), item 4 and item 10, of the Law on Hydro-Meteorological Matters Performance (Official Gazette of the Republic of Macedonia Nos. 19/92 and 5/03) shall be abolished.

## **Article 225**

### **Application of the provisions of the Chapter on integrated environmental permits for the operation of installations with environmental impact**

The provisions of the Chapter XII: Integrated environmental permits for installations with environmental impact of this Law shall commence to apply as of 1 January 2006.

## **Article 226**

### **Application of the provisions of the Chapter on prevention and control of major accidents**

The provisions of the Chapter XV: Prevention and control of major accidents involving hazardous substances of this Law shall commence to apply as of 1 January 2008.

## **Article 227**

### **Application of the provisions of the Chapter on liability for environmental damage**

The provisions of the Chapter XVI: Liability for environmental damage of this Law shall commence to apply on the day of entry into force of the regulations adopted under Article 157 paragraphs (3) and (10) of this Law.

## **Article 228**

### **Entry into force**

(1) This Law shall enter into force on the eighth day from the day of its publication in the Official Gazette of the Republic of Macedonia and shall apply as of 1 September 2005.