

# LAW ON WATERS

CONSOLIDATED TEXT <sup>1</sup>

**Macedonian  
text**

 Закон за водите

## I. GENERAL PROVISIONS

### Article 1

#### Subject of regulation

(1) This Law shall regulate the issues pertaining to surface waters, including the permanent watercourses or watercourses where the water flows occasionally, lakes, accumulations and springs, groundwaters (hereinafter: waters), waterside land and water habitats and their management, including the distribution of waters, protection and conservation of waters, as well as protection against harmful effects of waters; water resources management facilities and services; organizational set up and financing of water resources management, as well as the conditions and the procedures under which the waters can be used and discharged.

(2) The provisions of the Law on Environment, unless otherwise defined by this Law, shall apply to regulation of issues pertaining to access to environmental information, public participation in decisions making process related to water resources management, environmental impact assessment of particular strategies, plans and programs, environmental impact assessment of particular projects, hazardous substances disaster prevention and control; liability for damage caused to environment, and integrated environmental permits for operation of installations affecting the environment.

(3) The Law on General Administrative Procedure shall apply to the procedures determined by this Law, unless otherwise regulated by this Law.

### Article 2

#### Objectives of the Law

The objectives of this Law shall be to ensure:

- accessibility to sufficient quantity of good quality water, in accordance with the principles of sustainable drinking water resources management and food production, for agricultural, industrial, hydropower purposes, for parks and other public spaces, tourism, navigation and other purposes,
- protection, conservation and continuous improvement of the available water resources, improvement of waterside land status, aquatic ecosystems and water dependent ecosystems, protection and improvement of the aquatic environment by rational and sustainable use of waters, as well as progressive reduction of harmful discharges and gradual elimination of emissions of hazardous materials and substances into the waters,
- mitigation of the harmful effects of waters and of water deficiency, and
- protection and improvement of environment and nature, aquatic

ecosystems and biological diversity and protection of human health.

### Article 3

#### Application of the Law

(1) Water resources management shall be an activity of public interest carried out in accordance with the provisions of this Law and the regulations adopted on the basis of this Law.

(2) The application of the measures anticipated by this Law must not, directly or indirectly, lead to increase of pollution of the media and environmental areas or lowering the existing water quality.

(3) All environmental measures, standards and objectives shall apply as minimum requirements that should be met in water resources management.

(4) If environmental measures, standards and objectives are determined by this or another law, the strictest measures and standards aimed at protection of the environment and achievement of the environmental objectives shall apply to water resources management.

### Article 4

#### Definitions

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

1. **Waters** are surface waters, including the permanent watercourses or watercourses where the water flows occasionally, lakes, accumulations, springs and groundwaters;
2. **Surface waters** are all flowing and standing waters on the surface of the land;
3. **Groundwaters** are the waters under the surface of the ground in the saturation zone and are in direct contact with the surface or subsoil;
4. **Inland waters** are standing or flowing water on the surface of the land, as well as groundwater on the landward side of the baseline from which breadth of the territorial waters is measured;
5. **River** is a body of inland water which continuously or occasionally flows on the surface of the land, but may flow underground for part of its course;
6. **Lake** is a body of standing inland surface water;
7. **Artificial water body** is a body of surface water created by human activity;
8. **Heavily modified water body** is a body of surface water which, as a result of physical modifications caused by human activity, is substantially changed in character, in accordance with the provisions of this Law;
9. **Body of surface water** is a discrete and significant element of surface water such as a lake, confluence, river or canal, accumulation, watercourse, or part of a watercourse, river or canal;
10. **Body of groundwater** is a distinct volume of groundwater within an aquifer or aquifers;
11. **Water right** is the right of legal entities and natural persons to use waters and/or discharge waters, the right of water use from water bodies, and the right to discharge in water bodies acquired under the condition, in the manner and procedure determined by this Law;

12. **Aquifer** is a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability which allow abstraction of significant quantities of groundwater;

13. **River basin** is the area of land from which all surface run-off flows through a sequence of streams, rivers and/or lakes into the sea at a single river mouth, estuary or delta;

14. **River sub-basin** is the area of land from which all surface run-off flow through a sequence of streams, rivers and/or lakes to a particular point in a water course, normally a lake or a river confluence;

15. **River basin district** is the area made up of one or more neighboring river basins, together with their associated groundwaters and waterside waters;

16. **Surface water status** is the general expression of the status of a body of surface water, determined depending on whether it is in poorer ecological or chemical status;

17. **Groundwater status** is the general expression of the status of a body of groundwater, determined depending on whether it is in poorer quantitative or chemical status;

18. **Ecological status** is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters and classified in accordance with the assessment methodology referred to in Article 71 of this Law;

19. **Environmental objectives** are the objectives determined in Article 72 of this Law;

20. **Good ecological potential** is the status of a heavily modified or an artificial body of water, classified in accordance with the assessment methodology referred to in Article 71 of this Law;

21. **Good surface water chemical status** is the chemical status that meets the environmental objectives for surface waters, determined by the regulations referred to in Article 90 of this Law, that is, the chemical status achieved in one body of water where the concentrations of polluting materials and substances do not exceed the environmental quality standards;

22. **Good groundwater chemical status** is the chemical status which meets the conditions for a body of groundwater determined by the regulations referred to in Article 92 of this Law;

23. **Quantitative status** is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions;

24. **Good quantitative status** is the status defined by the regulations referred to in Article 92 of this Law;

25. **Environmental quality standard** is the concentration of a particular polluting material or substance or a group of polluting materials and substances in water, sediment or biota which should not be exceeded in order to protect human health and environment;

26. **Hazardous materials and substances** are substances or a group of materials and substances that are toxic, persistent and liable to bio-accumulate, and other materials and substances or a group of materials and substances which give rise to an equivalent level of danger;

27. **Dangerous materials and substances** are materials and substances that cause changes in the physical, chemical, biological and bacteriological composition or properties, as well as radiological properties of the waters to the extent that may restrict or hinder their use for certain purposes;

28. **Priority materials and substances** are the materials and substances identified in accordance with the regulations referred to in Article 107 of this Law, including the priority hazardous materials and substances for which measures have to be taken in accordance with Article 109 of this Law;

29. **Polluting material** is any substance that causes pollution and is determined as such by the regulations referred to in Article 107 of this Law;

30. **Direct discharge to groundwater** is direct discharge of polluting materials and substances into groundwater without percolation throughout the soil or subsoil;

31. **Water pollution** is the direct or indirect introduction of materials and substances or heat into the water by a polluter which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems;

32. **Polluter** is a legal entity or natural person that pollutes the water by its activities;

33. **Water resources management services** are all services that provide impoundment, abstraction, storage, treatment and distribution of surface waters or groundwaters, or collection and treatment of waste water that is discharged into surface water;

34. **Emission limit values** are the mass expressed in terms of certain specific parameters, concentration and/or level of emission, which may not be exceeded during one or number of periods of time and which may be determined for certain groups, families or categories of materials and substances and which normally apply at the point where the emissions leave the installation, when the dilution is disregarded in their determination. With regard to indirect discharges into water, the effects of a waste water treatment plant may be taken into account when determining the emission limit values of the installations involved, provided that an equivalent level for protection of the environment as a whole is guaranteed and provided that this does not lead to increase of the level of pollution in the environment;

35. **Emission controls** are controls requiring a specific emission limitation, for instance an emission limit value, or other determination of limits or conditions on the effects, nature or other characteristics of an emission or operating conditions which affect emissions;

36. **Fresh water** is the water which occurs naturally and has low concentration of salts and is acceptable as suitable for use and treatment for the purpose of obtaining water intended for human consumption;

37. **Bathing water** is part of any surface flowing or standing water where the bathing is allowed by the competent body or where the bathing is not prohibited and is traditionally practiced by a large number of bathers. Bathing water, in terms of this Law, shall not be considered the water in pools and pools with spring water, water in spas used for therapeutic purposes or artificially enclosed waters abstracted from surface waters or groundwaters;

38. **Bathing season** is the period during which a large number of bathers are expected;

39. **Urban waste water** is domestic waste water or mixture of domestic waste water with industrial waste water and/or rain water;

40. **Domestic waste water** is waste water from residential settlements and service facilities which originates predominantly from the human metabolism and from household activities;

41. **Industrial waste water** is any waste water which is discharged from premises used for carrying out any trade or industry, other than domestic waste water and rain water;

42. **Population equivalent (hereinafter: p.e.)** is the organic biodegradable load on waste waters having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day;

43. **Eutrophication** is the enrichment of water by nutrients, especially compounds of nitrogen or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

44. **International waters** are the waters that constitute a state border or intersect a state border;

45. **Hydrosystem** is a hydro-technical and organizational and technical whole consisting of water resources management facilities and installations that regulate the water regime, provide and supply water, as well as the facilities for waste water drainage, the protection facilities for drainage of excess surface waters and groundwaters;

46. **Irrigation and drainage system (hydro-ameliorative system)** is a hydro-technical or organizational and technical whole consisting of water resources management facilities and plants for provision and supply of water for irrigation of agricultural and other land (irrigation system) and facilities and plants for accepting the excess surface, groundwater and other waters and their drainage to the recipient (drainage system);

47. **Point source pollution** is a stationary location or a static plant discharging polluting materials and substances, that is, a specific definable source (pipe, canal, ship, mine and similar);

48. **Diffuse source pollution** are widely spread activities where a specific definable source cannot be identified (fertilizers, organic fertilizers, pesticides, biocides and similar);

49. **Harmful effect** is an effect that has harmful influence over the water, body of water, water habitats or over the other water resources, that is, an effect liable to cause injuries of animals, plants or humans that consume the water or live in, or in near vicinity to, the water, body of water, water habitats or other water resources;

50. **Waterside land** is an area of 50 meters of land, in a distance of a boundary where permanent or seasonal water courses, rivers, lakes or springs flow;

51. **Water resources management** are measures and activities for achievement of the objectives of this Law, that is, for rational and efficient use of waters, sustainable development of water resources, protection of waters and protection against harmful effects of the waters;

52. **Water habitat** is an area having a water mirror, including the wetlands, marshes and other shallow water areas;

53. **Available groundwater resource** is the long-term annual average rate of overall recharge of the body of groundwater less the long-term annual rate of flow required to achieve the ecological quality objectives for associated surface waters in order to avoid any significant diminution in the ecological status of such waters and to avoid any significant damage to associated terrestrial ecosystems.

54. **Combined approach** is the control of discharges into surface waters in accordance with the approach referred to in Article 91 of this Law;

55. **Drinking water disinfection** is an application of physical and chemical substances whose effect ensures the drinking water not to

contain bacteriological and biological materials and substances that have harmful effects to human health if present above the allowed limits;

56. **Domestic water supply system** is the pipework, fittings and appliances which are installed between the taps that are normally used for human consumption and the water supply network;

57. **Good ecological status** is the status of a body of surface water, so classified in accordance with the assessment methodology referred to in Article 71 of this Law;

58. **Good groundwater status** is the status achieved by a groundwater body when both its quantitative status and its chemical status are at least "good";

59. **Good surface water status** is the status achieved by a surface water body when both its quantitative status and its chemical status are at least "good";

60. **Pollution** is the direct or indirect introduction of materials and substances or heat into the air, water or land by a polluter which may be harmful to human health or to the quality of aquatic or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair the status of natural resources;

61. **Water intended for human consumption, that is, drinking water** is:

- all water, either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of origin and whether supplied from water supply network, tanker, bottles or containers, and
- the water used in food production, processing, preservation or trade in products or materials and substances intended for human consumption, unless the competent body determines that the quality of the water cannot affect the wholesomeness of the finished food product;

62. **Public water supply of population** is supply with drinking water of more than 5 households, that is, more than 20 citizens, supply from own facilities of enterprises and other legal entities that produce and/or trade in food and beverages, and supply of public facilities (educational institutions, health institutions, legal entities in the field of tourism and catering, transportation and alike);

63. **Natural enrichment** is a process where, without human interference, particular materials and substance are transported from the land into the water and they do not endanger the human health;

64. **Competent body for carrying out the expert activities in the field of water resources management and river basin management** is the body carrying out expert activities in the field of environment established by the Law on Environment;

65. **Natural person** is a sole proprietor, entity carrying out a business activity and a citizen, and

66. **Recipient** is a body of water, waterside land and water habitats that receive the discharged waters in accordance with Article 79 of this Law, as well as the sewage systems and the drainage systems where water is discharged, provided that they are not connected to a joint system for waste water drainage and treatment.

## Article 5

### Principles of sustainable water resources management

In line with the objectives for long-term protection and sustainable use,

the management of waters, waterside land and water habitats shall be based on:

1. **Ecological, social and economic concept** – the waters are part of the natural processes and they should be protected as habitats of the flora and fauna. The water resources management provides the achievement of the public interest, determined by this and another law, in the manner which provides sustainable water resources management;
2. **Precautionary principle** – if there is a risk that a certain activity may cause harmful effect to the waters or harmful effects from the waters, but no scientific proofs exist thereof, measures shall be taken so as to provide a high level of protection of waters and from waters, before the scientific proof about the occurrence of the harmful effect becomes available;
3. **Prevention principle** – the necessary measures and activities for protection of water and protection against harmful effects from water, waterside land and water habitats should be taken in early stage, preventing the occurrence of a risk or any harmful effects to the waters, waterside land and water habitats;
4. **Principle of minimizing the use of resources** – in the course of carrying out activities that may affect the waters and the life and health of humans, anyone is obliged to be mindful and to rationally use the waters, to prevent the water pollution, and to avoid the other negative effects and risks to the life and health of humans and to the environment;
5. **Principle of integration** – the interconnection between the surface water and groundwater, their relation with the waterside land, water habitats, water dependent ecosystems and the other environmental media, the consent of the directly involved institutions and users and the connection with the other sectors, the cooperation about issues pertaining to international waters, as well as the integration of the measures and activities for protection of water in all developmental, strategic, planning and program documents adopted by the bodies of the Republic of Macedonia and the self-government units must be taken into account in the water resources management;
6. **Pollutant pays principle** – the polluter of the waters and the waterside land shall borne the costs for restitution of the waters and the waterside land to the previous condition;
7. **Principle “cost compensation”** – the user of water shall compensate for all the costs incurring by the provision of the water resources management service including the costs for the water resource used and the environmental costs, in accordance with the pollutant pays principle;
8. **Principle of preventing the pollution at the place of pollution occurrence** – the emission of polluting materials and substances shall be prevented at the place of their occurrence;
9. **Principle of time perspective** – the time limits in the plans and in the decisions for water resources management should correspond to the time perspective of the expected effects;
10. **Principle of public participation and access to information** - the public should have an access to all information related to the water status and water resources management, and especially to the information needed for its participation in the procedure for decision making pertaining to the water resources management;
11. **Principle of stakeholders’ participation** – the competent bodies shall be obliged to ensure that the interests of all stakeholders are taken into consideration in the procedure for adoption of regulations, strategic, planning and program documents, and decisions related to the water resources management, and

**12. Principle of universality of water resources management services** – the universality of the water resources management services shall be provided by non-discrimination; sustainability of the service, quality and efficiency; transparency; economically acceptable price, and complete coverage of the area for rendering the service.

## **Article 6**

### **Legal regime of waters**

(1) Waters, as goods of public interest, shall be the ownership of the Republic of Macedonia and shall enjoy special protection in the manner and under the conditions determined by this Law.

(2) The waters shall not be subject of the right to ownership of natural persons and legal entities, regardless of the legal regime of the land where they belong.

(3) The accumulation, impoundment, abstraction, use, redirection, drainage and discharge, as well as other activities over the waters, shall be carried out under the conditions, in the manner and in the procedure determined by this Law.

(4) Any discharge of waste waters, materials and substances into the waters shall be prohibited, except under the conditions, in the manner and in the procedure determined by this Law.

## **Article 7**

### **Water resources management according to river basin areas**

(1) The water resources management shall be carried out according to river basins, in hydrographic units separated by water courses of the river basins, taking into consideration the interconnection of the surface waters and groundwaters, while the administrative and territorial border of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall not constitute an impediment to the integrated management of river basin areas.

(2) The territory of the Republic of Macedonia shall consist of four river basin areas, that is, the areas of the river basins of the rivers Vardar, Crn Drim, Strumica and Juzna Morava.

(3) The Government of the Republic of Macedonia shall determine the boundaries of the river basin areas upon a proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

## **Article 8**

### **Competence**

(1) The management of the waters, waterside land and water habitats shall fall within the competence of the state administrative bodies, except the activities that, in accordance with this Law, shall fall within the competence of the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje.

(2) The water resources management shall fall within the competence of the state administrative body responsible for carrying out the activities in the field of environment, unless otherwise determined by this Law.

(3) The management of the river basins shall be carried out by the state administrative body responsible for carrying out the activities in the field

of environment through its organizational units formed for each area of a river basin as referred to in Article 7 of this Law individually.

(4) The bodies that, in accordance with this or another law, are responsible for certain activities in the field of environment shall be obliged, in any time, independently or in concurrence and/or cooperation with another competent body, to take the necessary measures for achievement of the objectives of the Law referred to in Article 2 of this Law.

## **Article 9**

### **Water resources management according to international river basin areas**

For the purpose of establishing and managing the areas of international river basins with the respective neighboring countries, the state administrative body responsible for carrying out the activities in the field of environment in cooperation with the state administrative body responsible for carrying out the activities in the field of foreign affairs shall take activities for establishment and management of international river basin areas regarding the river basin areas on the territory of the Republic of Macedonia that are part of the international river basin area.

## **Article 10**

### **International river basins**

(1) The management of international river basins and international waters shall be carried out in accordance with this Law and in accordance with the international agreements ratified by the Republic of Macedonia.

(2) For the purpose of achieving the objectives of this Law, the state administrative body responsible for carrying out the activities in the field of environment shall take activities for coordination of the plans for management of international river basin area and the programs of measures together with the competent bodies of the neighboring countries sharing the international river basin area.

## **Article 11**

### **Negative impacts by the neighboring countries**

(1) In cases of negative impacts or threat of negative impacts over the waters and from the waters by any neighboring country, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to immediately initiate a procedure for informing the neighboring country about the newly emerging situation and about the consequences.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to identify the consequences from the negative impacts over the waters and drainage and to initiate a procedure for negotiation and harmonization with the competent bodies of the neighboring country for the purpose of defining and implementing the necessary measures that should be taken at the source of the negative impact, in order to protect the waters on the territory of the Republic of Macedonia.

## **II. USE OF WATERS**

### **II.1. GENERAL PROVISIONS FOR WATER**

# USE

## Article 12

### Water regime

(1) The water regime shall be a collection of parameters that define the quantitative and qualitative status of water at a particular place and in a particular time, such as: water level, flow, direction of the flow, speed of the water, drift, physical, chemical and radioactive properties, hydro-biological composition of waters and other parameters.

(2) It shall be prohibited to carry out activities that cause changes in the water regime, that is, change in the parameters referred to in paragraph (1) of this Article, contrary to the provisions of this Law.

(3) The maintenance and improvement of the water regime shall be done in accordance with the plans for river basin management.

## Article 13

### Water use

(1) The use of waters shall consist of activities for accumulation, impoundment, abstraction, redirection of surface waters and groundwaters for:

- 1) human consumption, irrigation, industrial, technological, business and other purposes;
- 2) generation of electricity and other plant purposes;
- 3) fish breeding;
- 4) navigation;
- 5) sport, recreation, bathing, and
- 6) accumulation, impoundment, abstraction, use, redirection and other purposes.

(2) The water use shall cover the activities for drainage and discharge as well as other activities on waters.

## Article 14

### Obligations when using water

(1) Whosoever may use the water in the volume, under the conditions and in the manner determined by this Law, as well as in accordance with the documents adopted on the basis of this Law.

(2) The water shall be used rationally and economically, in a balanced and just manner, in accordance with the principles of sustainable water resources management simultaneously taking into consideration the maintenance and improvement of the water regime.

(3) Any user of surface waters or groundwaters shall be obliged not to cause adverse effects on waters and on other environmental media and areas when discharging the used waters.

## Article 15

### Priorities for using the waters

If there are more requests for using the water from one and the same body of water for which a water use permit has not been issued, the water use permit shall be issued in accordance with the following priority:

- 1) water supply of population through a public water supply system, for the health institutions and legal entities in the field of veterinary medicine,

for defense purposes, for the industry of food production and processing, and for livestock watering;

- 2) irrigation of agricultural land;
- 3) water supply for industry and business purposes;
- 4) hydro power and other plant purposes;
- 5) for the needs of the parks and other public spaces;
- 6) water bottling for commercial purposes, and
- 7) other purposes.

## **Article 16**

### **General use of waters**

(1) Waters shall be in general use, provided that:

- 1) they are used for personal needs and household needs;
- 2) no special facilities and plants are needed for using the waters;
- 3) the right to equal use of waters by other entities is not violated by using the waters, and
- 4) the use of waters is not restricted by other regulations.

(2) No water use permit shall be required for the general use of waters.

(3) The general use of waters shall cover in particular the use of water for drinking, bathing and other sanitary purposes of the households, for sport and recreation, and for navigation with non-motorized vessels or for satisfying the other personal needs, provided that construction of special facilities and plants for which water use permit is anticipated is not required. The general use of waters shall cover the use of water for fire extinguishing and undertaking the necessary sanitary and other measures in case of state of emergency or natural disaster or other activities of public interest.

(4) The use of waters in the technological process while carrying out trade activities, as well as the use of waters for irrigation, except in the cases set out in Article 17 paragraph (3) of this Law, shall not be considered satisfaction of other personal needs as referred to in paragraph (2) of this Article.

(5) Charge for using the waters shall not be imposed for the general use referred to in paragraphs (1), (2) and (3) of this Article.

## **II.2. SPECIAL PROVISIONS FOR USING THE WATERS**

### **Article 17**

#### **Authorization for the owner of the land or the holder of other real right**

(1) The owner or the holder of other real right over the land may without a water use permit freely use the atmospheric waters that are collected on its land or the land over which it has a real right within the limits of the personal needs of the household, taking into account the water regime and the same rights of other entities.

(2) The owner or the holder of other real right over the land where the water is located may abstract and use groundwater from the bodies of groundwater for its own needs and the needs of its household, without an obligation to hold a water use permit, provided that the abstracted quantity of groundwater does not exceed 10 m<sup>3</sup> water a day and no negative consequences are caused to the water or to the neighboring body of groundwater.

(3) The owner or the holder of other real right over an agricultural land

may abstract and use water from the bodies of groundwater for irrigation of agricultural land, without an obligation to hold a water use permit under the following conditions:

- the land is not included in a hydro system or irrigation system,
- the necessary quantities of water for irrigation do not exceed 1 l/sec, and
- prior to digging the well, it obtains a positive opinion from the state administrative body responsible for carrying out the expert activities in the field of water resource management.

## **Article 18**

### **Temporary abstraction of water for the purpose of land drainage**

(1) Without a water use permit, the entities carrying out trade activity, as well as other entities, may abstract or redirect waters only for the purpose of:

- 1) land drainage, as well as protection of the land against erosion or floods and/or
- 2) prevention of occasional damages and interruptions during operations in mines, quarry, building constructions and other engineering and infrastructural works.

(2) In the cases referred to in paragraph (1) of this Article, the entities carrying out the activity and the other entities shall be obliged to inform the state administrative body responsible for carrying out the activities in the field of environment immediately upon the start of abstraction or redirection of the water.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged, immediately upon the receipt of the information, to make an insight into the situation and to order undertaking of appropriate measures, and depending on the quantity of water, to order the entity carrying out the activity, that is, the other entity, to obtain a water use permit.

## **Article 19**

### **Use of waters for navigation**

(1) The surface waters may be used for navigation, in accordance with this Law and the regulations for inland navigation.

(2) For the purpose of protecting the flora and fauna, the aquatic ecosystems and the water dependant ecosystems, as well as for the purpose of preserving and growing plant and animal species, navigation with vessels and installations powered by internal combustion engine shall be prohibited in the protection zones and areas determined by this and another law.

(3) The prohibition referred to in paragraph (2) of this Article and the regime of activities in the protection zones and areas shall be determined by the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications.

## **Article 20**

### **Restrictions on the use of waters**

(1) For the purpose of providing, conserving and protecting the available waters and preserving and improving the natural balance of the aquatic

ecosystems and the water dependant ecosystems, the use of waters may be restricted:

- 1) in case of natural occurrences that cause or pose a threat for temporary reduction of water quantity and deterioration of the quality thus eliminating the possibility for satisfying the demands from all water users in that area;
- 2) if it is determined that due to the existing volume of water use, its properties has been deteriorated or might deteriorate, and/or
- 3) in case of breakdowns, damage to infrastructural facilities and other cases, to the extent necessary to repair the occurred damage.

(2) The restriction referred to in paragraph (1) of this Article shall be established by the minister heading the state administration body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administration body responsible for carrying out the activities in the field of agriculture, forestry and water resources management.

(3) The temporary restriction on use of waters referred to in paragraph (1) points 1 and 2 of this Article shall not constitute a ground for damage compensation claim.

(4) The entity that has caused the damage or the breakdown referred to in paragraph (1) point 3 of this Article shall be obliged to compensate the water users for the damage.

## **Article 21**

### **Conservation of groundwaters**

(1) For the purpose of providing, conserving and protecting the available groundwaters and preserving and improving the natural balance of the aquatic ecosystems and the water dependant ecosystems, the minister heading the state administration body responsible for carrying out the activities in the field of environment may restrict the use of groundwaters if it is determined that the reserves of groundwaters where from the water is used for public supply have been abstracted, so there is no possibility for their further use or there is a danger of their complete abstraction.

(2) The groundwaters suitable for public supply shall be kept and used primarily for public water supply. As an exception, the groundwaters may be used for other purposes, under the conditions, in the manner and in the procedure determined by this Law, provided that it is in compliance with the plans for river basin management.

## **Article 22**

### **Obligations and restrictions on use of groundwaters**

(1) The legal entity or natural person that during geological research or exploitation of mineral raw materials, tunnel excavation and other activities for land excavation and drilling encounters groundwaters (water springs, running and standing waters) shall be obliged to protect the groundwater immediately and within 24 hours at the latest and to notify the state administrative body responsible for carrying out the activities in the field of environment thereof.

(2) The entity referred to in paragraph (1) of this Article shall be obliged to enable the state administrative body responsible for carrying out the activities in the field of environment to get data and to make the necessary testing in order to determine the beds, the quantity and properties of the water, as well as to take the necessary measures for protection of the groundwaters determined by the state administrative

body responsible for carrying out the activities in the field of environment.

(3) If the groundwaters are necessary for public water supply, the state administrative body responsible for carrying out the activities in the field of water resources management may propose expropriation of the land where they are located, in accordance with the regulations on expropriation.

(4) In the case referred to in paragraph (3) of this Article, the holder of the rights of geological research or exploitation of mineral raw materials who has stopped to carry out the geological research or the exploitation of mineral raw materials due to the use of the groundwaters for public water supply shall have the right to compensation for the lost profit in accordance with the regulations on damage compensation.

## II.3. WATER RIGHT

### Article 23

#### Water right

(1) For the purpose of achieving the public interest in water use, as well as for the purpose of exercising the rights and obligations of the legal entities and natural persons to use or discharge waters, the right of water use from bodies of waters and the right to discharge into the bodies of waters, the water right shall be granted to the legal entities and natural persons (hereinafter: water right) under the conditions and in the manner determined by this Law.

(2) The granting and exercise of the water right must not lead to negative impacts on waters.

(3) The water right shall be exercised under the conditions, in the manner and in the procedure determined by this Law.

(4) The water right shall be also acquired for use of waters for the purpose of carrying out activity on the basis of concession or carrying out public private partnership undertakings.

(5) The concession, that is, the public private partnership referred to in paragraph (4) of this Article cannot be awarded without previously acquired water right under the conditions and in the manner determined by this Law.

(6) The conditions, manner and procedure for awarding concession for water use shall be regulated by this Law and the Law on Concessions and Public Private Partnership.

### Article 24

#### Holder of water right

Holder of water right may be any domestic or foreign legal entity or natural person, including the bodies of the state authority and municipalities, municipalities of the city of Skopje and the City of Skopje, under the conditions and in the manner determined by this Law.

### Article 25

#### Content of the water right

(1) The holder of water right shall have the right to freely and fully use and dispose with the water over which it has acquired the water right, provided that it is not contrary to this Law.

(2) The water right shall create rights and obligations and should serve for the good of its holder and of the community.

(3) Anyone shall be obliged to refrain from violations of the water right of another entity.

(4) The holder shall exercise the water right in accordance with the purpose and in the manner determined by the permit or concession, in accordance with this Law.

(5) By acquiring the water right, the holder of the water right shall not acquire the right of ownership or other real right over the land where the water is located.

(6) By acquiring the water right, the holder of the water right shall not acquire the right of ownership or other real right over the facilities and plants for water use.

## **Article 26**

### **Acquisition of water right**

(1) The legal entity or the natural person shall acquire the water right on the basis of a water use permit and a water discharge permit.

(2) The conditions, manner and procedure for issuing the permit referred to in paragraph (1) of this Article shall be regulated by this Law.

(3) The water right referred to in paragraph (1) of this Article may be also acquired by inheritance.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the form and content of the permit referred to in paragraph (1) of this Article.

## **Article 27**

### **Acquisition of water right by inheritance**

(1) Unless otherwise regulated by law, the water right may be transferred to the legal successor of the holder of the water right, upon its request.

(2) The legal successor referred to in paragraph (1) of this Article shall submit the request for transferring the water right to the state administrative body responsible for carrying out the activities in the field of environment. The court decision determining the status of the legal successor shall be attached to the request for transferring the water right.

(3) Upon receipt of the request referred to in paragraph (2) of this Article, the state administrative body responsible for carrying out the activities in the field of environment, within a period not longer than two months as from the receipt of the request, shall adopt a decision on the basis of which a change of the data in the water book with regard to the holder of the water right is made or a decision for rejection of the request.

(4) The state administrative body responsible for carrying out the activities in the field of environment, by decision, shall change the data in the water book if it determines that the legal successor, without changing the conditions under the permit, continues:

- 1) to use the waters that are subject of the permit, or
- 2) the construction, maintenance, exploitation, modification, expansion or rehabilitation of the water resources management and other facilities.

(5) The legal successor may use the existing permit within the period referred to in paragraph (3) of this Article.

(6) The legal successor shall have the right to appeal the decision referred

to in paragraph (3) of this Article with the State Commission for Decision-Making in Administrative Procedure and Labor Relation Procedure in Second Instance.

(7) As an exception to paragraph (1) of this Article, the water right may be transfer to the legal successor by a court decision.

## Article 28

### Activities and works requiring a permit

(1) The permit referred to in Article 26 paragraph (1) of this Law shall be required for the purpose of carrying out activities that affect or may have an effect on the water regime and/or morphology of the body of water, especially in the cases of:

1) impoundment, abstraction, redirection, accumulation and use of water from the body of surface water for:

- water supply intended for human consumption,
- irrigation of agricultural land,
- industrial, technological and business purposes,
- water bottling for commercial purposes,
- generation of electricity and other plant purposes,
- breeding of fish, water birds etc,
- tourism, sport, recreation, bathing and similar purposes,
- land drainage,
- washing and separation of sand, gravel and stone,
- maintenance of water courses by using chemical material and substances, and
- other activities that the state administrative body responsible for carrying out the activities in the field of environment assesses as having an effect on the water regime and/or morphology of the body of water;

2) abstraction, redirection, accumulation or use of water from the body of groundwater for:

- water supply intended for human consumption,
- irrigation of agricultural land,
- industrial, technological and business purposes,
- water bottling for commercial purposes,
- absorption of thermal energy from geothermal waters,
- hydrogeological research and data gathering, and
- other activities that the state administrative body responsible for carrying out the activities in the field of environment assesses as having an effect on the water regime and/or morphology of the body of water;

3) discharge in waters and discharge and throwing materials and substances into the surface waters.

(2) The Government of the Republic of Macedonia, on the basis of a proposal of the minister heading the state administration body responsible for carrying the activities in the field of environment, shall in detail determine the activities referred to in paragraph (1) point 1 line 13 and point 2 line 7 for which a permit referred to in Article 26 paragraph (1) of this Law is required.

(3) For the purpose of implementing the plans for river basin management, the permit shall be issued in accordance with the Plan for River Basin Management.

(4) The permit for the facilities and installations for which a permit referred to in Article 26 paragraph (1) of this Law is required, and for which the Law on Environment defines that A-integrated environmental permit, that is, B-integrated environmental permit for installations in protected area is to be obtained, shall be obtained in the procedure prescribed by that law.

(5) The A-integrated environmental permit, that is, B-integrated environmental permit for installations in protected area referred to in paragraph (4) of this Article, shall replace the permit referred to in Article

26 paragraph (1) of this Law.

(6) The permit referred to in Article 26 paragraph (1) of this Law for the facilities and installations for which a permit referred to in Article 26 paragraph (1) of this Law is required, and for which the Law on Environment defines than B-integrated environmental permit, except the B-integrated environmental permit for installations in protected area, is required, shall be obtained under the conditions and in the manner defined by this Law.

(7) The assessment of the projects for which an environmental impact assessment is prescribed under the Law on Environment, including the projects for which the need of an assessment is determined on a case-by-case basis, shall be carried out in accordance with that law.

## **Article 29**

### **Use of water from wells**

(1) The owner or the holder of other real right over the land may, in accordance with Article 17 of this Law, dig an ordinary well for supply of drinking water, for livestock watering, and for other personal needs and needs of the household without holding the permit referred to in Article 26 paragraph (1) of this Law.

(2) Ordinary well referred to in paragraph (1) of this Article may be dug on a distance of at least 5 meters from the construction facility and from the construction parcel of the neighbor, and the elevation of the bottom of the well must not be lower than the elevation of the bottom of the neighboring well.

## **Article 30**

### **Application for issuance of a permit**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall issue the permit referred to in Article 26 paragraph (1) of this Law upon an application of a legal entity or natural person (hereinafter: applicant).

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the content and design of the application form, as well as the necessary documentation to be attached to the application referred to in paragraph (1) of this Article.

## **Article 31**

### **Issuing water resources management and other design and information requirements**

(1) Before submitting the application for issuing a permit referred to in Article 30 paragraph (1) of this Law, the legal entity and the natural person shall be obliged to request from the state administrative body responsible for carrying out the activities in the field of environment:

- 1) water resources management design requirements and
- 2) requirements for protection of aquatic ecosystems and water dependant ecosystems for the purpose of preparing technical documentation.

(2) The water resources management design requirements and the requirements for protection of the aquatic ecosystems and the water dependant ecosystems referred to in paragraph (1) of this Article must be in compliance with the Water Resources Management Basis and the Plan for River Basin Management.

(3) In addition to the requirements referred to in paragraph (1) of this Article, the legal entity and the natural person shall have the right to require a list of permits that are issued in accordance with this Law, on the area where the facilities is planned to be located.

(4) The state administrative body responsible for carrying out the activities in the field of water resources management shall be obliged, within a period of 15 days as of the day of receipt of the request, to deliver the requirements referred to in paragraph (1) and the information referred to in paragraph (3) of this Article to the legal entity and the natural person in a written form.

(5) If the state administrative body responsible for carrying out the activities in the field of environment cannot respond to the request for delivery of the requirements and the information within the period determined in paragraph (4) of this Article, it shall, in a written form, inform the legal entity and the natural person about the inability and the reasons for non-delivery, as well as about the additional period within which it shall respond. The additional period cannot be longer than 15 days.

(6) The state administrative body responsible for carrying out the activities in the field of environment shall charge for the provision of information referred to in paragraphs (1) and (3) of this Article and the amount of the charge should not exceed the real costs for their provision, preparation and delivery.

(7) The access to the existing registers, records and database, as well as check of information at the place where they are kept or maintained shall be free of charge.

(8) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the amount of the charge referred to in paragraph (6) of this Article.

(9) On the basis of the issued water resources management design requirements and the requirements for protection of aquatic ecosystems and water dependant ecosystems, the legal entity or the natural person shall prepare the project task for the facility for which a permit is requested.

## **Article 32**

### **Consultation procedure**

(1) Before commencing the preparation of the application for a permit, the legal entity and the natural person shall have the right to submit a written request for initiation of a consultation procedure with the state administrative body responsible for carrying out the activities in the field of environment related to the content and volume of the documentation that is to be delivered together with the application referred to in Article 30 paragraph (1) of this Law.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to start the consultation procedure with the legal entity and the natural person within a period of seven days as of day of receipt of the request referred to in paragraph (1) of this Article at the latest.

(3) The state administrative body responsible for carrying out the activities in the field of environment and the legal entity, that is, the natural person shall sign minutes for the completed consultations.

## **Article 33**

### **Acting upon the application for issuance of a permit**

(1) Within a period which cannot be longer than 30 days as of the day of receipt of the application referred to in Article 30 paragraph (1) of this Law, the state administrative body responsible for carrying out the activities in the field of environment shall oblige the applicant to supplement the application and to determine the data with which, in accordance with Article 30 paragraph (2) of this Law, the application should be supplemented and, depending on the type of omissions and accessibility of the data, it shall set a deadline for supplementing the application which cannot be shorter than 15 days.

(2) If the applicant does not act in accordance with paragraph (1) of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall reject the application by decision.

(3) The applicant, within a period of 15 days as of the day of receipt of the decision, may file an appeal against the decision referred to in paragraph (2) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged, without any delay, to submit one copy of the application to:

- 1) the state administrative bodies responsible for the activities that are going to be carried out in the facility and/or installation (hereinafter: other competent state administrative bodies) and
- 2) the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje where the facility and/or installation is to be constructed.

## **Article 34**

### **Alteration and supplement of the content and volume of the application for issuing a permit**

(1) After the application for issuance of a permit has been submitted, the applicant may additionally submit a request for alteration and/or supplement of the content and volume of the application referred to in Article 30 paragraph (1) of this Law.

(2) The applicant shall be obliged to attach the necessary documents required in accordance with Article 30 paragraph (2) of this Law to the request for alteration and supplement referred to in paragraph (1) of this Article, provided that change of these data is made by the request referred to in paragraph (1) of this Article.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall act upon the request for alteration and supplement of the content and volume of the application for issuance of a permit referred to in paragraph (1) of this Article in accordance with Article 33 of this Law.

## **Article 35**

### **Announcement of the application and participation of the public in the procedure for issuance of a permit**

(1) The state administrative body responsible for carrying out the activities in the field of environment, within a period of seven working days as of the day of receipt of the application referred to in Article 30 paragraph (1) of this Law, shall be obliged to announce the application in at least one daily newspaper accessible throughout the territory of the Republic of Macedonia and on its website.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to provide the public with access to the information necessary for forming the opinions and attitudes, in accordance with the Law on Environment.

(3) The public may state its opinions and comments in relation to the application within a period of 15 days as of the day of announcement.

(4) The content of the announcement referred to in paragraph (1) of this Article shall be determined by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(5) The announcement referred to in paragraph (1) of this Article shall be born by the entity requesting the permit.

## **Article 36**

### **Rights and obligations of the bodies of the municipalities and of the City of Skopje in regard to the application**

(1) The mayor of the municipalities and the mayor of the City of Skopje shall be obliged, within a period of 15 days as of the day of receipt of the application in accordance with Article 33 paragraph (4) of this Law, to deliver to the state administrative body responsible for carrying out the activities in the field of environment an opinion about the statements contained in the request in a written form.

(2) If the mayor of the municipalities and the mayor of the City of Skopje does not deliver the written opinion within the period referred to in paragraph (1) of this Article, it shall be deemed that they have agreed with the application.

## **Article 37**

### **Acting upon an application pertaining to international waters**

When the state administrative body responsible for carrying out the activities in the field of environment, on the basis of the content of the application, assesses that the carrying out of the activities in the facilities or in the installations for which the permit is requested may cause negative impacts on the water regime and/or morphology of the body of water, it shall be obliged to initiate a procedure for delivering the application to the respective competent body of the other state and to enable it to state its opinion on the application, in the manner and under the conditions envisaged by law and in accordance with the international agreement ratified by the Republic of Macedonia under which such obligation has been assumed.

## **Article 38**

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

(1) The bodies listed in Article 33 paragraph (4) point 1 of this Law, as well as the public referred to in Article 35 of this Law, may deliver its opinions and attitudes in relation to the application referred to in Article 30 paragraph (1) of this Law within a period of 15 days as of the day of receipt of the application, in a written form.

(2) When preparing the permit referred to in Article 26 paragraph (1) of this Law, the state administrative body responsible for carrying out the activities in the field of environment shall not take into consideration the opinions delivered after the expiry of the deadline and in the manner

determined in paragraph (1) of this Article.

(3) When preparing the permit referred to in Article 26 paragraph (1) of this Law, the state administrative body responsible for carrying out the activities in the field of environment shall elaborate the reasons for rejecting the received opinions and attitudes referred to in paragraph (1) of this Article.

(4) If the bodies listed in Article 33 paragraph (4) point 1 of this Article do not deliver a written opinion within the deadline referred to in paragraph (1) of this Article, it shall be deemed that they do not have any comments on the application.

## **Article 39**

### **Refusal of the application for issuance of a permit**

(1) The state administrative body responsible for carrying out the activities in the field of environment, by decision, shall refuse the application referred to in Article 30 paragraph (1) of this Law, provided that it determines that the issuance of the permit is not in compliance with the Plan for River Basin Management, that the public interest is endangered, or that the provisions of an international agreement ratified by the Republic of Macedonia are violated.

(2) The applicant, within a period of 30 days as of the day of receipt of the decision, may file an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance.

## **Article 40**

### **Issuance of a permit**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to issue the permit within a period not longer than three months as of the day of receipt of the application referred to in Article 30 paragraph (1) of this Law, that is, as of the day of receipt of the data supplementing the application in accordance with Article 34 paragraph (1) of this Law.

(2) The applicant may file an appeal against the decision issuing the permit referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance, within a period of 15 days as of the day of receipt of the permit.

(3) If the body referred to in paragraph (1) of this Article does not issue the permit referred to in Article 26 paragraph (1) of this Law, that is, does not adopt a decision for refusal of the application for issuance of the permit referred to in Article 26 paragraph (1) within a period referred to in paragraph (1) of this Article, the applicant shall have the right, within a period of three working days upon the expiry of the deadline, to file a request for adoption of a decision for giving a consent for issuance of the permit referred to in Article 26 paragraph (1) of this Law to the filing office of the minister heading the state administrative body responsible for the activities in the field of environment. If the minister does not have a filing office, the request shall be filed to the filing office of the head office of the state administrative body responsible for the activities in the field of environment.

(4) The form and content of the request referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of environment.

(5) The applicant shall attach a copy of the application referred to in Article 30 paragraph (1) of this Law for issuance of the permit referred to in Article 26 paragraph (1) of this Law to the request referred to in paragraph (3) of this Article.

(6) The minister heading the state administrative body responsible for the activities in the field of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (3) of this Article to the filing office, to adopt a decision for accepting or rejecting the request for issuance of the permit referred to in Article 26 paragraph (1) of this Law.

(7) If the minister heading the state administrative body responsible for the activities in the field of environment does not adopt the decision referred to in paragraph (6) of this Article, the applicant may notify the State Administrative Inspectorate within a period of five working days.

(8) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (7) of this Article, to inspect whether the procedure in accordance with law has been conducted in the state administrative body responsible for carrying out the activities in the field of environment and to inform the applicant about the situation established during the inspection within a period of three working days as of the day the inspection has been conducted.

(9) Upon the inspection completed in accordance with law, the inspector of the State Administrative Inspectorate shall adopt a decision obliging the minister heading the state administrative body responsible for the activities in the field of environment, within a period of ten days, to decide upon the submitted request, that is, to approve or deny the request and to inform the inspector about the adopted decision. Copy of the decision deciding upon the submitted request shall be attached to the notification.

(10) If the minister heading the state administrative body responsible for carrying out the activities in the field of environment does not decide within a period referred to in paragraph (9) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor laid down in the Law on Administrative Inspection and shall set an additional deadline of five working days within which the minister is to decide upon the submitted request and within the same period to inform the inspector about the adopted decision. Copy of the decision deciding about the submitted request shall be attached to the notification. The inspector shall inform the requesting entity about the measures taken within a period of three working days.

(11) If the minister does not decide in the additional deadline referred to paragraph (10) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the applicant about the measures taken.

(12) If the inspector does not act based on the notification referred to in paragraph (7) of this Article, the applicant shall have the right to file a complaint at the filing office of the director of the State Administrative Inspectorate within five working days. If the director does not have a filing office, the request shall be submitted at the filing office in the head office of the State Administrative Inspectorate.

(13) The director of the State Administrative Inspectorate shall be obliged to examine the complaint referred to in paragraph (12) of this Article within three working days as of the day of receipt and, if he/she establishes that the inspector has not acted based on the notification of the applicant in accordance with paragraphs (8) and (9) and/or has not filed a report in accordance with paragraphs (10) and (11) of this Article, the director of the State Administrative Inspectorate shall file a motion for initiation of a misdemeanor procedure against the inspector for a

misdemeanor laid down in the Law on Administrative Inspection and shall set an additional deadline of five working days within which the inspector shall inspect whether the procedure in accordance with law has been carried out in the state administrative body responsible for the activities in the field of environment, and shall notify the applicant about the measures taken within three working days as of the day the inspection has been conducted.

(14) If the inspector does not act in the additional deadline referred to in paragraph (13) of this Article, the director of the State Administrative Inspectorate shall file a report with the competent public prosecutor against the inspector and shall notify the applicant about the measures taken within three working days.

(15) In the cases referred to in paragraph (14) of this Article, the director of the State Administrative Inspectorate shall immediately, or within one working day at latest, obligate other inspector to conduct the inspection immediately.

(16) In the cases referred to in paragraph (15) of this Article, the director of the State Administrative Inspectorate shall notify the applicant about the measures taken within three working days.

(17) If the director of the State Administrative Inspectorate does not act in accordance with paragraph (13) of this Article, the applicant may file a report with the competent public prosecutor within eight working days.

(18) If the minister heading the state administrative body responsible for the activities in the field of environment has not adopted a decision within the deadline referred to in paragraph (10) of this Article, the applicant may initiate an administrative dispute before the competent court.

(19) The procedure in the Administrative Court shall be urgent.

(20) The bylaw referred to in paragraph (4) of this Article shall be adopted within a period 15 days as of the day of adoption of this Law.

(21) Upon adoption of the bylaw referred to in paragraph (4) of this Article, it shall immediately and within a period of 24 hours at the latest, be announced on the web page of the state administrative body responsible for the activities in the field of environment.

## **Article 41**

### **Commencement of the legal effect of the permit**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to examine the facilities and installations and if the requirements under the permit are met, shall issue a certificate about the completed examination of the facilities and installations to the holder of the permit.

(2) The examination of the facilities and installations referred to in paragraph (1) of this Article shall be made by a commission established by the minister heading the state administrative body responsible for carrying out the activities in the field of environment, consisted of five members one of whom from the State Environmental Inspectorate, two members from the body responsible for carrying out the expert activities in the field of river basin management and two member from the state administrative body responsible for carrying out the activities in the field of environment.

(3) The permit referred to in Article 26 paragraph (1) of this Law shall have legal effect as of the moment the holder of the permit submits a certificate about the competed examination to the state administrative body responsible for carrying out the activities in the field of environment.

(4) As of the moment of issuing the permit referred to in Article 26

paragraph (1) of this Law until the permit becomes legally effective in accordance with paragraph (3) of this Article, the state administrative body responsible for carrying out the activities in the field of environment may, on the basis of an application of a legal entity or natural person, issue a permit for temporary use of water from the same body of water to which the permit referred to in Article 26 paragraph (1) of this Law refers.

(5) The members of the commission referred to in paragraph (2) of this Article shall be elected for a term of office of two years with the right to reelection of at least one term of office more.

(6) The commission referred to in paragraph (2) of this Article shall adopt a rulebook for their work.

(7) The expert and administrative activities of the commission referred to in paragraph (2) of this Article shall be carried out by the state administrative body responsible for carrying out the expert activities in the field of environment.

## **Article 42**

### **Transfer of the rights and obligations from the permit**

(1) The holder of the permit may transfer to a third person, with or without compensation, completely or partially, all or certain rights and obligations deriving from the permit referred to in Article 26 paragraph (1) of this Law, provided that it does not change the content of the permit, does not disrupt the achievement of the public interest defined by law and the requirements for carrying out the activity.

(2) The holder of the permit shall be obliged to request a consent for the transfer of the rights and obligations under the permit referred to in paragraph (1) of this Article from the state administrative body responsible for carrying out the activities in the field of environment, within a period of 15 days as of the day of the transfer.

(3) Provided that on the basis of the request referred to in paragraph (2) of this Article, the state administrative body responsible for carrying out the activities in the field of environment determines that the requirements referred to in paragraph (1) of this Article are met by the transfer of the permit, it shall adopt a decision for change of the data on the holders of the permit and shall register the change in the water book.

(4) Provided that on the basis of the request referred to in paragraph (2) of this Article, the state administrative body responsible for carrying out the activities in the field of environment determines that the requirements referred to in paragraph (1) of this Article are not met by the transfer of the permit, it shall adopt a decision on the basis of which the permit terminates and on the basis of which it obliges the other legal entity or natural person to obtain a new permit, and shall register the termination in the water book.

(5) The holder of the permit shall be obliged to inform the state administrative body responsible for carrying out the activities in the field of environment if it authorizes a third party to carry out the activities and works for the purpose of which the permit has been issued on its behalf within a period of three days as of the day of giving the authorization.

(6) The state administrative body responsible for carrying out the activities in the field of environment shall register the party who carries out the activity on behalf and in the account of the holder of the permit in the water book.

## **Article 43**

### **Protection of the rights of the holder of the permit**

(1) Anyone shall refrain from undertaking actions or activities that violate or restrict the right of the holder that derives from the permit referred to in Article 26 paragraph (1) of this Law.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to ensure the holder of the permit to freely exercise the right deriving from the permit, in extent determined under the permit and to refrain from undertaking actions and activities aimed at obstructing or restricting that right, provided that these actions and activities are not taken for the purpose of protecting or ensuring the public interest determined by law or due to *force majeure* and other objective reasons.

(3) If the actions and activities that obstruct or restrict the right are taken for the purpose of protecting or ensuring the public interest determined by law, the holder of the permit shall have the right:

- 1) to use water from another body of water in quantity and quality corresponding to the one determined in the permit, or if that is not possible,
- 2) to compensation of the damage that it has suffered due to the restriction.

(4) In the cases referred to in paragraph (3) of this Article the holder of the permit shall not have the right to compensation of damage for the lost profit.

(5) In case when the restriction of the right of the holder of the permit that derives from the permit is not imposed for the purpose of protecting or securing the public interest or due to *force majeure* and other objective reasons, the holder of the permit shall have the right to compensation of damage that it has suffered due to the restriction of the right which corresponds to the one determined in the permit.

(6) The damage compensation referred to in paragraph (2) of this Article shall be exercised in accordance with the general regulations on damage compensation.

(7) The permit shall not create rights and obligations for third parties and their property.

## Article 44

### Temporary forced management

(1) In the case when the permit referred to in Article 26 paragraph (1) of this Law is issued for carrying out an activity of public interest, and the holder of the permit does not carry out the activity in accordance with the requirements determined by the permit, that is, substantially and continuously violates the requirements for carrying out the activity of public interest determined by the permit, the state administrative body responsible for carrying out the activities in the field of environment shall adopt a decision for putting the permit under temporary forced management (sequester).

(2) The decision referred to in paragraph (1) of this Article shall in particular contain:

- 1) the reasons due to which the permit is put under temporary forced management;
- 2) the entity carrying out the temporary forced management;
- 3) the period of the temporary forced management;
- 4) the conditions for the temporary forced management, and
- 5) the rights and obligations of the holder of the permit after the adopted decision referred to in paragraph (1) of this Article.

(3) The temporary forced management referred to in paragraph (1) of this Article shall be carried out by a legal entity authorized by the state

administrative body responsible for carrying out the activities in the field of environment.

(4) The entity referred to in paragraph (3) of this Article shall be responsible for the documents and actions taken during the temporary forced management.

(5) The holder of the permit, within a period of 15 days as of the day of receipt of the decision referred to in paragraph (1) of this Law, shall have the right to appeal the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance. The appeal shall not postpone the enforcement of the decision.

(6) Upon the expiry of the period referred to in paragraph (2) point 3 of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall adopt a decision for termination of the decision referred to in paragraph (1) of this Article or for revocation of the permit.

(7) The state administrative body responsible for carrying out the activities in the field of environment shall register the decision referred to in paragraph (1) of this Article and the decision referred to in paragraph (6) of this Article in the water book.

(8) In order to be granted authorization, the legal entity referred to in paragraph (3) of this Article should fulfill the respective requirements that refer to personnel and space, as well as to have at least five years of experience in carrying out the works in the respective activity for which it is to be authorized to carry forced management.

(9) In relation to the personnel, the legal entity referred to in paragraph (3) of this Article should employ at least five persons holding a university diploma in natural and technical sciences and to have working experience of at least five years.

(10) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail prescribe the requirements that should be met by the legal entity referred to in paragraph (3) of this Law.

## **Article 45**

### **Alteration and supplement of the permit**

(1) The permit referred to in Article 26 paragraph (1) of this Law may be altered or supplemented, *ex officio*, or upon a request of the holder of the permit, provided that the following is changed:

- 1) the quantity and/or quality of the water used or
- 2) the quantity and/or quality of the body of water wherefrom the water is used or
- 3) technological process of operation.

(2) Technical documentation containing in particular the reasons and data about the occurred changes of quantity, quality, location and manner of use of waters, as well as other necessary data, shall be attached to the request for alteration and supplement of the permit in the cases referred to in paragraph (1) of this Article.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall register the alterations and supplements of the permit in the water book.

(4) The request referred to in paragraph (1) of this Article may be submitted *ex officio* by the state administrative body responsible for carrying out the activities in the field of environment, the state administrative body responsible for carrying out the activities in the field

of agriculture, the state administrative body responsible for carrying out the activities in the field of health, as well as other body that is responsible for issues in relation to the quantity and/or quality of water that is used, including the entities that, on the basis of a public authorization, carry out activities related to the quantity and/or quality of the water that is used.

## **Article 46**

### **Period of validity of the permit**

(1) The permit referred to in Article 26 paragraph (1) of this Law shall be issued for a determined period of time depending on the type of water resources management facility, but no longer than ten years.

(2) As an exception, the permit referred to in Article 26 paragraph (1) of this Law shall be issued for a period longer than the one determined in paragraph (1) of this Article, provided that it is obtained in a procedure for awarding concession for the activities that are carried out by using water and for the period of duration of the concession.

(3) The period of validity of the permit referred to in Article 26 paragraph (1) of this Law shall start at the moment the permit becomes legally effective which is determined in accordance with Article 41 of this Law.

(4) The holder of the permit shall be obliged to submit a request for extension of the duration of the permit six months prior to the expiry of the validity of the permit referred to in Article 26 paragraph (1) of this Law at the latest, in accordance with the procedure determined in Article 34 of this Law.

(5) The state administrative body responsible for carrying out the activities in the field of environment, on request of the holder of the permit, if there are justifiable reasons, may extend the period determined in the permit during which the activities and works for construction, maintenance, exploitation, modification, extension, rehabilitation and termination of work of built water resources management and other facilities should be completed.

(6) The state administrative body responsible for carrying out the activities in the field of environment shall register the extension of the permit in the water book.

## **Article 47**

### **Termination of the permit**

(1) The permit referred to in Article 26 paragraph (1) of this Law shall terminate if:

- 1) the period of validity of the permit expires;
- 2) the user has waived the rights determined by the permit;
- 3) the construction, reconstruction or extension of the facilities and installations under the permit does not begin within a period of at least two years as of the day of issuance of the permit;
- 4) the activities and works for construction, maintenance, exploitation, modification, extension, rehabilitation or closing of water resources management facilities and other facilities are not completed within a period determined by the permit;
- 5) the water, without justified reasons, is not used and/or discharged continuously within a period of two years during the period of validity of the permit;
- 6) the requirement referred to in Article 42 paragraph (4) of this Law is not met;
- 7) the issued permit is not in compliance with the alterations and supplements of the plans for river basin management;
- 8) the natural person not having inheritors passes away, or

9) the holder of the permits is under liquidation.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall register the termination of the permit in the water book.

## **Article 48**

### **Cases when use permit is not required**

Water use permit shall not be required for the general use of waters referred to in Article 16 paragraph (1) of this Law, as well as in other cases determined by this Law.

## **Article 49**

### **Restriction of the water right**

(1) The water right that derives from and is exercised under the conditions and in the manner determined in the permit referred to in Article 26 paragraph (1) of this Law, shall be temporary restricted, provided that its exercise:

- 1) endangers the human health;
- 2) endangers the natural balance of the aquatic ecosystems and the water dependant ecosystems;
- 3) restricts the general water use, and
- 4) has harmful impact on the protected areas determined by the regulations on protection of nature.

(2) The temporary restriction of the water right shall be also imposed for the state defense and security purposes.

(3) The holder of the permit shall have the right to damage compensation in the cases referred to in paragraphs (1) and (2) of this Article, in accordance with the general regulations on damage compensation.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall decide, by decision, about the restrictions referred to in paragraphs (1) and (2) of this Article. The restrictions referred to in paragraph (1) of this Article may be requested by the state administrative body responsible for carrying out the activities in the field of health.

(5) The state administrative body responsible for carrying out the activities in the field of environment shall determine refurbishing and other measures that the holder of the permit should take in the decision referred to in paragraph (4) of this Article.

(6) The restriction referred to in paragraphs (1) and (2) of this Article cannot last longer than the need for implementing the refurbishing or the other measures.

(7) The holder of the permit, within a period of seven days as of the day of receipt of the decision, may file an appeal against the decision referred to in paragraph (5) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance. The appeal shall not postpone the enforcement of the decision.

(8) The state administrative body responsible for carrying out the activities in the field of environment shall register the restriction of the water right in the water book.

## **Article 50**

### **Change in the water use permit due to change in**

## priority

(1) The state administrative body responsible for carrying out the activities in the field of environment, in case of drinking water deficiency, may change the purpose of the water use permit issued for the purposes referred to in Article 15 points 2, 3, 4, 5, 6 and 7 of this Law if it is necessary these waters to be used for the purposes referred to in Article 15 point 1 of this Law.

(2) In the case referred to in paragraph (1) of this Article, the former holder of the right shall have the right to compensation of damage for the lost profit and compensation for the invested funds in the water resources management and other facilities and installations, in accordance with the general regulations on damage compensation.

(3) For the purpose of keeping the quantity and quality of certain bodies of water, the state administrative body responsible for carrying out the activities in the field of environment may determine the manner of water use, to approve the distribution of whole or part of the water among the permit applicants or other right for water use, provided that the application for issuance of a water use permit is of public interest.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall register the change in the permit referred to in paragraph (1) of this Article in the water book.

## Article 51

### Revocation of the permit

(1) The permit referred to in Article 26 paragraph (1) of this Law shall be revoked if:

- 1) the water is used, that is, discharged contrary to the requirements determined in the permit;
- 2) the holder has not paid the charge, and
- 3) a misdemeanor sanction - ban on carrying out the activity in relation to water use or discharge of water has been imposed on the holder of the permit by a legally valid decision.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall adopt a decision for revocation of the permit in the cases referred to in paragraph (1) of this Article.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to notify the holder of the permit about the initiation of the procedure for revocation of the permit and, in the decision referred to in paragraph (2) of this Article, to set a deadline which cannot be longer than 30 days during which the holder is ordered to eliminate the cause referred to in paragraph (1) points 1 and 2 of this Article for initiation of the procedure.

(4) If after the expiry of the deadline determined in paragraph (3) of this Article, the holder of the permit does not eliminate the reasons or continues the activities referred to in paragraph (1) points 1 and 2 of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall adopt a decision on revocation of the permit.

(5) The revocation of the permit shall have legal effect as of the day determined in the decision referred to in paragraph (4) of this Article.

(6) The holder of the permit, within a period of seven days as of the day of the receipt of the decision, may file an appeal against the decision referred to in paragraph (4) of this Law with the State Commission for Administrative Procedure and Labor Relations Procedures in Second Instance.

(7) The appeal referred to in paragraph (6) of this Article shall not postpone the enforcement of the decision.

(8) The legal entity or the natural person whose permit has been revoked shall not have the right to damage compensation.

(9) The state administrative body responsible for carrying out the activities in the field of environment shall register the revocation of the permit in the water book.

## **Article 52**

### **Special condition for revocation of the permit**

(1) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment or on proposal of another state administrative body, may decide to revoke the permit of the holder, provided that wider public interest is ensured or achieved by the revocation than the one achieved by the issued permit.

(2) Wider public interest referred to in paragraph (1) of this Article shall be the achievement of the right of water use of several users within the framework of the same priority determined in Article 15 of this Law.

(3) In the case referred to in paragraph (1) of this Article, the legal entity, that is, the natural person to whom the permit has been revoked shall have the right to damage compensation, in accordance with the general regulations on damage compensation.

(4) The state administrative body responsible for carrying out the activities in the field of water resources management shall register the revocation of the permit for the purpose of ensuring the wider public interest in the water book.

## **II.4. CONCESSION FOR WATER USE**

### **Article 53**

#### **Activities for which concession for water use is awarded**

(1) The business activities that are performed by using the water from the bodies of surface waters and groundwaters may be carried out by awarding a concession and public private partnership (hereinafter: concession) for a determined period of time to a domestic and foreign legal entity and natural person.

(2) The concession referred to in paragraph (1) of this Article shall be awarded for:

- 1) generation of electricity in hydropower plants;
- 2) water bottling for commercial purposes;
- 3) lake traffic; and
- 4) rendering touristic, sports and other recreational services by construction of permanent facilities.

### **Article 54**

#### **Procedure for concession award**

(1) The concession referred to in Article 53 paragraph (1) of this Law shall be awarded by the Government of the Republic of Macedonia in the name of the Republic of Macedonia.

(2) The Government of the Republic of Macedonia, upon elaborated

proposal submitted by the minister heading the state administrative body responsible for carrying out the activities in the field of environment, prepared in accordance with the Water Resources Management Basis of the Republic of Macedonia and the plans for river basin management, shall decide about the initiation of the procedure for concession award.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall submit the elaborated proposal referred to in paragraph (2) of this Article upon previous consent with the state administrative body responsible for carrying out the activities in the field of agriculture, and for which the state administrative body responsible for carrying out the activities in the field of economy, the state administrative body responsible for carrying out the activities in the field of transport and communications, the state administrative body responsible for carrying out the activities in the field of defense, the state administrative body responsible for carrying out the activities in the field of culture, the state administrative body responsible for carrying out the activities in the field of internal affairs, and the Republic Institute for Protection of Cultural Monuments have positive opinion.

(4) The decision referred to in paragraph (2) of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

(5) The provisions of the Law on Concession and Public Private Partnership shall accordingly apply to the procedure for concession award, as well as to the other issues in relation to the concession.

## **Article 55**

### **Award of concession by means of a public announcement and exceptions**

The concession shall be awarded by means of a public call organized and implemented in accordance with the provisions of the Law on Concessions and Public Private Partnership.

## **Article 55-a**

### **Award of a concession for water use based on a request**

(1) The concession for water use may be awarded based on a request submitted by public enterprises, public institutions, trade companies established by the Republic of Macedonia, and companies where the state has direct or indirect ownership-based control, that is, if it owns the bigger part of the company's capital, if it has the majority of shareholders'/partners' votes, and if it appoints more than half of the members of the governing or supervisory board, that is, the governing bodies of the company, other legal entities that exercise public powers for the part of the public powers based on a decision of the Government of the Republic of Macedonia, without conducting a procedure for awarding a concession by means of a public call.

(2) The state administrative body responsible for the activities in the field of environment, based on the request referred to in paragraph (1) of this Article, shall prepare and submit an elaborated proposal for award of a concession for water use to the Government of the Republic of Macedonia.

(3) The entities referred to in paragraph (1) of this Article should attach to the request for award of a concession for water use the following:

- an explanation and basic data about the entity that submits the request,
- a proposed period for awarding the concession,
- an area where the concession activity is to be carried out plotted on a topographic map on a scale of 1:25.000 along with plotted coordinates of the impoundment and discharge points, and
- a land survey report for special purposes with cadastre indications

prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre.

## **Article 56**

### **Relationship between the concession and the water use permit**

(1) Where the concession is awarded in accordance with the provision of Article 55 of this Law, it shall be mandatory stated in the public call for concession award that the mandatory condition for conclusion of the concession agreement is obtaining a water use permit in accordance with the provisions of this Law, and the tender documentation, in addition to the elements determined pursuant to the Law on Concessions and Public Private Partnership shall list the conditions that are to be contained in the water use permit, as well as the conditions that are necessary to be met or examined in order to protect and improve the environmental media and areas.

(2) Where the concession is awarded in accordance with the provision of Article 55-a of this Law, it shall be mandatory stated in the decision on award of a concession for water use that the mandatory condition for conclusion of the concession agreement is obtaining a water use permit in accordance with the provisions of this Law.

(3) The water use permit obtained in accordance with the provisions of this Law shall not create a legal effect unless a concession agreement is concluded.

(4) By obtaining the concession by means of a public call, the selected, most favorable bidder shall obtain a water use permit in accordance with this Law.

## **Article 57**

### **Duration of the concession**

(1) The duration of the concession shall be determined by the concession agreement and the longest period shall last:

1) for generation of electricity in hydropower plants:

- with power over 10 MW up to 70 years,
- with power of 2 to 10 MW up to 50 years, and
- with power up to 2 MW up to 30 years;

2) water bottling for commercial purposes, no matter whether it is impoundment of water from a body of surface water or groundwater, up to 20 years;

3) for lake traffic up to ten years, and

4) rendering touristic, sports and other recreational services by constructing permanent facilities up to 20 years.

(2) The duration of the water use permit must not be longer than the duration of the concession agreement, determined in accordance with this Law.

(3) The day of conclusion of the concession agreement shall be considered as beginning of the concession.

## **Article 58**

### **Concession fee**

(1) In addition to the compensation paid for using the water on the basis of the water use permit and other charges defined by law, the concessionaire shall pay a concession fee depending on the type of the

trade activity. The amount of the fee for each activity shall be determined in the concession agreement.

(2) The concession fee for using the water shall consist of two parts:

- one-time fee paid when concession is awarded;
- annual fee paid each year during the validity of the concession agreement.

(3) As an exception to paragraph (2) of this Article, the concession compensation for using the water for generation of electricity by electrical energy plants with installed power above 10 MW shall consist of an annual compensation paid each year during the concession agreement validity.

(4) The amount of the annual fee for using the water depending on the type of the trade activity, shall be determined on the basis of the following criteria:

- for generation of electricity – as a percentage of the gained average price of produced electrical energy,
- for bottling water - as a percentage of the retail price per liter manufactured product,
- for touristic services – as a percentage of the average selling price of construction land in the area of the city or municipality where the concession has been awarded and according to the area to be used and years to be used, and
- for lake traffic – as a percentage of the generated income from carrying out the activity.

(5) The amount of the one-time concession fee for using the water shall be determined as a percentage or installment amount of the calculated or estimated annual amount of the annual fee.

(6) The Government of the Republic of Macedonia on proposal of the minister heading the state administrative body responsible for the activities in the field of environment shall in detail establish the manner of determining the amount of the one-time and annual fee in accordance with the criteria referred to in paragraphs (4) and (5) of this Article.

(7) The funds of the concession fee for using the water for generating electrical energy shall be paid to a separate account within the treasury account. The income of these funds shall be distributed in proportion, 50% income to the Budget of the Republic of Macedonia and 50% income to the budget of the municipalities and the municipalities in the city of Skopje, depending on which area the concession activity is performed.

(8) The funds referred to in paragraph (7) of this Article that are distributed between the municipalities in the area of the city of Skopje and the City of Skopje shall be distributed in proportion, 50% to the municipality on the area of the city of Skopje and 50% to the City of Skopje.

(9) Denationalization bonds may be used to pay the part of the concession fee for using the water resources for generating electrical energy that is income to the Budget of the Republic of Macedonia in the amount of 50% of the total amount, and the remaining 50% that are income to the budget of the municipalities and the municipalities in the city of Skopje shall be paid to a separate account within the treasury account.

## **Article 59**

### **Transfer of the concession**

The concession contract may be transferred in accordance with the provisions of the Law on Concessions and Public Private Partnership, if the rights and obligations for using the water, established in the water use permit are previously transferred as well.

## Article 60

### Termination of the concession

(1) The validity of the concession shall terminate:

- 1) if the water use permit is revoked and
- 2) in the cases anticipated in the provisions of the Law on Concessions and Public Private Partnership.

(2) The water use permit shall terminate to be valid by the termination of the concession.

## III. PLANNING

### Article 61

#### General planning documents

General documents for planning and development of the water resources management in the Republic of Macedonia shall be:

- 1) the National Water Strategy;
- 2) the Water Resources Management Basis of the Republic of Macedonia, and
- 3) the River Basins Management Plans.

### Article 62

#### National Water Strategy

(1) The National Water Strategy shall define the long-term policy that particularly ensures:

- 1) the sustainable water development by meeting the demands of all users with quality water in sufficient quantities;
- 2) rational and cost-efficient use of waters;
- 3) protection of waters against pollution and control of pollution;
- 4) protection and improvement of the waterside land and water habitats, and
- 5) protection and mitigation of the consequences from the harmful effects of waters and water deficiency.

(2) The National Water Strategy shall be adopted for a period of 30 years.

(3) The National Water Strategy shall be adopted by the Assembly of the Republic of Macedonia, on proposal of the Government of the Republic of Macedonia.

(4) The state administrative body responsible for carrying out the activities in the field of environment in concurrence with the state administrative body responsible for carrying out the activities in the field of agriculture, the state administrative body responsible for carrying out the activities in the field of forestry, the state administrative body responsible for carrying out the activities in the field of economy, the state administrative body responsible for carrying out the activities in the field of transport and communications, the state administrative body responsible for carrying out the activities in the field of health, the state administrative body responsible for carrying out the activities in the field of internal affairs, the state administrative body responsible for carrying out the activities in the field of defense, and the state administrative body responsible for carrying out the activities in the field of local self-government shall be responsible for preparation of the National Water Strategy and shall submit it to the Government of the Republic of Macedonia for review and submission to the Assembly of the Republic of Macedonia.

(5) The commitments in the National Water Strategy should mandatory be taken into consideration when preparing the other strategic documents

defining the policy and objectives of using and arranging the space, the objectives of the development of the economy in the Republic of Macedonia, the use of natural resources, health protection, local and regional development and protection of the environment.

(6) The right to access to information contained in the National Water Strategy referring to environment shall be exercised under the conditions and in the manner determined in the Law on Environment.

(7) The participation of the public in the procedure for adoption of the National Water Strategy shall be conducted under the conditions and in the manner determined in the Law on Environment.

## **Article 63**

### **Water Resources Management Basis of the Republic of Macedonia**

(1) For the purpose of integrated planning and implementation of the programs and measures for development of waters in accordance with the objectives of the national sustainable development and harmonization of the economic development, social progress and protection of the environment, as well as implementation of the National Water Strategy, Water Resources Management Basis of the Republic of Macedonia (hereinafter: Water Resources Management Basis) shall be adopted.

(2) The Water Resources Management Basis shall be adopted for the territory of the Republic of Macedonia.

(3) The Water Resources Management Basis shall be adopted by the Assembly of the Republic of Macedonia on proposal of the Government of the Republic of Macedonia.

(4) The Water Resources Management Basis shall be adopted for a period of 20 years.

(5) The Water Resources Management Basis shall in particular contain:

- 1) current status of the waters;
- 2) present and future demands for water;
- 3) water balance;
- 4) technical and economic solutions for rational use of waters, for protection of waters against pollution and for protection against harmful effects of waters on the basis of the principles for sustainable development;
- 5) time frame for implementation of the technical and economic solutions referred to in point 4 of this paragraph, and
- 6) long-term environmental objectives and program for measures for their achievement.

(6) The state administrative body responsible for carrying out the activities in the field of environment shall be responsible for preparation of the Water Resources Management Basis and shall submit it to the Government of the Republic of Macedonia for review and submission to the Assembly of the Republic of Macedonia.

(7) The detailed content, manner and procedure for preparation, revision and updating of the Water Resources Management Basis shall be determined by the methodology prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(8) The Government of the Republic of Macedonia shall ensure harmonization between the Water Resources Management Basis of the Republic of Macedonia and the Spatial Plan of the Republic of Macedonia.

(9) In the course of preparation of the long-term planning documents

regulating the development of certain business branches in the Republic of Macedonia, as well as the use of natural resources, their harmonization with the Water Resources Management Basis shall be mandatory.

(10) The right to access to information contained in the Water Resources Management Basis referring to environment shall be exercised under the conditions and in the manner determined in the Law on Environment.

(11) Consultations with the public for adoption of the Water Resources Management Basis, as well as the adoption of the Water Resources Management Basis shall be conducted in accordance with the Law on Environment.

## **Article 64**

### **Preparation, revision and updating of the Water Resources Management Basis and informing and consulting with the public**

(1) The Water Resources Management Basis shall be prepared in two phases:

- 1) draft, and
- 2) proposal.

(2) For the purpose of ensuring expert participation, the Government of the Republic of Macedonia shall adopt a decision for putting the draft of the water resources management basis on expert debate which is published in the "Official Gazette of the Republic of Macedonia".

(3) The expert debate shall be organized by the state administrative body responsible for carrying out the activities in the field of environment within a period of 60 days as of the day of publication of the decision referred to in paragraph (2) of this Article, and it shall be obliged to provide that the expert public, in an appropriate manner, have an insight into the draft of the water resources management basis and have possibility to state its opinions and attitudes.

(4) Proposal for the water resources management basis shall be prepared on the basis of the opinions and attitudes received from the expert debate about the draft of the water resources management basis, and the proposal, on proposal of the state administrative body responsible for carrying out the activities in the field of environment, shall be determined by the Government of the Republic of Macedonia.

(5) The Government of the Republic of Macedonia shall submit the proposal for the water resources management basis to the Assembly of the Republic of Macedonia for its adoption.

(6) The participation of the expert public in the preparation of the water resources management basis shall not replace the procedure for participation of the public in the adoption of the planning documents determined in accordance with the Law on Environment.

## **Article 65**

### **Alteration and supplement of the Water Resources Management Basis**

(1) The Water Resources Management Basis of the Republic of Macedonia shall be revised, altered and/or supplemented at least every ten years, and if needed, even earlier.

(2) The alterations and supplements of the Water Resources Management Basis shall be made by the Assembly of the Republic of Macedonia on proposal of the Government of the Republic of Macedonia.

(3) Article 64 of this Law shall accordingly apply to the alterations and supplements of the Water Resources Management Basis.

## Article 66

### River basin management plans

(1) River basin management plan shall be prepared for each river basin determined in Article 7 of this Law for a period of six years.

(2) The Government of the Republic of Macedonia shall adopt the river basin management plans on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(3) The river basin management plans shall be prepared in accordance with the Water Resources Management Basis of the Republic of Macedonia.

(4) The river basin management plan shall in particular contain the following elements:

- 1) description of the characteristics of the river basin;
- 2) description of the significant impacts and effects on the status of the surface waters and groundwaters caused by human activity;
- 3) information and a map of the registered protection zones;
- 4) information and a map of the activities for monitoring the status of the waters and the monitoring programs;
- 5) list of environmental objectives for every body of water in the river basin in accordance with Articles 72, 90, 92, 93 and 94 of this Law, including the information about the deviations made in accordance with this Law, the marking of artificial and heavily modified surface waters. The information shall contain the measures planned and taken for the purpose of improving the quality of the waters and achieving the environmental objectives;
- 6) economic analysis for water use, including a report for application of the user pays principle;
- 7) program for measures for achieving the environmental objectives, in accordance with Article 73 of this Law;
- 8) detailed programs and plans for water management of river basins and sub-basins;
- 9) program for protection against harmful effects of waters referred to in Article 124 of this Law, as well as the basic measures for protection against floods;
- 10) description of activities and results from the participation of the public in preparation of the plan;
- 11) list of bodies and institutions responsible for river basin waters;
- 12) manner in which the information and documents in relation to the preparation and implementation of the plan are accessible by the public;
- 13) fulfillment of the obligations related to water resources management taken by international agreements ratified by the Republic of Macedonia, and
- 14) other activities determined by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(5) The state administrative body responsible for the activities in the field of environment shall be responsible for preparation of the plans for river basin management referred to in paragraph (1) of this Article.

(6) During the preparation of the plans for river basin management, the opinions of the Council for River Basin Area Management and the Councils for Management of Parts of a River Basin Area shall be taken into consideration.

(7) The plans for river basin management shall be implemented by issuing permits and other instruments determined by this Law.

(8) The bodies and institutions that have rights and obligations in relation

to the water management of river basins shall be obliged to work in accordance with the plans for river basin management.

(9) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail determine the content and the manner of preparation of the plans for river basin management.

(10) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail determine the content and the manner of preparation of the information and the map of the water monitoring activities, of the detailed programs and plans for water management of river basins and sub-basins, and of the description of the activities and results from the participation of the public in the preparation of the plan referred to in paragraph (4) of this Article.

## **Article 67**

### **Preparation, revision and updating of the plans for river basin management and informing and consulting the public**

(1) The plan for river basin management shall be prepared in two phases:

- 1) draft plan and
- 2) plan proposal.

(2) For the purpose of ensuring the participation of the public in the preparation of the plan, the draft plan shall be announced and made available for public insight, in particular the following data:

- 1) time frame and work program for preparation of the draft plan, including the statement (list) of consultation measures that should be taken – at least three years prior to the beginning of the period the plan refers to;
- 2) survey of the important issues in the field of water resources management identified at the river basin level – at least two years prior to the beginning of the period the plan refers to, and
- 3) draft plan – copies of the plan for river basin management – at least one year prior to the beginning of the period the plan refers to.

(3) The Government of the Republic of Macedonia shall adopt a decision for making the draft plan available for public insight. The decision shall be published in the "Official Gazette of the Republic of Macedonia".

(4) The public insight referred to in paragraph (2) of this Article shall last at least six months as of the day of publication of the decision for making the draft plan available for public insight.

(5) The public insight shall be organized by the state administrative body responsible for carrying out the activities in the field of environment, and shall be obliged to provide conditions and manner in which the public may state its attitudes and opinions.

(6) During the public insight, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to organize an expert debate about the draft plan.

(7) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to prepare minutes of the public insight and the expert debate and to attach stenographic notes from the debate thereto.

(8) On request of the interested public, insight in the original documents and information used during the preparation of the draft plan shall be ensured.

(9) On the basis of the opinions and positions received by the public insight and expert debate about the draft plan, the state administrative body responsible for carrying out the activities in the field of environment shall prepare a proposal of the plan for river basin management.

(10) The state administrative body responsible for carrying out the activities in the field of environment shall submit the proposal of the plan for river basin management to the Government of the Republic of Macedonia for review and adoption.

## **Article 68**

### **Alteration and supplement of the plan for river basin management**

(1) The plan for river basin management shall be revised, altered and supplemented at least every six years, and if needed, even earlier.

(2) The alterations and supplements of the plan for river basin management shall be adopted by the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(3) Article 67 of this Law shall accordingly apply to the alterations and supplements of the plan for river basin management.

## **Article 69**

### **Ensuring the construction of planned facilities and implementation of planned measures**

For the purpose of constructing the planned facilities and implementing the planned measures of public interest for water supply, water accumulation, waste water purification, generation of electricity, irrigation and drainage, protection against floods, and development of surface waters, the plan for river basin management shall determine the areas where construction or other activity that may prevent the construction of the planned facilities and implementation of the planned measures of public interest are prohibited.

## **Article 70**

### **International river basin area**

(1) If the international river basin area is located partially on the territory of the Republic of Macedonia and partially on the territory of another state or states, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to cooperate with the competent bodies of the relevant states for the purpose of preparing the single plan for management of international river basin.

(2) If the international agreement ratified by the Republic of Macedonia defines the international river basin area, the state administrative body responsible for carrying out the activities in the field of environment shall ensure management of the part of the area of the international river basin located on the territory of the Republic of Macedonia in accordance with law and international agreement ratified by the Republic of Macedonia.

(3) In case when no plan for management of international river basin area is prepared, the plan for river basin management shall be prepared, in accordance with this Law, for the part of the international river basin located on the territory of the Republic of Macedonia.

## **Article 71**

## **Assessment of the river basins**

(1) The state administrative body responsible for carrying out the activities in the field of environment, for each river basin area determined in Article 7 of this Law, at least every six years shall make:

- 1) analysis of its characteristics;
- 2) description of significant impacts and influences of human activities over the groundwaters and surface waters, and
- 3) economic analysis of the water use taking into consideration the application of the principle user pays.

(2) The results from the assessment referred to in paragraph (1) of this Article shall be an integral part of the river basin management plan.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the assessment methodology referred to in paragraph (1) of this Article.

## **Article 72**

### **Environmental objectives**

(1) For the purpose of managing the river basin areas determined in Article 7 of this Law, for each water body in the river basin area, it shall be mandatorily:

- 1) to determine the environmental objectives in accordance with the criteria determined in Articles 90, 92, 93 and 94 of this Law, and
- 2) to adopt a program of measures for achieving the environmental objectives for the purpose of achieving these objectives.

(2) The assessment made in accordance with Article 71 of this Law shall be taken into consideration when determining the environmental objectives and adopting the program of measures.

(3) The following shall be particularly considered when determining the environmental objectives and adopting the program of measures:

- 1) the type of the environmental objective depending on the water body properties, as well as the exceptions;
- 2) the time, criteria, methods and procedure for determining the environmental objectives;
- 3) the deadline in which the environmental objectives are to be achieved, and
- 4) the type and deadline in which the measures determined in the program of measures for achievement of environmental objectives are to be taken, as well as the manner and the procedure for preparing the program.

## **Article 73**

### **Program of measures for achievement of environmental objectives**

(1) For the purpose of achieving the environmental objectives determined by the plans for river basin management in accordance with this Law, the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, for each river basin area on the territory of the Republic of Macedonia, determined in Article 7 of this Law, shall adopt a Program of Measures for Achievement of Environmental Objectives (hereinafter: Program of Measures).

(2) The financial plan for implementation of the anticipated measures and activities shall be an integral part of the Program of Measures. The economic analysis referred to in Article 66 paragraph (4) point 6 of this Law shall be taken into consideration when preparing the financial plan.

(3) The Program of Measures shall contain the basic measures referred to in Article 74 of this Law, and if needed, the additional measures that should be taken in the relevant river basin for the purpose of achieving the determined environmental objectives.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall be responsible for preparation of the Program of Measures.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail prescribe the content and manner of preparation of the Program of Measures covering individually the measures for surface waters and groundwaters, including the protected areas, the detailed content of the basic and additional measures determined in accordance with Article 74 of this Law and the conditions for their application, as well as the measures that should be taken if the environmental objectives for the relevant water body have not been achieved.

(6) The Program of Measures shall be updated at least every six years and the new or altered measures shall become operational by their introduction.

## **Article 74**

### **Basic measures and additional measures for implementation of the Program of Measures**

(1) The basic measures for implementation of the Program of Measures shall be all measures that in accordance with this and another law are determined as special instruments, as well as other existing or future measures directed to achievement of objectives determined by the plans for river basin management, and especially the measures:

- 1) for achievement of the environmental objectives and the measures for prevention of the deterioration of the water status prescribed by this Law;
- 2) for protection, improvement and restitution to the previous condition of all water bodies, measures against water pollution by certain or a group of pollutant that pose a significant risk to the water environment, the risk to drinking water and bathing water, including the permits, controls and systems for recording and the measures for point and diffuse source pollution;
- 3) and bans related to protection of groundwaters, including the conditions for their application;
- 4) for decreasing the discharges of hazardous materials and substances into the waters;
- 5) prescribed by the regulations on protection of environment and protection of nature;
- 6) prescribed by the regulations for inland navigation;
- 7) prescribed by the regulations on fishery;
- 8) prescribed by the regulations on safety of water intended for human consumption, including the measures for lowering the level of purification needed at production of drinking water;
- 9) for maintaining the quantitative water status;
- 10) for protection against harmful effects of waters;
- 11) that are taken in the cases of disasters and *force majeure* ;
- 12) for protection of waters against pollution caused by nitrates of agricultural sources;
- 13) for treatment of urban waste waters;
- 14) for protection of environment especially the soil when using the sludge received by purification of waste waters for agricultural purposes;
- 15) for control of using the surface waters and groundwaters, including the measures for lowering the water losses;
- 16) for control of the size of construction of water resources management facilities;
- 17) for determination of the compensations of the costs for water use;

- 18) for stimulation of sustainable water use;
- 19) prescribed by the regulations on environmental impacts assessment of certain projects;
- 20) prescribed by the regulations on integrated prevention and control of pollution;
- 21) prescribed by the regulations on prevention and control of disasters with presence of hazardous substances;
- 22) prescribed by the regulations on products for plant protection;
- 23) for protection of nature and preservation and rational management of certain components of the biological and regional diversity, as well as sustainable and rational use of natural resources, as well as
- 24) other measures prescribed by law that are relevant for implementation of the same and contribute to the achievement of the objectives of this Law.

(2) If the environmental objectives for a particular water body have not been achieved by undertaking the measures referred to in paragraph (1) of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall determine additional measures that should be taken, and especially: undertaking legal, administrative and economic or fiscal measures; conclusion of agreements for protection of the environment; introduction of emission controls; determination of codices of good practice; introduction of measures for reparation of water habitats; introduction of measures for restriction and control of use; measures for regulation of consumption, including the measures for adaptation of agricultural production of cultures that require less water in the regions affected by droughts; measures for rational, efficient use and reuse of waters, including use of technologies in industry and irrigation for efficient use of water and for water saving; carrying out construction works and projects for rehabilitation; measures for artificial recharging of aquifers; measures for education, research, development and training, and other necessary measures.

(3) If the monitoring or the other data for the water body point out that the possibility of achieving the environmental objectives for the water bodies determined by this Law is small, except in the case under Article 119 of this Law, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to take the following activities:

- to investigate the reasons for the possible failure,
- to investigate and/or revise the relevant permits and approvals related to the water body,
- to revise and, if necessary, to adapt programs for water body monitoring, and
- to establish, if necessary, additional measures in order the environmental objectives to be achieved, including stricter standards for environmental quality.

(4) The state administrative body responsible for carrying out the activities in the field of environment may adopt a special program for one or several measures referred to in paragraph (1) of this Article if it assesses that it shall provide more appropriate implementation of the given measures in that way.

## **Article 75**

### **Notification about the implementation of the river basin management plans and the Program of Measures**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged:

- 1) at least one in every three years, to notify the Government of the Republic of Macedonia about the implementation of the river basin management plans;
- 2) at least once in a year, to notify the Government of the Republic of

Macedonia about the implementation of the Program of Measures, about the reasons for non-implementation, and about the introduction of additional measures, and

3) to announce the plans for river basin management in accordance with Article 163 of this Law.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to submit to the Government of the Republic of Macedonia an initial report about:

1) implementation of the river basin management plans within a period of three years as of the day of adoption of the river basin management plan, and

2) implementation of the Program of Measures within a period of one year as of the day of adoption of the Program of Measures.

## **Article 76**

### **Environmental impact assessment on the basis of the basic documents for planning and development of water resources management in the Republic of Macedonia**

The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to provide environmental impact assessment of the strategies, plans and programs for planning and development of water resources management in the Republic of Macedonia, especially the impact of the basic planning documents determined in Article 61 of this Law and of the program for protection against harmful effects of waters determined in Article 124 of this Law, as well as of their alterations and supplements, in the procedure prescribed by the Law on Environment.

## **IV. WATER PROTECTION**

### **1. GENERAL PROVISIONS**

#### **Article 77**

##### **General prohibition**

(1) Any action or activity that pollutes the waters or discharges waste waters or any failure to act that enables pollution of waters or discharges waste waters shall be forbidden.

(2) As an exception to paragraph (1) of this Article, the actions and activities may be taken under the conditions and in the manner determined by this Law.

#### **Article 78**

##### **General provision on discharge of waste waters**

(1) Any discharge into waters, waterside land and water habitats shall be made on the basis of a permit in accordance with the criteria for water quality and the environmental objectives determined by this Law and another regulation.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to ensure that the issued permit is in compliance with the existing criteria for water quality and the environmental objectives determined by this Law and another regulation.

## Article 79

### Discharge permit

(1) The legal entities and natural persons, including the state administrative bodies, municipalities, municipalities in the city of Skopje and the City of Skopje, may discharge waste waters or discharge or throw materials and substances in the recipients only upon previously obtained permit for discharge into waters (hereinafter: discharge permit) under the conditions and in the manner determined by this Law.

(2) For the purpose of implementing the plans for river basin management, the discharge permit shall be issued in accordance with the river basin management plan.

(3) The permit for the facilities and installations for which discharge permit is required and for which the Law on Environment determines that A-integrated environmental permit, that is, B-integrated environmental permit for installations in protected area is to be obtained, shall be obtained in the procedure determined in that law.

(4) The A-integrated environmental permit, that is, B-integrated environmental permit for installations in protected area referred to in paragraph (3) of this Article shall replace the discharge permit.

(5) The permit for the facilities and installations for which discharge permit is required and for which the Law on Environment determines that B-integrated environmental permit, except the B-integrated environmental permit for installations in protected area is required, shall be obtained under the conditions and in the manner determined by this Law.

(6) The assessment of the projects for which an environmental impact assessment is prescribed under the Law on Environment, including the projects for which the need of an assessment is determined on a case-by-case basis, shall be carried out under the conditions and in the manner determined by that law.

(7) The emission limit values for substances and their quantities and the environmental standards covered by this Law and the regulations adopted on the basis of this Law, including the emissions and standards determined by the regulations in the field regulating the issuance of the integrated environmental permit, for the purpose of achieving the environmental objectives of a body of water determined by this Law, shall be determined in the permit referred to in paragraph (4) of this Article.

## Article 80

### Application for issuance of a discharge permit

(1) The state administrative body responsible for carrying out the activities in the field of environment shall issue the discharge permit on the basis of an application of the legal entity or natural person (hereinafter: applicant).

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the form and content of the application, as well as the necessary documentation that is to be attached to the application referred to in paragraph (1) of this Article.

## Article 81

### Acting upon the application for issuance of a discharge permit

The state administrative body responsible for carrying out the activities in

the field of environment shall act upon the application for issuance of a discharge permit in accordance with Articles 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 42 of this Law.

## **Article 82**

### **Issuance of discharge permit**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to issue the discharge permit or to adopt a decision refusing the application for issuance of the discharge permit within a period not longer than three months as of the day of receipt of the application, that is, the receipt of the data for supplementing the application.

(2) The applicant, within a period of 15 days as of the day of receipt of the decision refusing the application for issuance of a permit, that is, discharge permit, may file an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall record the issued discharge permits, the transfer of the rights and obligations under the discharge permit, the temporary forced management, the alterations and supplements of the permit, the restrictions of the permit, the revocation, and termination of the permit in the water book.

(4) If the body referred to in paragraph (1) of this Article does not issue the permit referred to in Article 79 paragraph (1) of this Law, that is, does not adopt a decision refusing the application for issuance of the permit within the period prescribed by paragraph (1) of this Article, the applicant shall have the right, within a period of three working days, to submit a request to the filing office of the minister heading the state administrative body responsible for carrying out the activities in the field of environment for adoption of a decision for issuance of the discharge permit. If the minister does not have a filing office, the request shall be submitted to the filing office of the head office of the state administrative body responsible for carrying out the activities in the field of environment.

(5) The form and content of the request referred to in paragraph (4) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(6) The applicant shall attach a copy of the application referred to in Article 80 paragraph (1) of this Law for adoption of a decision for issuance of the discharge permit to the request referred to in paragraph (4) of this Article.

(7) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (4) of this Article to the filing office, to adopt a decision approving or denying the application for issuance of the discharge permit.

(8) If the minister heading the state administrative body responsible for carrying out the activities in the field of environment does not adopt the decision referred to in paragraph (7) of this Article, the applicant may notify the State Administrative Inspectorate thereof within a period of five working days.

(9) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in

paragraph (8) of this Article, to inspect whether the procedure in accordance with law has been conducted in the state administrative body responsible for carrying out the activities in the field of environment and to inform the applicant about the established situation during the inspection within a period of three working days as of the day the inspection has been conducted.

(10) Upon the inspection conducted in accordance with law, the inspector of the State Administrative Inspectorate shall adopt a decision obligating the minister heading the state administrative body responsible for the activities in the field of environment to decide on the filed request referred to in paragraph (4) of this Article within ten days, that is, to approve or deny the request and to notify the inspector of the adopted decision. A copy of the decision shall be attached to the notification.

(11) If the minister heading the state administrative body responsible for carrying out the activities in the field of environment does not decide within the deadline referred to in paragraph (10) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor laid down in the Law on Administrative Inspection, and shall set an additional deadline of five working days within which the minister shall decide the filed request and shall notify the inspector of the adopted decision. A copy of the decision shall be attached to the notification. The inspector shall notify the applicant within three working days.

(12) If the minister does not decide within the additional deadline referred to in paragraph (11) of this Article, the inspector, within three working days, shall file a report with the competent public prosecutor and shall notify the applicant about the measures taken within the same deadline.

(13) If the inspector does not act based on the notification referred to in paragraph (8) of this Article, the applicant shall have the right to file a complaint at the filing office of the director of the State Administrative Inspectorate within five working days. If the director does not have a filing office, the request shall be submitted to the filing office in the head office of the State Administrative Inspectorate.

(14) The director of the State Administrative Inspectorate shall be obliged to examine the complaint referred to in paragraph (13) of this Article within three working days and, if he/she establishes that the inspector has not acted based on the notification of the applicant in accordance with paragraphs (9) and (10) and/or has not filed a report in accordance with paragraphs (11) and (12) of this Article, the director of the State Administrative Inspectorate shall file a motion for initiation of a misdemeanor procedure against the inspector for a misdemeanor laid down in the Law on Administrative Inspection and shall set an additional deadline of five working days within which the inspector shall inspect whether the procedure in accordance with law has been conducted in the competent body, and shall notify the applicant about the measures taken within three working days as of the day the inspection has been conducted.

(15) If the inspector does not act in the additional deadline referred to in paragraph (14) of this Article, the director of the State Administrative Inspectorate shall file a report with the competent public prosecutor against the inspector and shall notify the applicant about the measures taken within three working days.

(16) In the cases referred to in paragraph (15) of this Article, the director of the State Administrative Inspectorate shall immediately, or within one working day at latest, oblige other inspector to conduct the inspection immediately.

(17) In the cases referred to in paragraph (16) of this Article, the director of the State Administrative Inspectorate shall notify the applicant about the measures taken within a period of three working days.

(18) If the director of the State Administrative Inspectorate does not act in accordance with paragraph (14) of this Article, the applicant may file a report with the competent public prosecutor within eight working days.

(19) If the minister heading the state administrative body responsible for the activities in the field of environment has not adopted a decision within the deadline referred to in paragraph (11) of this Article, the applicant may initiate an administrative dispute before the competent court.

(20) The procedure in the Administrative Court shall be urgent.

(21) The bylaw referred to in paragraph (5) of this Article shall be adopted within a period 15 days as of the day of adoption of this Law.

(22) Upon adoption of the bylaw referred to in paragraph (5) of this Article, it shall immediately and within a period of 24 hours at the latest, be announced on the web page of the state administrative body responsible for the activities in the field of environment.

## **Article 83**

### **Content of the discharge permit**

(1) The discharge permit shall in particular determine:

- 1) the data about the holder of the permit;
- 2) the list of facilities and installations in accordance with the submitted technical documentation;
- 3) the manner and requirements for construction, reconstruction and extension of the facilities and installations;
- 4) the operating regime of the facilities and installations;
- 5) the manner and requirements for discharging into waters, waterside land and water habitats and the consequences from the change in the regime of the water, waterside land and water habitats, including the emission limit values for substances and their quantities and the environmental standards;
- 6) the manner and procedure for measuring the quantity and quality of the discharge into waters, as well as the manner of submitting the data from the measurement;
- 7) the manner and procedure for payment of the charge for discharge into waters;
- 8) the manner, conditions and level of purification and collection and treatment of waste waters;
- 9) the deadlines within which the activities for construction, maintenance, exploitation, modification, extension, rehabilitation and closing the already built water resources management facilities and other facilities are to begin and complete, and
- 10) the duration of validity of the permit.

(2) The discharge permit shall determine the authorizations of the state administrative body responsible for carrying out the activities in the field of environment for:

- 1) determination of additional requirements or changes of the type of materials and substances in the water or the limit values for the materials and substances;
- 2) determination of the additional technical measures;
- 3) introduction of additional measures for establishment of a balance of the mitigated ecological and chemical status of the surface waters caused by discharge into waters the costs of which are to be born by the holder of the permit;
- 4) change of standards and limit values for the waste waters or discharged materials and substances determined by the permit depending on the change of the regulations determining these standards, and
- 5) determination of additional requirements related to the monitoring of waters.

(3) The minister heading the state administrative body responsible for

carrying out the activities in the filed of environment shall in detail determine the form and content of the discharge permit.

## **Article 84**

### **Alteration and supplement of the discharge permit**

(1) In addition to the requirements referred to in Article 45 paragraph (1) of this Law, the discharge permit may be altered or supplemented, *ex officio* , or on a request of the holder of the permit if the quality and quantity of the waters that are discharged have changed.

(2) The holder of the permit shall attach a technical documentation to the request for alteration and supplement of the discharge permit in the cases referred to in paragraph (1) of this Article in particular containing: reasons and data about the occurred changes in the quantity, quality, location and manner of water discharge, as well as other necessary data.

(3) The state administrative body responsible for carrying out the activities in the filed of environment shall record the alterations and supplements of the discharge permit in the water book.

## **Article 85**

### **Duration of validity of the discharge permit**

(1) The discharge permit shall be issued for a determined period of time depending on the type of water resources management facility, but not longer than ten years.

(2) The duration of validity of the discharge permit shall start from the moment the permit becomes legally effective.

(3) The holder of the permit shall be obliged to submit a request for extension of the duration of validity of the permit six months prior to the expiry of the validity of the discharge permit the latest.

(4) The state administrative body responsible for carrying out the activities in the filed of environment, on request of the holder of the discharge permit, in case of existence of justified reasons, may extend the deadline determined by the permit within which the works and activities for construction, maintenance, exploitation, modification extension, rehabilitation and termination of the work on built water resources management and other facilities are to be completed.

(5) For the purpose of protecting the groundwaters, the discharge permits issued in accordance with Article 111 of this Law shall be obligatory revised at least every four years.

## **Article 86**

### **Termination of the discharge permit**

(1) The discharge permit shall terminate in accordance with the conditions determined in Article 47 paragraph (1) of this Law.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall record the termination of the permit in the water book.

## **Article 87**

### **Restriction of the discharge permit**

(1) The discharge into the waters shall be temporary stopped if the

discharge:

- 1) endangers the human health;
- 2) threatens the natural balance of the aquatic ecosystems and water dependent ecosystems, and
- 3) has harmful effect on the protected areas determined by the regulations on protection of the nature.

(2) The temporary restriction of the discharge into the waters shall be also imposed for state defense and security purposes.

(3) In the cases referred to in paragraph (2) of this Article, the holder of the permit shall have the right to damage compensation, in accordance with the general regulations on damage compensation.

(4) The state administrative body responsible for carrying out the activities in the field of environment, by decision, shall decide for the restrictions referred to in paragraphs (1) and (2) of this Article. The restrictions referred to in paragraph (1) of this Article may be requested by the state administrative body responsible for carrying out the activities in the field of health.

(5) The state administrative body responsible for carrying out the activities in the field of environment, by the decision referred to in paragraph (4) of this Article, shall determine refurbishing and other measures that should be taken by the holder of the permit.

(6) The restriction referred to in paragraphs (1) and (2) of this Article cannot last longer than the need for implementation of the refurbishing or other measures.

(7) The holder of the discharge permit, within a period of seven days as of the day of receipt of the decision, may file an appeal against the decision referred to in paragraph (5) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance.

(8) The appeal referred to in paragraph (7) of this Article shall not postpone the enforcement of the decision referred to in paragraph (5) of this Article.

(9) The state administrative body responsible for carrying out the activities in the field of environment shall record the restriction of the water right in the water book.

## **Article 88**

### **Revocation of the discharge permit**

(1) The discharge permit shall be revoked in accordance with the conditions determined in Article 51 paragraph (1) of this Law.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall adopt a decision for revocation of the permit in the cases referred to in paragraph (1) of this Article.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to notify the holder of the discharge permit about the initiation of the procedure for revocation of the permit and, in the decision referred to in paragraph (2) of this Article, to set a deadline which cannot be longer than 30 days within which the holder is ordered to eliminate the cause referred to in Article 51 paragraph (1) points 1 and 2 of this Law for initiation of the procedure.

(4) If after the expiry of the deadline determined in accordance with paragraph (3) of this Article the holder of the discharge permit does not eliminate the reasons or continues with the activities referred to in Article 51 paragraph (1) points 1 and 2 of this Law, the state administrative body

responsible for carrying out the activities in the field of environment shall adopt a decision for revocation of the permit.

(5) The revocation of the permit shall become legally effective as of the day determined in the decision referred to in paragraph (4) of this Article.

(6) The holder of the permit, within a period of seven days as of the day of receipt of the decision, may file an appeal against the decision referred to in paragraph (4) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance.

(7) The appeal referred to in paragraph (5) of this Article shall not postpone the enforcement of the decision referred to in paragraph (4) of this Article.

(8) The legal entity or the natural person whom has been revoked the permit shall not have the right to damage compensation.

(9) The state administrative body responsible for carrying out the activities in the field of environment shall record the revocation of the permit in the water book.

## **Article 89**

### **Special condition for revocation of the discharge permit**

(1) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment or on proposal of another state administrative body, may decide to revoke the discharge permit by the holder if the revocation ensures or achieves wider public interest from the one for which the permit has been issued.

(2) Wider public interest referred to in paragraph (1) of this Article shall be protection of human life and health.

(3) In the case referred to in paragraph (1) of this Article, the legal entity, that is, the natural person who has been revoked the permit shall have the right to damage compensation in accordance with the general rules for damage compensation.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall record the revocation of the permit for the purpose of ensuring wider public interest in the water book.

## **2. ENVIRONMENTAL OBJECTIVES FOR WATERS**

### **Article 90**

#### **Environmental objectives for surface waters**

(1) The surface waters shall be managed in a manner that ensures:

- 1) avoidance of deterioration of water status and impacts that cause deterioration of the status of aquatic ecosystems and the chemical status of waters;
- 2) achievement of good status of water bodies and water ecosystems, as well as water dependent ecosystems and
- 3) achievement of good chemical status and good ecological potential of the water in artificial and significantly modified water bodies.

(2) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall determine the

characteristics and criteria for determination of the good status of surface waters, the good chemical status and the good ecological potential of the water referred to in paragraph (1) of this Article, including the conditions for determining the artificial and heavily modified surface body waters, as well as the deadline for achieving the good status of surface waters taking into consideration the special conditions determined for the protection zones anticipated by the provisions of Articles 96 through 103 of this Law.

(3) The regulation referred to in paragraph (2) of this Article shall determine the measures for:

- 1) reduction of discharges of polluting materials and substances;
- 2) progressive reduction of discharges, as well as leaking of certain polluting materials and substances or groups of polluting materials and substances that pose a significant risk to the water as an environmental medium, including the drinking water (priority materials and substances);
- 3) termination and gradual reduction of discharges of priority hazardous materials and substances;
- 4) refurbishing or mitigation of the consequences from any pollution of waters, waterside lands and water habitats;
- 5) restitution of the natural status of the water body in case when it is possible and unreasonable high costs are not required, that is, does not cause significant negative consequences on the environment, navigation and recreation, water storage for water supply, irrigation and generation of electricity, regulation of water courses, protection against floods and other important activities related to human development, and
- 6) improvement of the properties of the artificial and highly modified surface body waters.

(4) The deadline for achieving the environmental objectives referred to in paragraph (2) of this Law regarding the surface waters that flow into the protected areas proclaimed as such in accordance with the Law on Protection of Nature should be harmonized with the deadlines for achieving the environmental standards resulting from the regulations in accordance with the Law on Protection of Environment.

## **Article 91**

### **Combined approach for point and diffuse source pollution control**

(1) The control of discharges and emissions into surface waters shall be based on the combined approach for point and diffuse source pollution control through:

- 1) controls of emissions based on the best available techniques;
- 2) establishment of relevant emission limit values or
- 3) best ecological practices in case of diffuse source pollution.

(2) The strictest control for discharges and emissions shall be applied in case of stricter objectives and standards for quality of surface waters than the ones determined in accordance with the criteria referred to in paragraph (1) of this Article.

## **Article 92**

### **Environmental objectives for groundwaters**

(1) The groundwaters shall be managed in a manner that:

- 1) avoids deterioration of their quantitative and chemical status;
- 2) decreases the significant and long-term growing trend of concentration of polluting material in waters resulting from human activities;
- 3) ensures a balance between the abstraction and recharging of groundwaters, and
- 4) achieves good quantitative and chemical status of groundwaters.

(2) The Government of the Republic of Macedonia, on proposal of the

minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall prescribe:

- 1) the criteria and properties of the good quantitative and chemical status of groundwaters, as well as the determination of the reverse trend referred to in paragraph (1) point 2 of this Article;
- 2) the necessary measures for prevention and limitation of the polluting materials and substances, and
- 3) the deadline for achievement of the good groundwater status, taking into consideration the special conditions determined for protection zones anticipated by Articles 96 through 103 of this Law.

(3) The deadline for achieving the environmental objectives referred to in paragraph (2) point 3 of this Article for groundwaters that flow into the protected areas proclaimed as such in accordance with the Law on Protection of Nature should be harmonized with the deadlines for achievement of environmental standards resulting from the regulations in accordance with the Law on Protection of Nature.

## **Article 93**

### **Water quality objectives**

For the purpose of maintaining and improving the water quality, the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall prescribe:

- 1) the water classification and categorizations, in accordance with Article 94 of this Law;
- 2) the deadline for achieving the water quality objectives for each category of waters determined in accordance with Article 94 of this Law, and
- 3) the minimum standards for water quality and environmental objectives for all water bodies.

## **Article 94**

### **Water classification and water bodies categorization**

(1) The quality and suitability of the water to be used for different purposes shall be determined by the Government of the Republic of Macedonia on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the state administrative body responsible for carrying out the activities in the field of health through water classification and categorization of the bodies of surface waters and groundwaters.

(2) The regulations referred to in paragraph (1) of this Article shall in particular determine:

- 1) the general conditions that should be fulfilled by the water, for a particular purpose;
- 2) the concrete conditions that should be fulfilled by the water in view of presence of materials and substances and their concentrations;
- 3) the concrete conditions for the status of water bodies in accordance with the regulations referred to in Article 72 of this Law;
- 4) the concrete conditions for classification of surface water bodies of drinking water in three classes in accordance with the regulations referred to in Article 183 of this Law;
- 5) the concrete conditions necessary for supporting the life of fish;
- 6) other concrete characteristics in accordance with Article 72 of this Law, and
- 7) water quality objectives for the purpose of reducing the water pollution within an appropriate class.

(3) The surface waters and groundwaters in every river basin shall be divided and categorized in particular surface water bodies and groundwater bodies according to the concrete conditions of one or several

classifications and in accordance with Article 72 of this Law.

## **Article 95**

### **Environmental objectives deviation**

(1) As an exception, if the achievement of the environmental objectives for a particular water body determined by this Law is unattainable or unjustifiably expensive, less strict environmental objectives may be determined for that water body.

(2) As an exception, the deviation of the environmental objectives determined by this Law shall be allowed only if the deviation is a result of:

- new changes of the physical properties of the surface water body,
- changes in the level of the groundwater bodies, or
- undertaking of measures for sustainable human development that cause deterioration of the status of the surface water body from high to good.

(3) The deviation of the environmental objectives referred to in paragraph (1) and (2) of this Article must not prevent or hinder permanently the achievement of the environmental objectives determined by this Law for the particular water body and other water bodies.

(4) The data for the deviation of the environmental objectives referred to in paragraphs (1) and (2) of this Article, as well as the planned and taken measures for improvement of the water quality and meeting the environmental objectives determined by this Law shall be an integral part of the river basin management plan.

(5) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall in detail prescribe the conditions for deviation of the environmental objectives.

## **3. Protection zones**

### **3.1. General provision**

#### **Article 96**

##### **Determination of protection zones**

(1) The Government of the Republic of Macedonia shall determine:

1) the protection zones for water bodies intended for human consumption, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of environment;

2) the protection zones for water bodies marked as recreational waters, including the bathing waters, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of environment;

3) the protection zones that are sensitive to nitrates, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture;

4) the water bodies that are sensitive to waste water discharge as protection zones, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture and the

minister heading the state administrative body responsible for carrying out the activities in the field of health;

5) the areas determined as protected natural heritage where the maintenance and improvement of the water status is an important factor, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, and

6) the zones intended for protection of plant and animal species that live or depend on water and are economically important, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment and the minister heading the state administrative body responsible for carrying out the activities in the field of forestry.

(2) The municipalities, the municipalities in the city of Skopje and the City of Skopje may indicate the state administrative body responsible for carrying out the activities in the field of environment the need for determining a protection zone, in terms of paragraph (1) of this Article. The decision on the need for determination of a protection zone, in terms of paragraph (1) of this Article, shall be adopted by the council of the municipalities, municipalities in the city of Skopje and the City of Skopje.

(3) The protection zones shall be demarked at the very place by precautionary signs and informative boards. The demarcation of the protection zones shall be provided by the state administrative body responsible for carrying out the activities in the field of environment.

(4) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall determine measures necessary for protection of the protection zones referred to in paragraph (1) of this Article ensuring achievement of the environmental objectives.

(5) The protection zones and the water bodies within any river basin that require special protection, determined in accordance with paragraph (1) of this Article, shall be recorded and continuously updated in the register for protection zones kept by the state administrative body responsible for carrying out the activities in the field of environment.

(6) The data and the map of protection zones referred to in paragraph (1) of this Article and the data from the register of protection zones shall be an integral part of the plan for the relevant river basin management.

(7) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the conditions and the manner of establishment of the protection zones for the maps of protection zones referred to in this Article.

(8) The form and content of the register referred to in paragraph (5) of this Article shall be prescribed by:

1) the minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment, for the zones referred to in paragraph (1) points 1, 2 and 4 of this Article;

2) the minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment and the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture, for the zones referred to in paragraph (1) point 3 of this Article;

3) the minister heading the state administrative body responsible for carrying out the activities in the field of environment, for the zones referred to in paragraph (1) point 5 of this Article, and

4) the minister heading the state administrative body responsible for

carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of forestry, for the zones referred to in paragraph (1) point 6 of this Article.

(9) The measures and conditions determined in accordance with this Law, as well as the measures and conditions determined by the regulations in the field of protection of nature shall apply to the determination of the zones referred to in paragraph (1) point 6 of this Article.

## **3.2. Water intended for human consumption**

### **Article 97**

#### **Water bodies from which water intended for human consumption is impounded**

(1) Water bodies from which 10 m<sup>3</sup> water a day or more intended for human consumption or water supply of more than 20 persons is impounded or may be impounded shall be determined within every river basin.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall determine the water bodies referred to in paragraph (1) of this Article and shall submit them to the Government of the Republic of Macedonia for the purpose of determining the protection zones referred to in Article 96 paragraph (1) point 1 of this Law.

(3) Obligatory monitoring in accordance with Article 145 of this Law shall be conducted of the water bodies that are determined for impoundment of water intended for human consumption in accordance with paragraph (2) of this Article and provide more than 100 m<sup>3</sup> water a day.

### **Article 98**

#### **Protection zones for water bodies intended for human consumption**

(1) The water body that is used for supply of water intended for human consumption shall be protected by establishing and maintaining a narrower zone or zone of strict sanitary supervision and one or more broader protection zones.

(2) Narrower protection zone, in terms of paragraph (1) of this Article, shall be the proximate area around the place of impoundment of the water intended for human consumption whose boundary is determined depending, in particular, on the generosity and significance of the water body, configuration type and composition of the land and vicinity to settlements.

(3) The broader protection zone, in terms of paragraph (1) of this Article, shall be the broader area around the water body intended for supply of water intended for human consumption, where the cultivation of the land, the construction and use of facilities and carrying out other activities may negatively effect the qualitative and quantitative status of the water body and its boundary is determined depending, in particular, on the size and significance of the water body, hydrogeological status and source of the water body.

(4) The protection zone maps shall be an integral part of the cadastres and urban planning of the municipalities, municipalities in the city of Skopje and the City of Skopje.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the manner of determination and maintenance of the narrower and broader protection zones and the manner of land cultivation, construction and use of facilities and carrying out other works and activities in the protection zones that may negatively effect the qualitative and quantitative status of the water body.

## **Article 99**

### **Boundaries of the protection zones of the waters intended for human consumption**

(1) The boundaries of the protection zones of the waters intended for human consumption, the protection measures and the other conditions shall be determined by a study prepared on the basis of the researches and results from the research activities by an authorized expert legal entity.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail prescribe the content and the manner of preparation of the study referred to in paragraph (1) of this Article.

(3) The authorized expert legal entity referred to in paragraph (1) of this Article should fulfill the following requirements:

- to employ at least one person with university diploma in natural and medical sciences who has at least three years of working experience, and
- to own appropriate equipment and special conditions for work.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail prescribe the type of the vocational training, the equipment and the spatial conditions that should be fulfilled by the expert legal entity in order to be authorized for the activities referred to in paragraph (1) of this Article.

(5) The authorization referred to in paragraph (1) of this Article shall be issued by the minister heading the state administrative body responsible for carrying out the activities in the field of health and shall be published in the "Official Gazette of the Republic of Macedonia".

## **Article 100**

### **Regime of the protection zones of water bodies intended for human consumption**

(1) For the purpose of protecting the water body used for supply of water intended for human consumption against pollution or other types of use that may affect the safety of the water or its quantity, necessary measures shall be taken that, directly or indirectly, are not going to allow:

- 1) deterioration of the existing quality of the water in the extent relevant for the protection of the human health, and
- 2) increasing the level of treatment for purification of waters used for production of drinking water.

(2) The activities that would endanger the qualitative and quantitative status of the water body intended for human consumption shall be forbidden in the protection zones.

(3) For the purpose of restricting and controlling the movement, the legal entity that manages the water supply system shall fence and shall take other necessary measures for protection and securing the land in the narrower protection zone.

(4) The land in the narrower protection zone owned by natural persons and legal entities shall be expropriated, in accordance with the regulations on expropriation.

(5) The construction of facilities and carrying out other works and activities, with the exception to the impoundment facilities, reservoirs, transformer stations, inland roads and other facilities necessary for water supply and actions necessary for functioning of these activities on the land in the narrower protection zone, shall be forbidden.

### **3.3. Bathing zones**

#### **Article 101**

##### **Bathing zones**

(1) Bathing zones shall be the areas where the bathing water is located.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications shall determine the water bodies referred to in paragraph (1) of this Article and shall submit them to the Government of the Republic of Macedonia for the purpose of determining the protection zones referred to in Article 96 paragraph (1) point 2 of this Law.

(3) The mayor of the municipalities and the City of Skopje shall be obliged to demark the bathing zones where the zones referred to in paragraph (1) of this Article must be included as a minimum.

(4) The mayor of the municipalities and the City of Skopje shall be obliged to take measures for protection of the bathing zones against pollution and for protection against actions and activities that may negatively affect the quality of the bathing water, in accordance with Article 104 of this Law.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall update the list of bathing zones determined in accordance with Article 96 paragraph (1) point 2 of this Law once in a year, at the end of the bathing season.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications shall prescribe the manner of demarcation and the manner of using the bathing zones.

### **3.4. Nitrate sensitive zones**

#### **Article 102**

##### **Nitrate sensitive zones**

(1) For the purpose of protecting the waters against pollution caused by

agricultural activities, the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall adopt a good agricultural practice to be implemented voluntarily for the purpose of:

- 1) giving practical instructions to farmers and other persons involved in agriculture, in relation to the activities that may affect the bodies of surface waters and groundwaters, and
- 2) promoting appropriate practices for reduction of water pollution.

(2) For the purpose of preventing or controlling the input of nitrates into the waters as a result of agricultural activity, the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture and the minister heading the state administrative body responsible for carrying out the activities in the field of health shall in detail prescribe the criteria for determination of the nitrates sensitive zones determined in accordance with Article 96 paragraph (1) point 3 of this Law including in particular the areas with:

- surface water bodies, especially the ones that are used, or are intended, for impoundment of drinking water and are classified in accordance with Article 94 of this Law,
- groundwater bodies that contain more than 50 mg/l or are possible to contain more than 50 mg/l nitrates in future if no protection measures are taken, and
- surface waters that are considered eutrophic or may become eutrophic in future if no protection measures are taken.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture and the minister heading the state administrative body responsible for carrying out the activities in the field of health, every four years, shall adopt an operational plan for protection of waters against pollution caused by nitrates from agricultural sources and shall determine the requirements, bans or restrictions in relation to the use of the land and carrying out agricultural activities within the marked zones for the purpose of implementing the measures.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall prescribe the content, measures and requirements for application of the good agricultural practice referred to in paragraph (1) of this Article, as well as the content, the compulsory and other measures of the operational plan referred to in paragraph (3) of this Article.

(5) The existing scientific and technical data, especially the ones in relation to the corresponding nitrate participation that results from agricultural and other sources, as well as the conditions in the relevant areas located in the nitrate sensitive zones shall be especially taken into consideration in the operational program referred to in paragraph (3) of this Article.

(6) If it is determined that the taken measures for implementation of the operational plan referred to in paragraph (3) of this Article are not sufficient for reduction of the water pollution caused by nitrates from agricultural sources and prevention of the future pollution, such measures or enforced actions that are considered necessary for achievement of the objectives of the operational plan shall be determined in the operational plan. When determining the measures or actions, consideration shall be taken about their efficiency and costs in relation to the other preventive measures.

(7) The minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall adopt a program for implementation of the operational plan referred to in paragraph (3) of this Article.

### **3. 5. Zones sensitive to waste water discharge**

#### **Article 103**

##### **Zones sensitive to urban waste water discharges**

(1) The water body that meets one of the following criteria shall be considered zone sensitive to urban waste water discharge:

- 1) surface waters that are considered eutrophic or that may become eutrophic in near future if no protection measures are taken;
- 2) areas of water bodies intended for abstraction of water intended for human consumption that contain concentration of more than 50 mg/l nitrate, or may reach such concentration in near future, and
- 3) water bodies where waste waters from settlements with more than 2.000 population equivalent are discharged, where other purification of urban waste waters than the secondary (biological) purification is required.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall determine and update the list of sensitive water bodies and shall determine the requirements in relation to the load and method of purification of urban waste waters that are discharged in the water bodies in the sensitive zones.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall in detail prescribe the criteria for determination of the zones sensitive to urban waste water discharge referred to in paragraph (1) of this Article determined in accordance with Article 96 paragraph (1) point 4 of this Law.

### **4. Protection of bathing waters**

#### **Article 104**

##### **Protection of bathing waters**

(1) The mayor of the municipalities and the mayor of the City of Skopje on whose area the bathing waters are located, shall regulate the manner of bathing water use in accordance with the standards and procedures determined by the provisions of this Law or a regulation adopted on the basis of this Law.

(2) The mayor of the municipalities and the mayor of the City of Skopje on whose area the bathing waters are located, shall determine the bathing season period, as well as the number of bathers during the day according to which it can be considered that the bathing season has started or ended out of the determined bathing season period, on the basis of a regulation adopted under paragraph (6) of this Article.

(3) In case of decrease in bathing water quality, the mayor of the municipalities and the mayor of the City of Skopje shall mandatory inform the public about the change in the water quality as well as about the measures that should be taken.

(4) For the purpose of protecting the waters against pollution, the minister

heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment may forbid the bathing or restrict the carrying out of activities that affect or may affect the human health and life in the bathing zones.

(5) Bathing water must not contain materials and substances that are harmful and dangerous to the human health if above the prescribed values for bathing water quality.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the manner and the measures for bathing water management, the technical criteria and the objectives for the bathing water quality that especially cover:

- 1) establishment and maintenance of the bathing water profile;
- 2) establishment of a calendar for monitoring, parameters and limit values of the bathing waters and the bathing zones;
- 3) monitoring of bathing waters, reference measurement methods, frequency, places and methodology for taking samples;
- 4) assessment of the bathing water quality, concrete conditions that should be fulfilled by the water in relation to the presence of materials and substances and their concentrations, the manner of conducting control and the notification about the bathing water quality;
- 5) classification of bathing waters;
- 6) identification and assessment of cases of pollution of bathing waters that may affect the health of bathers;
- 7) the manner and procedure for informing the public and participation of the public in bathing water management;
- 8) undertaking activities for protection of bathers from pollution;
- 9) undertaking activities for reduction of the risk of pollution;
- 10) criteria for determination of the bathing season (date, number of bathers and similar), and
- 11) cases when bathing can be temporary restricted or forbidden.

(7) On the basis of the assessment of the bathing water quality, in accordance with paragraph (6) of this Article, the bathing waters shall be classified as poor, sufficient, good and excellent.

(8) The minister heading the state administrative body responsible for carrying out the activities in the field of health upon prior cooperation with the minister heading the state administrative body responsible for carrying out the activities in the field of environment, and the mayor of the municipalities and the mayor of the City of Skopje shall adopt a program of measures for the purpose of improving the quality of bathing waters so as the categorization of the bathing water to be raised to category good or excellent.

## **5. Waterside lands**

### **Article 105**

#### **Protection of waterside lands**

(1) The construction of installations and facilities or any works and activities that include processing, treatment, storage, removal or transport of hazardous materials and substances and solid or liquid waste shall be forbidden in the waterside lands, unless otherwise determined by this Law.

(2) The use of fertilizers, substances for plant protection and biocidal products shall be forbidden in the area of 10 meters from the waterside of the surface waters.

## **6. Control of emissions and pollution**

### **Article 106**

#### **Objectives**

Control of emissions and pollution shall be the reduction of the discharges of polluting materials and substances and reduction and elimination of discharges of priority hazardous materials and substances.

### **Article 107**

#### **Hazardous materials and substances**

(1) The following shall be in particular included in the group of hazardous materials and substances:

- 1) crude oil, fuel, diesel, heating fuel and any other petrochemical fluid;
- 2) organohalogen compounds and materials and substances that may form such compounds in the water environment, organophosphorus compounds, organotin compounds, materials and substances that possess carcinogen, mutagenic or teratogenic properties in or through the water environment, mercury and its compounds, cadmium and its compounds, mineral oils and carbo-hydrogen, cyanides, separate priority hazardous materials and substances and categories of materials and substances included in the list prescribed in accordance with this Law, and
- 3) other liquid and gas materials and substances under risk of being toxic and liable to bioaccumulation.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe:

- 1) the list of polluting materials and substances, priority materials and substances including the priority hazardous materials and substances;
- 2) the technical and other conditions in relation to the installation and the work of the installations referred to in Article 108 of this Law, and
- 3) the manner of testing the facilities and installations referred to in Article 108 of this Law by experts prior to putting them into operation and at regular intervals during the operation.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health, at regular intervals, but not longer than four years, shall revise the list referred to in paragraph (2) point 1 of this Article.

(4) The list referred to in paragraph (2) point 1 of this Article and their characteristics shall be part of the Register of Polluting Materials and Substances in accordance with the Law on Environment.

### **Article 108**

#### **Facilities and installations that work with hazardous materials and substances**

(1) The facilities and installations that in the process of production, processing, filling and storage use or apply hazardous materials and substances that may affect the water quality, including the pipelines for transport of such materials and substances, shall be built, installed, operated and maintained in the manner that exclude any direct or indirect water pollution.

(2) The facilities and installations referred to in paragraph (1) of this

Article must be in compliance with the best available techniques.

(3) The facilities and installations referred to in paragraph (1) of this Article cannot be built or start operating if an integrated environmental permit, an opinion or consents required in accordance with the Law on Environment is not obtained.

(4) In case of emission that could enter directly or indirectly into the surface waters, groundwaters or sewage system, the legal entity responsible for the operation of the installation must immediately notify the state administrative body responsible for carrying out the activities in the field of environment, as well as to take all the prescribed measures for prevention and reduction of the negative impact on the environment.

(5) The provisions referred to in paragraphs (1), (2), (3) and (4) of this Article shall not apply to facilities and installations for storage of liquid manure and other by-products from agricultural activities.

## **Article 109**

### **Activities against pollution**

(1) In case when priority hazardous materials and substances, toxic and harmful or polluting materials and substances or waste enter or may enter into the waters, the state administrative body responsible for carrying out the activities in the field of environment shall take measures for:

- 1) prevention of entrance of such materials and substances and waste;
- 2) removal and storage of materials and substances;
- 3) refurbishing and mitigation of any water pollution, and
- 4) as much as possible, restitution to the previous condition of waters and the flora and fauna in the water dependent ecosystems.

(2) For the purpose of implementing the measures referred to in paragraph (1) of this Article, the representatives of the state administrative body responsible for carrying out the activities in the field of environment shall have the right to access to any land, that is, real estate in private ownership.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall take measures referred to in paragraph (1) of this Article in cooperation with the legal entity or natural person that has caused the events referred to in paragraph (1) of this Article in accordance with the provisions of this Law and the Law on Environment.

## **Article 110**

### **Waste water discharge**

(1) Discharging effluent from industrial and agricultural fluid waste and urban waste waters, as well as waste oils (hereinafter: waste waters) into sewage or drainage system, in bodies of surface waters or groundwaters, as well as in waterside lands and water habitats shall be forbidden except on the basis of the permit referred to in Article 79 of this Law.

(2) The discharge permit shall be issued only if:

- 1) the concentration of the waste materials and substances in the waste water by application of modern techniques and practices, that is, application of the best available technique for installations for which A-integrated environmental permit is to be obtained, is maintained at the highest possible level;
- 2) the effluent does not contain priority hazardous materials and substances determined in accordance with Article 107 of this Law;
- 3) the characteristics of the effluent are in compliance with the regulations on emission limit values for certain hazardous and harmful materials and substances and the quality objectives;
- 4) the issuance of the permit is in compliance with the river basin

management plan, and

5) the issuance of the permit is in compliance with the international agreements ratified by the Republic of Macedonia.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the hazardous and harmful materials and substances and their emission standards that may be discharged in the sewage or drainage system, in bodies of surface waters or groundwaters, as well as in waterside lands and water habitats.

(4) The emission standards referred to in paragraph (3) of this Article shall especially be expressed in emission limit values as maximum concentrations of hazardous and harmful materials and substances for each industrial sector individually, for the urban and industrial waste waters, the factor for dilution, the manner of determination of the emissions, the manner of determination of the emissions in the permits and the relationship with the integrated environmental permits, the indicators and standards for pollution and the level of danger/harmfulness, as well as the maximum quantity of substances and materials that can be discharged, including the time period when they can be discharged.

(5) Deadlines for reduction or elimination of discharges of all or particular hazardous and harmful materials and substances shall be determined in the program of measures referred to in Article 74 of this Law.

(6) The provisions of Article 111 of this Law shall be mandatory taken into consideration in issuing the permits for discharge in groundwaters.

## **Article 111**

### **Special provisions for groundwaters**

(1) For the purpose of protecting the groundwaters, any direct discharge of priority materials and substances and polluting materials and substances in the groundwaters determined in accordance with paragraph (8) of this Article shall be forbidden.

(2) Depositing or removing any of the priority materials and substances or carrying out other activity that would cause indirect discharge of the priority materials and substances or polluting materials and substances in the groundwaters, shall be forbidden except on the basis of the permit referred to in Article 79 of this Law and if:

- 1) prior examination of the hydrogeological conditions of the respective area is made, and
- 2) all necessary technical precautionary measures for prevention of indirect discharge of any priority material and substance and polluting material and substance are anticipated and are implemented.

(3) As an exception to paragraphs (1) and (2) of this Article, discharge of materials and substances referred to in paragraph (1) of this Article may be allowed on the basis of the discharge permit if:

- 1) by the taken measures referred to in paragraph (2) of this Article, it is determined that the groundwaters are not suitable for use, especially for household and agricultural purposes and if, by the permit referred to in this paragraph, the use of other ground resources is not impeded and if the substances cannot enter in other aquatic systems or negatively affect another ecosystem, and
- 2) discharging is allowed for the purpose of reinjecting in the same aquifer of waters that are used for geothermal purposes, waters that are pumped from mines and stonepits or waters that are pumped during construction works.

(4) For the purpose of protecting the groundwaters, restrictions of all direct discharges of priority materials and substances and polluting materials and substances in the groundwaters shall be imposed, as well as

all depositing or removals of any priority materials and substances or carrying out other activity that would cause indirect discharge of priority materials and substances or polluting materials and substances into the groundwaters determined in accordance with paragraph (8) of this Article shall be examined.

(5) The examinations referred to in paragraphs (2), (3) and (4) of this Article shall include examinations of the possible purification capacities of the soil and of the underground layers and of the risk from pollution and change in the groundwaters quality resulting from the discharge and shall determine whether the discharge of the substances and materials in the groundwaters constitutes a satisfactory solution from environmental point of view.

(6) As an exception to paragraphs (2), (3) and (4) of this Article, the discharge permit may be issued for artificial recharging of the groundwater for the purpose of groundwater management only if there is no risk of pollution of the groundwaters.

(7) The provisions of this Article shall not apply to waste water discharges from households in isolated residential facilities that are not connected to the waste water system, and are outside the areas protected for the purpose of using the water intended for human consumption; for the discharges that a competent body determined that the content of the substances and materials are in small quantity and concentrations and do not affect negatively on the existing or future quality of the groundwaters recipients, and for discharges of materials that contain radioactive substances.

(8) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe the priority materials and substances and polluting materials and substances in the groundwaters that are forbidden for discharging in accordance with paragraph (1) of this Article and the priority materials and substances and polluting materials and substances in the groundwaters that are restricted for discharging in accordance with paragraph (4) of this Article.

(9) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall in detail prescribe the special conditions for direct or indirect discharge in the groundwaters for the purpose of obtaining the permits referred to in paragraphs (2) and (3) of this Article, the measures and activities that are covered by the permits and which should be taken in order to avoid any input of any polluting material or substance in the groundwaters.

## **7. Urban waste waters**

### **Article 112**

#### **Disposal of waste waters**

Disposal of waste waters, in terms of this Law, shall mean collection, drainage, purification and discharge of waste waters from household and industrial effluents, as well as of collected torrential water from rains in urban areas. The disposal shall cover the underground infiltration or land irrigation with waste waters, as well as disposal of sludge received from purification of waste waters.

### **Article 113**

#### **General obligations**

(1) The municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged to collect, drain and purify the waste waters resulting from, or created on, their area, including the disposal of sludge.

(2) The municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged to provide that the urban waste waters that enter into the collection systems, prior to the discharging, are appropriately treated in accordance with the provisions of Articles 114 through 118 of this Law, as well as to provide that:

- 1) the installations are projected, constructed, built, exploited and maintained in a manner that provides successful operation in normal local climate conditions;
- 2) the purified waste waters and the sludge received by treatment of waste waters are reused, at any time when appropriate, in accordance with this Law, and
- 3) the removal of the waste waters and the sludge must not lead to negative impact on the environment.

(3) The municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged to:

- 1) provide, improve and expand the sewage systems and to clean and maintain the drainage systems for the purpose of appropriate drainage of waste waters on their area;
- 2) take care for the septic tanks, in accordance with the needs;
- 3) allow discharging of industrial waste waters in the sewage systems in accordance with this Law and to provide conditions for their drainage, collection and purification, and
- 4) provide monitoring in accordance with the provisions of Chapter VI of this Law.

## **Article 114**

### **Drainage, collection and purification of urban waste waters**

(1) The Government of the Republic of Macedonia and the mayor of the municipalities, the mayor of the municipalities in the city of Skopje and the mayor of the City of Skopje shall be obliged to provide:

- 1) presence of a system for collection of waste waters in every settlement with more than 2.000 p.e.;
- 2) appropriate purification of all waste waters that are discharged from waste water collection systems of settlements with less than 2.000 p.e.;
- 3) secondary (biological) or corresponding purification of waste waters from the waste water collection systems from settlements with more than 2.000 p.e., and
- 4) waste waters that are discharged in zones sensitive to urban waste water discharges are subjected to stricter purification from the one prescribed in point 3 of this paragraph, for agglomerations larger than 10.000 p.e.

(2) When the presence of a system for collection and drainage of waste waters is not justifiable due to high costs or because the system is not going to contribute to the improvement of the environment, individual systems or other appropriate systems that reach the same level of protection of the environment shall be used.

(3) For the purpose of implementing the provisions of paragraphs (1) and (2) of this Article, the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment and the state administrative body responsible for carrying out the activities in the field of transport and communications, shall adopt a program for transport, collection and purification of urban waste waters.

(4) Draft program for transport, collection and purification of urban waste

waters shall be prepared on the basis of the draft programs of the council of the municipalities and of the council of the City of Skopje. The program for transport, collection and purification of urban waste waters for the City of Skopje shall be prepared on the basis of the draft adopted by the councils of the municipalities in the city of Skopje.

(5) The urban waste waters shall be collected, drained and purified through the systems in accordance with paragraphs (1) and (2) of this Article, except if other methods for collection, drainage and purification, determined by the permit for discharge in waters, because of the hazardous nature of the industrial waste waters, are not required.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications shall in detail prescribe the conditions for collection, transport and purification, the manner and conditions for designing, construction and exploitation of the systems and purification stations for urban waste waters, as well as the technical standards, the parameters, the standards for emissions and the norms for pre-treatment quality, disposal and purification of waste waters, taking into consideration the load and the method for purification of urban waste waters that are discharged in the zones sensitive to urban waste water discharges.

(7) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications shall in detail prescribe the conditions, the manner and the emission limit values for waste water discharges after their purification, the manner of their calculation, taking into consideration the special requirements for protection of the protection zones.

(8) The regulations referred to in paragraphs (6) and (7) of this Article shall be revised and supplemented at regular intervals but not longer than four years.

## **Article 115**

### **Discharge of industrial waste waters**

(1) Any discharge of industrial waste waters shall be made in the manner and under the conditions determined by the discharge permit, that is, the integrated environmental permit in accordance with the Law on Environment.

(2) Any discharge of biodegradative industrial waste waters resulting from capacities with a load bigger than 4.000 p.e. and which are not included in the systems for purification of urban waste waters shall be made under the conditions and in the manner determined by the discharge permit, that is, the integrated environmental permit in accordance with the Law on Environment, and compulsory for the following industrial sectors: milk processing; production of fruit and vegetable products; production and packaging of non-alcoholic beverages in bottles; potato processing; meat industry; breweries; production of alcohol and alcoholic beverages; production of livestock food from plant products; production of gelatin and glue of raw leather, leather and bones; factories for mash and fish processing industry.

## **Article 116**

### **Pre-treatment of industrial waste waters**

The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications and the mayor of the municipalities, the mayor of the municipalities in the City of Skopje and the mayor of the City of Skopje shall be obliged to provide the effluents from the industrial waste waters that enter into the systems for collection and purification of urban waste waters to be subjected to the necessary pre-treatment for the purpose of:

- 1) fulfilling the requirements in accordance with Article 115 of this Law;
- 2) protecting the health of the employees in the systems for drainage, collection and purification of waste waters;
- 3) preventing the damages to the systems for drainage, collection and purification of waste waters and the treatment of sludge;
- 4) ensuring that the operation of the systems for drainage, collection and purification of waste waters and the treatment of sludge is not to be interrupted;
- 5) ensuring that the discharges from the purification station or any other system is not going to have negative impact on the environment in accordance with law,
- 6) ensuring that the sludge is removed in a manner that is safe for the environment.

## **Article 117**

### **Reuse of purified urban waste waters**

(1) The purified urban waste waters shall be reused if appropriate, taking into account the negative impacts on the environment to be reduced to the lowest possible level, and upon previously obtained permit from the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall in detail prescribe the conditions, the manner and maximum allowed values and concentrations of the parameters of the purified waste waters for their reuse.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail prescribe the form and content of the request and of the permit for reuse of the purified waste waters and the manner of issuance of the permit.

## **Article 118**

### **Use of the sludge from the urban waste water purification**

(1) The sludge obtained by treatment of urban waste waters shall be reused if that is appropriate, taking into account the negative impact on the environment to be reduced to the lowest possible level and upon previously obtained permit from the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe: the manner and procedure for using the sludge, the maximum values of the concentrations of heavy metals in the soil where the sludge is used, the values of the concentrations of heavy metals in the sludge, in accordance with its purpose, and the maximum annual quantities of heavy metals that may enter in the soil.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the form, content and manner of submission of data and the type of information for use of the sludge from the treatment of urban waste waters in accordance with its purpose, treatment, composition and place of use.

(4) The state administrative body responsible for carrying out the activities in the field of environment on the basis of the received data referred to in paragraph (3) of this Article shall keep records of the level of use of the sludge from the urban waste waters treatment in accordance with its purpose, as well as the quantity of production of sludge, treatment and composition of sludge and the place of its use.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail prescribe the form and content of the application and the permit for sludge use, as well as the manner of issuance of the permit for sludge use referred to in paragraph (1) of this Article.

## **8. Deviations**

### **Article 119**

#### ***Force majeure* and natural enrichment**

(1) The state administrative body responsible for carrying out the activities in the field of environment may allow temporary deviation from the provisions of this Chapter in case of natural occurrences or *force majeure* that are exceptional and that cannot be anticipated, as well as in case of occurrences resulting from accidents and other unpredictable events, especially in case of:

- 1) extreme floods and long droughts, and other natural disasters;
- 2) extraordinary meteorological and geographic conditions, and
- 3) surface waters that naturally enrich by particular materials and substances which leads to exceeding the limit values prescribed in accordance with this Law.

(2) The temporary deviation referred to in paragraph (2) of this Law must not lead to threat to human life and health.

(3) In case of temporary deviation of paragraph (1) of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to:

- 1) determine the conditions on the basis of which the occurrence, situation or event may be determined as extraordinary and/or unpredictable, including the determination of the appropriate indicators in the plan for river basin management;
- 2) provide that the deviation is proportional and not to last longer than the time necessary for restitution to the previous condition;
- 3) to ensure undertaking of all necessary measures for prevention of further deterioration of the condition, providing at the same time achievement of the objectives prescribed by this Law that refer to the other water bodies that are not affected by the emerged occurrences, situations and circumstances, as well as measures for restitution of the water body to the previous condition existing prior to the emergence of the occurrence, situation or event, immediately after the end of the occurrence, situation or event which is a ground for the deviation;
- 4) ensure measures to be implemented in order to be included in the Program of Measures referred to in Article 74 of this Law, in the same time paying attention they not to question the restitution of the quality of the water body after the change in the circumstances, and
- 5) ensure that the short description of the consequences from the circumstances and the measures taken or to be taken are an integral part of the future updated plan for river basin management.

(4) In case of deviation in accordance with this Article, the state administrative body responsible for carrying out the activities in the field of environment shall immediately notify the concerned public, shall provide relevant information about the measures taken, and shall give advices about the measures to be taken by the public in order to protect the human life and health and the environmental objectives determined by this and another law.

(5) For the purpose of restituting the water body to a previous condition that has existed before the emergence of the consequences from the occurrence, situation or event, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to revise the consequences from the extraordinary circumstances or from the circumstances that could not be reasonably predicted once a year and depending on the conditions determined in paragraph (3) point 1 of this Article, to take all feasible measures.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall in detail prescribe the manner of determination of the cases referred to in paragraph (1) of this Article as well as the measures referred to in paragraph (3) of this Article.

## **9. Other issues related to protection of waters**

### **Article 120**

#### **Minimum acceptable flow of water and groundwater level**

(1) Minimum flow of water and groundwater level shall be maintained in any body of surface water, that is, body of groundwater, that is not less than the minimum acceptable flow, that is, level required for:

- 1) protection of the public health and safety;
- 2) keeping the natural balance of the water and land ecosystems;
- 3) keeping the characteristics of the region, and
- 4) support of the chemical, physical and ecological status of water bodies in accordance with Article 94 of this Law.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the methodology for determination of the minimum acceptable flow of water and groundwater level, from the aspect of quantity and quality, taking into consideration:

- 1) the seasonal flow of surface waters, that is, the groundwater level;
- 2) the objectives for the water quality determined in accordance with this Law;
- 3) the environmental objectives determined in accordance with this Law, and
- 4) the provisions for water use in accordance with this Law.

(3) The monitoring of the flow and level of the water that are minimally acceptable for a particular water body should be monitored at certain measuring points through control stations.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall determine the measuring points of particular control stations for a particular water body. The methodology of the monitoring of the flow and/or level of each measuring point shall be determined by the plan for river basin management.

### **Article 121**

#### **Drainage of extra quantities of water**

If the quantity of water in the watercourse decreases to the level that may cause increased pollution of those waters, the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, may order drainage of the extra quantities of water from the accumulations for the purpose of diluting the pollution concentrations.

## V. PROTECTION AGAINST HARMFUL EFFECTS OF WATERS

### 1. General provisions

#### **Article 122**

##### **Protection against harmful effects of waters**

(1) The protection against the harmful effect of the waters shall cover activities and measures for protection and defense against floods, defense against erosion and torrents, defense against freezing of surface water bodies, as well as elimination of the consequences from such harmful effects of waters.

(2) Protection against the harmful effects of waters shall be done under the conditions, in the manner and in the procedure determined by this and another Law.

#### **Article 123**

##### **Responsibility for protection against the harmful effects of waters**

(1) The municipalities, the municipalities in the city of Skopje and the City of Skopje shall be responsible for protection and defense against floods and for protection against other harmful effects of waters in urban areas.

(2) The legal entities that manage the water resources management facilities referred to in Article 191 of this Law shall be responsible for the protection and defense against floods and for the protection against other harmful effects of waters in the area covered by their activity, including the development and maintenance of beds and canals in their area.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall monitor the coordination of activities referred to in paragraph (1) of this Article that are taken by the competent bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje.

(4) The state administrative body responsible for carrying out the activities in the field of environment shall ensure and monitor the coordination of the activities referred to in paragraph (2) of this Article that are taken by the entities for water resources management referred to in Article 191 of this Law.

(5) The state administrative body responsible for carrying out the activities in the field of environment, as for the protection and defense against floods and for protection against other harmful effects of waters for the whole territory of the Republic of Macedonia, with an exception to the harmful effects in the areas referred to in paragraph (1) and (2) of this Article, shall determine a water resources management entity responsible for protection and defense against floods and for protection against other harmful effects of waters.

#### **Article 124**

## **Program for protection against harmful effects of waters**

(1) For the purpose of protecting against harmful effects of waters, the state administrative body responsible for carrying out the activities in the field of environment in cooperation with the state administrative body responsible for carrying out the activities in the field of agriculture shall prepare a program for protection against harmful effects of water within the respective river basin (hereinafter: the Program), as an integral part of the river basin management plans.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall prepare the part of the Program referred to in paragraph (1) of this Article for the areas of the municipalities, the municipalities in the city of Skopje and the City of Skopje on the basis of the programs of the council of the municipalities, the municipalities in the city of Skopje and the City of Skopje.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall prepare the parts of the Program referred to in paragraph (1) of this Article for the area of the water resources management entity on the basis of the program of the water resources management entity. The program of the water resources management entities whose areas are stretched in the urban area of the municipalities, the municipalities in the city of Skopje and the City of Skopje, shall be adopted by the water resources management entity in cooperation with the municipalities, the municipalities in the city of Skopje and the City of Skopje.

(4) The preventive measures, the construction of the protective facilities and installations and carrying out works for protection against harmful effects of waters (construction of embankments, accumulations, river regulations, torrential water regulation, protection against land erosion, reforestation and alike).

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall prescribe the content of the Program referred to in paragraph (1) of this Article and of the programs referred to in paragraphs (2) and (3) of this Article, the manner and procedure for their adoption, the manner and procedure for realization of the cooperation among the entities that prepare the programs referred to in paragraphs (2) and (3) of this Article.

## **2. Protection and defense against floods**

### **Article 125**

#### **Basic measures for protection against floods**

(1) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of defense, the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications, the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture, the minister heading the state administrative body responsible for carrying out the activities in the field of health, and the minister heading the state administrative body responsible for carrying out the activities in the field of local self-government, and upon prior cooperation with the state administrative bodies responsible for protection and rescue, shall determine:

- 1) a list and a map of flood plains, water habitats, waterside lands of lakes and accumulations, as well as other aquatic ecosystems;
- 2) a map of flood-prone areas where areas prone to floods are marked, the diffusion of flood waves and the highest levels of lakes and accumulations;
- 3) a flood forecasting and warning (alerting) system;
- 4) measures for protection and development of areas stated in the list and marked on the map;
- 5) technical assistance and advices for all issues connected to the implementation of the preventive and refurbishing measures for mitigation of the consequences in case of floods, and
- 6) measures for states of emergency and their organization.

(2) The flood control areas located to, or around, the surface water body or water habitats shall be individually marked in the map referred to in paragraph (1) of this Article.

(3) The measures determined in the regulation referred to in paragraph (1) of this Article shall ensure:

- 1) achievement of the public interest in the protection against harmful effects of waters;
- 2) prevention of space development, land use, carrying out construction works and other activities that could increase the threat from floods and damages;
- 3) protection of human life and health and property;
- 4) achievement of the environmental objectives determined in accordance with this Law, and
- 5) minimization of costs for protection against floods.

## **Article 126**

### **Operational plans for protection and defense against floods**

(1) For the purpose of implementing the Program referred to in Article 124 of this Law, the state administrative body responsible for carrying out the activities in the field of environment, the council of the municipalities, the municipalities in the city of Skopje and the City of Skopje, as well as the water resources management entity referred to in Article 191 of this Law, shall adopt operational plans for protection and defense against floods for the endangered areas (hereinafter: operational plan).

(2) If the flood endangered area is located in two or more municipalities, municipalities in the city of Skopje and the City of Skopje, the operational plan for protection and defense against floods for the endangered areas shall be adopted consensually by the council of the municipalities, the municipalities in the city of Skopje and the City of Skopje, upon prior consent of the state administrative body responsible for carrying out the activities in the field of environment.

(3) The council of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall adopt the operational plans for protection and defense against floods for the endangered areas on proposal of the mayor of the municipalities, the mayor of the municipalities in the city of Skopje and the mayor of the City of Skopje.

(4) The operational plan for protection and defense against floods shall in particular contain: topographic, hydrologic, hydro-technical, demographic, economic and other bases and data, boundaries of the endangered area, activities and measures that are taken and implemented before the threat and during the flood defense, and bodies responsible for protection and defense against floods.

(5) The operational plan referred to in paragraph (1) of this Article shall anticipate operational measures and other activities for protection and defense against floods and the necessary funds for its implementation, as

well as the body or entity that shall conduct the protection and defense against floods.

(6) The state administrative body responsible for carrying out the activities in the field of environment, the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje and the water resources management entity, the bodies responsible for protection and rescue, as well as other legal entities and natural persons from the endangered area determined by the Program referred to in Article 124 of this Law shall participate in the implementation of the operational plan referred to in paragraph (1) of this Article.

(7) The legal entities and natural persons for whose facilities, installations and property defense against floods is organized and conducted shall not be entitled to damage compensation, except for damages caused by purposeful release of water in the defended area for the purpose of preventing larger damages.

(8) Consent for the operational plans referred to in paragraph (1) of this Article shall be given by the state administrative body responsible for carrying out the activities in the field of environment, the Directorate for Protection and Rescue and the Center for Crisis Management.

## **Article 127**

### **Additional measures of the operational plans**

If the measures determined in accordance with Article 124 paragraph (4) of this Law are not sufficient for elimination of the threat, in case of direct threat of harmful effects of waters, the bodies that, in accordance with the operational plan referred to Article 126 paragraph (5) of this Law, are responsible for protection and defense against floods may order undertaking of other necessary measures.

## **Article 128**

### **Release of water in defended area**

(1) In case of state of emergency, release of water into the defended area may be allowed by breaking the embankments or in any other manner in order to prevent, that is, reduce the damages.

(2) Decision for release of water in the defended area shall be adopted by the body or the entity that conduct the defense against floods determined by the operational plan referred to in Article 126 paragraph (5) of this Law.

## **Article 129**

### **Obligation for maintenance of water resources management facilities**

The water resources management entity and the other legal entities, the municipalities, the City of Skopje and the municipalities in the city of Skopje that manage dams and accumulations and protective embankments shall be obliged to use and maintain these facilities in the manner that provide reception of flood waves, as well as provision of their protection against natural disasters.

## **Article 130**

### **Reporting requirements**

(1) The water resources management and the other legal entities referred to in Article 129 of this Law shall be obliged to monitor the situation of the

level and quantity of accumulated water in the accumulations, as well as the quantity of water that flows into and out of them, and to notify the state administrative body responsible for carrying out the activities in the field of environment and the state administrative body responsible for carrying out the expert activities in the field of hydrology and meteorology thereof.

(2) In case of threat of destruction of dams, penetration through protective embankments, as well as release or overflowing of bigger quantities of water from the accumulations that may cause floods, the water resources management entity and the other legal entities referred to in Article 129 of this Law shall be obliged to provide information and alerting to population in the endangered area.

(3) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture, the minister heading the state administrative body responsible for carrying out the activities in the field of defense and the minister heading the state administrative body responsible for carrying out the activities in the field of health shall establish a permanent operational body for coordination of the activities in case of emergence of the events referred to in paragraph (2) of this Article.

(4) The notification about the situation referred to in paragraph (1) of this Article shall be made in accordance with the methodology prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture.

(5) The state administrative body responsible for carrying out the activities in the field of environment, on proposal of the state administrative body responsible for carrying out the expert activities in the field of hydrology and meteorology, before the critical water level for the defended area occurs, shall inform the Center for Crisis Management in order to give forecast about the time of reception and height of the flood waves.

(6) During the flood threat, the body that conducts the flood defense, determined in the operational plans referred to in Article 126 paragraph (3) of this Law, shall notify the competent bodies for flood defense of downriver areas for all occurrences and measures taken in its area, and which are of importance for the defense of these areas, and shall cooperate with them.

### 3. Development and maintenance of surface waters

#### Article 131

##### Development and maintenance of surface waters

(1) For the purpose of protecting and maintaining the natural and developed river beds and watersides of watercourses, lakes and accumulations, except on the basis of a permit or consent issued on the basis of a law, it shall be forbidden:

- 1) to excavate gravel, sand and stone from the beds and watersides of surface waters (watercourses and lakes and accumulations) which would deteriorate the existing water regime, would cause erosion processes, and would restrict or obstruct the water use;
- 2) to change the direction of the watercourse;
- 3) to throw waste material (industrial, communal and other waste),

ground, rubble, waste-rock etc.;

4) to carry out other activities that damage the river beds and watersides of watercourses, lakes and accumulations;

5) to cut trees and to destroy the other vegetation in the river beds and watersides of watercourses, lakes and accumulations;

6) to build dams, embankment or other similar obstruction that could negatively affect the flow of the watercourse, and

7) to build or carry out operations that would have negative impact on the flow of the watercourse.

(2) The following should be taken into consideration in the application of paragraph (1) of this Article:

1) the bed of a developed watercourse, in terms of this Law, is the space between the waterside facilities (embankments, esplanades etc.) where the water flows continuously or occasionally;

2) the bed of natural watercourse, in terms of this Law, is the space between the boundaries of the reaching of the fifty-year water;

3) waterside area of a watercourse outside settlements, in terms of this Law, shall be the area in width of 50 meters behind the elevation of the embankment of developed watercourses, that is, behind the line of reaching of the fifty-year water at non-regulated watercourses, and in settlements, the width of the waterside area is to be determined by the council of the municipalities and the council of the City of Skopje on proposal of the mayor of the municipalities and the City of Skopje, upon prior consent from the state administrative body responsible for carrying out the activities in the field of environment, and

4) waterside area of a lake and accumulations, in terms of this Law, is the area in width of 50 meters from the line of the highest established water level.

## **Article 132**

### **Access to surface waters**

(1) The access to the waterside area of watercourses, lakes and accumulations for sport, recreation and similar activities shall be free.

(2) The council of the municipalities and of the City of Skopje, on proposal of the mayor of the municipalities and the mayor of the City of Skopje, shall regulate the access to the waterside area of watercourses, lakes and accumulations for sport, recreation and similar activities, unless otherwise determined by this or another law.

## **Article 133**

### **Securing the flow of watercourses**

(1) The state administrative body responsible for carrying out the activities in the field of environment, the mayor of the municipalities and the mayor of the City of Skopje and the water resources management entities shall be obliged to make an assessment, once a year, to the end of September, whether the watercourses in the area within their competence are liable to cause flooding and whether they ensure uninterrupted flow of water, and whether the regulations on flood control are completely obeyed.

(2) If the watercourse does not ensure uninterrupted flow, the entities referred to in paragraph (1) of this Article shall take measures for ensuring an uninterrupted flow, if the flow is not secured.

## **4. Protection against erosion and development of torrential water**

## **Article 134**

## **Erosion**

(1) Erosion, in terms of this Law, shall be dissolution of land and spreading the particles under the influence of the water, in volume that degrades the surface layer of the land.

(2) Erosive area, in terms of this Law, shall be the area with visible traces of erosion and area where the surface land layer is degraded.

(3) Area under threat of erosion, in terms of this Law, shall be the land where traces of erosion are still not visible, but erosion may occur due to improper use of that or neighboring land and agricultural and forest cultures.

## **Article 135**

### **Erosive area boundaries**

(1) The council of the municipalities and the council of the City of Skopje and the water resources management entities referred to in Article 191 of this Law shall be obliged to determine the boundaries of the erosive area and the area under threat of erosion for the territory within their competence and to determine the measures and activities for protection of the land against erosion and development of torrential water, on the basis of technical documentation.

(2) The council of the City of Skopje shall determine the boundaries of the areas referred to in paragraph (1) of this Article on proposal of the council of the municipalities in the City of Skopje.

(3) The state administrative body responsible for carrying out the activities in the field of environment in concurrence with the state administrative body responsible for carrying out the activities in the field of agriculture shall determine the boundaries of the erosive area and the area under threat of erosion and shall prescribe the measures for protection of the erosive area and shall determine the activities for development of the torrential water, on the basis of technical documentation for the whole territory of the Republic of Macedonia, with the exception of the areas referred to in paragraphs (1) and (2) of this Article.

## **Article 136**

### **Measures for protection of erosive area**

Measures for protection of erosive area shall be:

- 1) foresting, grassing and terracing (with contour trenches, walling and alike);
- 2) ban on extraction of land, sand, pebble and stone;
- 3) ban on pruning, cutting down trees and shrubs, and deforestation, and
- 4) ban on livestock grazing.

## **Article 137**

### **Protection against erosion**

(1) The woodcutting in hill and mountain regions must be made in the manner that ensures protection against erosion.

(2) The forests in the basins of accumulations and hydro-amelioration systems that are grown as protection against erosion, as well as the protection vegetation in the waterside areas of watercourses, shall be managed in accordance with law.

(3) The cutting of woods and the waterside vegetation referred to in paragraph (2) of this Article shall be made upon prior opinion of the water

resources management entity within its scope of activities.

## **Article 138**

### **Erosion creation and damage compensation**

The legal entities and natural persons that create erosion by their behavior, improper land cultivation or by any other action, in consequence causing damages to other facilities as well, shall be obliged, on its own account, to take protective measures for prevention against erosion, as well as measures for eliminating the harmful consequences and to compensate for the caused damages.

## **Article 139**

### **Torrential water**

Torrential water, in terms of this Law, shall be the watercourse with steep slopes, sudden nature and fast moving water, that carry and deposit carried away or rent parts of ground, sand, gravel and other materials from highlands to lowlands, and the waters with drift uncontrollably disperse into the fields or inflow into the natural or artificial recipients.

## **Article 140**

### **Torrential water bed**

(1) The width of torrential water bed, in terms of this Law, shall be the space on which the highest torrential waters flow.

(2) The length of torrential water bed, in terms of this Law, shall be the space from the gathering point of the torrential water flow to the place of alluvion, that is, inflow in the recipient.

(3) The waterside of torrential water bed at rockfalls and landslides, in terms of this Law, shall be the space from the lowest point of the torrential water bed to the upper edges of the rockfall, that is, the landslide slip-plane.

(4) Waterside area of torrential water bed, in terms of this Law, shall be the width of the area of at least 100 meters horizontally, right and left of the upper edges of the rockfalls, that is, the hillside slip-plane.

## **Article 141**

### **Torrential water development**

(1) Simultaneously with the torrential water development, the erosion areas in the basin shall be regulated.

(2) The watersides and the waterside of the torrential water bed from the gathering point to the place of alluvion, that is, inflow into the recipient shall be determined by the technical documentation for torrential water development.

(3) The protection facilities in waterside areas and at the place of alluvion, that is, inflow into the recipient, shall be managed by the legal entity that develops the torrential water or that manages these facilities.

(4) The municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged to take measures for development of torrential water within their area, except for the areas of the legal entity referred to in paragraph (3) of this Article.

## 5. Protection and improvement of the water regime by excavation of sand, stone and gravel from the beds and watersides of surface water bodies

### Article 142

#### **Protection and improvement of the water regime by excavation of sand, stone and gravel from the beds and watersides of surface water bodies**

(1) For the purpose of protecting and improving the water regime of the beds and watersides of the surface water bodies (watercourses, lakes and accumulations), sand, gravel and stone shall be excavated.

(2) The excavation of sand, gravel and stone from the beds and watersides of watercourses, lakes and accumulations, for the purpose of improving the water regime, shall fall within the competence of the water resources management entities for the territory the entities are responsible for, and within the competence of the local self-government units for the territories where water resources management entities are not established and for the urban areas.

(3) Excavation of sand, gravel and stone from the beds and watersides of surface water bodies shall be made on the basis of a permit issued by the minister heading the state administrative body responsible for the activities in the field of environment.

(4) The permit referred to in paragraph (3) of this Article shall determine the location, quantity, manner, time, items and means for excavation, loading and transport of the sand, gravel and stone.

(5) The permit referred to in paragraph (3) of this Article shall be recorded in the water book referred to in Article 160 of this Law.

(6) The minister heading the state administrative body responsible for the activities in the field of environment shall prescribe the form and the contents of the permit form referred to in paragraph (3) of this Article.

### Article 142-a

#### **Necessary documentation for issuance of a permit for excavation of sand, gravel and stone**

(1) The permit for excavation of sand, gravel and stone from the beds and watersides of watercourses shall be issued on the basis of a technical documentation, which in particular contains hydrologic and hydraulic analysis of the big and small waters and the groundwaters, trace, grade level, hydraulic profile of the bed of the watercourse or part of it which constitutes one regulation whole, quantity of drift, and other data of importance for the water regime and for the protection and promotion of the environment and nature.

(2) The permit for excavation of sand, gravel and stone from the watersides of lakes and accumulations shall be issued on the basis of a technical documentation, which in particular contains regime of the water level oscillations, quantity of drift, impact on the waterside stability, and other data of importance for the water regime and for the protection and promotion of the environment and nature.

### Article 142-b

## **Procedure for issuance of a permit for excavation of sand, gravel and stone for the purpose of improving the water regime**

(1) The procedure for issuance of a permit for excavation of sand, gravel and stone from the beds and watersides of surface water bodies shall start by a written application submitted by the entities referred to in Article 142 paragraph (2) of this Law, submitted to the state administrative body responsible for the activities in the field of environment.

(2) The body referred to in paragraph (1) of this Article shall be obliged, within a period of 30 days as of the day of receipt of the application, to adopt a decision accepting or rejecting the application for issuance of a permit.

(3) If the state administrative body responsible for the activities in the field of environment establishes that the requirements for issuance of a permit for excavation of sand, gravel and stone are not fulfilled, it shall adopt a decision to reject the application.

(4) The applicants referred to in Article 142 paragraph (2) of this Law and the other entities having a legal interest therein may file an appeal against the decision referred to in paragraph (2) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance, within a period of 15 days as of the day of receipt of the decision.

(5) If the body referred to in paragraph (1) of this Article does not adopt a decision accepting or rejecting the application for issuance of a permit for excavation of sand, gravel and stone from the beds and watersides of surface water bodies within a period set in paragraph (2) of this Article, the applicant shall have the right, within a period of three working days, to file a request to the filing office of the minister heading the state administrative body responsible for the activities in the field of environment in order for the minister to adopt a decision to issue a permit for excavation of sand, gravel and stone from the beds and watersides of surface water bodies. If the minister does not have a filing office, the request shall be filed to the filing office of the head office of the state administrative body responsible for the activities in the field of environment.

(6) The form and content of the request referred to in paragraph (5) of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of environment.

(7) The applicant shall attach a copy of the application for issuance of a permit for excavation of sand, gravel and stone for the purpose of improving the water regime to the request referred to in paragraph (5) of this Article.

(8) The minister heading the state administrative body responsible for the activities in the field of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (5) of this Article to the filing office, to adopt a decision accepting or rejecting the request for issuance of the permit.

(9) If the minister heading the state administrative body responsible for the activities in the field of environment does not adopt the decision referred to in paragraph (8) of this Article, the applicant may notify the State Administrative Inspectorate within a period of five working days.

(10) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (9) of this Article, to inspect whether the procedure in accordance with law has been conducted in the state administrative body

responsible for carrying out the activities in the field of environment and to inform the applicant about the situation established during the inspection within a period of three working days as of the day the inspection has been conducted.

(11) Upon the inspection completed in accordance with law, the inspector of the State Administrative Inspectorate shall adopt a decision obliging the minister heading the state administrative body responsible for the activities in the field of environment, within a period of ten days, to decide upon the submitted request referred to in paragraph (5) of this Article, that is, to approve or reject the request and to inform the inspector about the adopted decision. A copy of the decision deciding upon the submitted request shall be attached to the notification.

(12) If the minister heading the state administrative body responsible for carrying out the activities in the field of environment does not decide within the period referred to in paragraph (11) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor laid down in the Law on Administrative Inspection and shall set an additional deadline of five working days within which the minister is to decide upon the submitted request and, within the same period, to inform the inspector about the adopted decision. A copy of the decision deciding about the submitted request shall be attached to the notification. The inspector shall inform the applicant about the measures taken within a period of three working days.

(13) If the minister does not decide in the additional deadline referred to paragraph (12) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the applicant about the measures taken.

(14) If the inspector does not act based on the notification referred to in paragraph (10) of this Article, the applicant shall have the right to file a complaint at the filing office of the director of the State Administrative Inspectorate within five working days. If the director does not have a filing office, the request shall be submitted to the filing office in the head office of the State Administrative Inspectorate.

(15) The director of the State Administrative Inspectorate shall be obliged to examine the complaint referred to in paragraph (14) of this Article within three working days as of the day of receipt and, if he/she establishes that the inspector has not acted based on the notification of the applicant in accordance with paragraphs (10) and (11) of this Article and/or has not filed a report in accordance with paragraphs (12) and (13) of this Article, the director of the State Administrative Inspectorate shall file a motion for initiation of a misdemeanor procedure against the inspector for a misdemeanor laid down in the Law on Administrative Inspection and shall set an additional deadline of five working days within which the inspector shall inspect whether the procedure in accordance with law has been carried out in the state administrative body responsible for the activities in the field of environment, and shall notify the applicant about the measures taken within three working days as of the day the inspection has been conducted.

(16) If the inspector does not act in the additional deadline referred to in paragraph (15) of this Article, the director of the State Administrative Inspectorate shall file a report with the competent public prosecutor against the inspector and shall notify the applicant about the measures taken within three working days.

(17) In the cases referred to in paragraph (16) of this Article, the director of the State Administrative Inspectorate shall immediately, or within one working day at latest, oblige another inspector to conduct the inspection immediately.

(18) In the cases referred to in paragraph (17) of this Article, the director

of the State Administrative Inspectorate shall notify the applicant about the measures taken within three working days.

(19) If the director of the State Administrative Inspectorate does not act in accordance with paragraph (15) of this Article, the applicant may file a report with the competent public prosecutor within eight working days.

(20) If the minister heading the state administrative body responsible for the activities in the field of environment does not adopt a decision within the deadline referred to in paragraph (11) of this Article, the applicant may initiate an administrative dispute before the competent court.

(21) The procedure in the Administrative Court shall be urgent.

(22) The bylaw referred to in paragraph (6) of this Article shall be adopted within a period 15 days as of the day of adoption of this Law.

(23) Upon adoption of the bylaw referred to in paragraph (5) of this Article, it shall immediately and within a period of 24 hours at the latest, be announced on the website of the state administrative body responsible for the activities in the field of environment.

## **Article 142-c**

### **Obligations of the holder of the permit**

(1) The entities for water resources management and the local self-government units which have been issued a permit for excavation of sand, gravel and stone from the beds and watersides of surface water bodies shall be obliged to keep a diary in which the excavated quantity of sand, gravel and stone, on a daily basis, the location where the material is excavated, and the time of its excavation shall be recorded in particular.

(2) The minister heading the state administrative body responsible for the activities in the field of environment shall prescribe the form and the contents of the form and the manner of keeping the diary referred to in paragraph (1) of this Article.

## **Article 142-d**

### **Treatment of excavated material**

(1) The entities for water resources management and the self-government units which have been issued a permit for excavation of sand, gravel and stone shall be obliged to comply with the requirements under the permit.

(2) If it is established by the permit that part of the material is to be removed from the beds and watersides, the holder of the permit may place the material on the market by receipts issued and verified by the administrative body responsible for the activities in the field of environment.

(3) The receipts referred to in paragraph (2) of this Article shall be issued to the holder of the permit in quantities set out by the permit and every entity that transports sand, gravel and stone shall be obliged to have a receipt.

(4) The state administrative body responsible for the activities in the field of water resources management shall keep records of the issued and verified receipts referred to in paragraphs (2) and (3) of this Article in a register of issued and verified receipts.

(5) The form and contents of the receipts, the form and contents of the register of issued and verified receipts shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of water resources management.

## 6. Reporting

### Article 143

#### Reporting requirements

(1) The state administrative body responsible for carrying out the activities in the field of environment, the council of the municipalities, the council of the municipalities in the city of Skopje and the council of the City of Skopje and the water resources management entity shall be obliged to prepare, adopt and announce reports about the activities carried out in the previous year and the anticipated activities for the following year in relation to the protection against harmful effects of water (protection and defense against floods, development and maintenance of natural and developed watercourses and other surface waters, protection against erosion and torrential waters, defense against freezing of surface water bodies, and protection and improvement of water regime by excavation of sand, stones and gravel), as well as the measures that they consider necessary for prevention and mitigation of the consequences from the harmful effects of waters to the land in their area.

(2) The reports of the municipalities, the municipalities in the city of Skopje and the City of Skopje referred to in paragraph (1) of this Article shall be prepared and announced by the mayor of the municipalities, the mayor of the municipalities in the city of Skopje and the mayor of the City of Skopje.

(3) The reports referred to in paragraph (1) of this Article shall be submitted for approval to the state administrative body responsible for carrying out the activities in the field of environment until 31 March in the current year.

(4) The reports referred to in paragraph (1) of this Article shall be available to the public in the manner and under the conditions determined by law.

(5) The data from the plans, programs and measures determined in this chapter shall be an integral part of the plans for river basin management.

(6) The state administrative body responsible for carrying out the activities in the field of environment shall immediately inform the concerned public in case of danger and shall provide appropriate information about the measures taken and shall advise what measures are to be taken in order to protect the human life and health, and the environmental objectives determined by this Law or another regulation.

## VI. WATER MONITORING

### Article 144

#### Water monitoring

(1) The monitoring of the condition regarding the quantity and quality of all water bodies in the Republic of Macedonia and the waters intended for use shall be made under the conditions and in the manner determined by this Law.

(2) The aim of the monitoring of the condition regarding the quantity and quality of all water bodies in the Republic of Macedonia and the waters intended for use shall be to establish and maintain a comprehensive database necessary for management and overview of the condition of waters within the river basins areas.

(3) The information provided by the monitoring of the condition regarding the quantity and quality of all water bodies in the Republic of Macedonia

and the waters intended for use shall be available to the public and the competent bodies, organizations and institutions, especially for the purpose of implementing and assessing the implementation of the measures for conservation, protection and continuous improvement of all water bodies.

## **Article 145**

### **State hydrological network for monitoring of water bodies**

(1) For the purpose of monitoring the bodies of surface waters and groundwaters, a state hydrological monitoring network (hereinafter: state network) shall be established.

(2) The state hydrological network shall be part of the state networks for monitoring the environmental media and areas determined by the Law on Environment.

(3) For the water bodies that are not covered by the measuring points of the state network, the municipalities, the municipalities of the city of Skopje and the City of Skopje may establish local networks of measuring points for monitoring the water bodies (hereinafter: local network).

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the criteria for selection of measuring points for the state and local network for monitoring of water bodies.

(5) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the conditions, manner and procedure for establishment and operation of all networks for monitoring the condition of water bodies.

(6) For the purpose of monitoring referred to in paragraph (1) of this Article, the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall adopt a program for water monitoring.

(7) For the purpose of monitoring referred to in paragraph (3) of this Article, the council of the municipalities and the council of the City of Skopje shall adopt a program for water monitoring.

(8) The program for the monitoring referred to in paragraph (6) of this Article shall mandatory include a separate part for monitoring the safety of water intended for human consumption, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of health.

(9) The program referred to in paragraphs (6) and (7) of this Article shall be an integral part of the plans for river basin management.

## **Article 146**

### **Responsibility for monitoring of water bodies and water intended for human consumption**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall be responsible for the complete monitoring of the water bodies covered by the state network. The state administrative body responsible for carrying out the activities in the field of environment shall be responsible for establishment, operation, maintenance and development of the state network.

(2) The mayor of the municipalities and the mayor of the City of Skopje shall conduct and shall be responsible for the monitoring of the water bodies covered by the local network and shall be responsible for establishment, operation, maintenance and development of the local network for monitoring of the condition.

(3) The state administrative body responsible for carrying out the activities in the field of environment shall be responsible for the monitoring of waste water discharge.

(4) The monitoring of waters intended for human consumption shall be conducted by the bodies responsible for health protection in accordance with the regulations on food safety.

(5) The monitoring of waters in bathing zones shall be conducted by the mayor of the municipalities and the mayor of the City of Skopje on whose area the bathing zone is located. In case the bathing zone is located in the area of two or more municipalities, the monitoring of the condition of waters shall be conducted by the mayors in mutual cooperation and coordination, proportionally to the size of the bathing zone covering the area of each municipality.

(6) Certain types of expert works for the monitoring of water bodies covered by the state and local network, as well as the ones for the monitoring of waters intended for use, may be conducted by accredited scientific and expert organizations and institutions and other legal entities that possess an appropriate equipment, devices, instruments and spatial conditions for carrying out the works, and at least one person with university diploma in health protection.

(7) The detailed requirements that should be met by the accredited entities referred to in paragraph (6) of this Article, in relation to the expert personnel, equipment, devices, instruments and spatial conditions for carrying out the works, shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health.

## **Article 147**

### **Monitoring of the quantity and quality of water bodies**

(1) The monitoring of surface waters shall cover:

- 1) the volume, level or flow to the extent relevant for the environmental and chemical status and environmental potential, and
- 2) environmental and chemical status and the environmental potential.

(2) The monitoring of surface waters shall cover the chemical and quantitative status and the thermal regime.

(3) The monitoring of protection zones shall cover the additional requirements for determination of the condition in the protection zone.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the methodology and shall determine the parameters for measurement and monitoring of the quality and quantity of all water bodies, except for the water bodies defined in Article 148 and 149 of this Law.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe the methodology and shall determine the reference measuring methods and the parameters for measuring and monitoring of the quality and quantity of water bodies

declared as sensitive zones in relation to discharged urban waste waters.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall prescribe the methodology and shall determine the reference measuring methods and the parameters for measurement and monitoring of the quality and quantity of water bodies in the nitrate vulnerable zones.

(7) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the methodology and shall determine the reference measuring methods and the parameters for measurement and monitoring of the quality and quantity of water bodies in the areas protected as natural heritage.

(8) The regulations referred to in paragraphs (4), (5), (6) and (7) of this Article shall determine the special requirements for monitoring in case of floods and states of emergency, *force majeure* and accidents, as well as the time period for revision of the programs for monitoring.

(9) The collective information from the programs for monitoring and from the activities for monitoring shall be an integral part of the plan for river basin management.

## Article 148

### Monitoring of water intended for human consumption

(1) The monitoring and the analysis of the water intended for human consumption shall be conducted in the manner that provides safe water in accordance with Article 183 of this Law and the regulations in the field of food safety.

(2) The samples for analysis of the safety of the water intended for human consumption shall be taken in the manner that provides representativeness of the quality of the water intended for consumption during the year.

(3) When disinfection of water is required in the course of processing and distribution of water intended for human consumption, the efficiency of disinfection should be checked in the manner and according to procedure determined by Article 186 of this Law and the regulations in the field of food safety.

(4) The legal entities and natural persons that abstract or impound water intended for human consumption for public water supply or commercial purposes shall be obliged to monitor the quality and quantity of the impounded or abstracted waters, to keep the data from the conducted measurements and analysis, and to submit the data to the state administrative body responsible for carrying out the activities in the field of environment, as well as to the body responsible for food safety and the bodies responsible for health protection.

(5) The obligation referred to in paragraph (4) of this Article shall not apply to natural persons who, for personal or household purposes, abstract or impound less than 10 m<sup>3</sup> water a day intended for human consumption.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe the methodology, detailed requirements for the facilities, equipment and expert personnel, the manner and procedure for monitoring the safety of water intended for human consumption in accordance with this Law and

the regulations on food safety.

(7) If necessary, additional monitoring shall be conducted in certain cases of grounded suspicion of presence of particular materials and substances or microorganisms, for which there are no parameter values in accordance with Article 183 of this Law, in the water intended for human consumption in quantities or values that pose potential threat to human health.

(8) The legal entity that manages the water supply system shall be obliged to install and maintain operable the instruments for measurement and quality analysis of:

- 1) raw water in its natural state;
- 2) purified water upon disinfection, and
- 3) water at places of supply wherefrom it is used for human consumption.

(9) In case of suspicion of the credibility of the submitted data, the state administrative body responsible for carrying out the activities in the field of environment and the bodies for health protection and the body responsible for food safety referred to in paragraph (4) of this Article, as well as the mayor of the municipalities, of the municipalities in the city of Skopje and of the City of Skopje may require superanalysis. The superanalysis shall be made by accredited laboratory. If it is determined that the submitted data are not credible, the costs for the superanalysis shall be born by the legal entities and natural persons referred to in paragraph (4) of this Article.

(10) The legal entities and natural persons referred to in paragraph (4) of this Article may conduct an internal monitoring of the waters by own accredited departments or by accredited scientific or expert organizations or other legal entities that meet the requirements for conducting monitoring of waters in accordance with Article 146 paragraphs (6) and (7) of this Law.

(11) The state administrative body responsible for carrying out the activities in the field of health shall be obliged to announce the reports about the condition of the water intended for human consumption every three years.

(12) The monitoring and the analyses of the water intended for human consumption and the bathing and recreational waters, in administrative procedure, upon request of the inspection bodies, shall be conducted by the bodies responsible for health protection. If it is determined that the submitted data are not credible, the costs of the conducted analyses shall be born by the legal entities and natural persons referred to in paragraph (4) of this Article.

## **Article 149**

### **Monitoring of the water in bathing zones**

(1) The mayor of the municipalities, of the municipalities in the city of Skopje and of the City of Skopje on whose area the bathing zone is located shall be obliged to monitor the quality of the bathing water and to submit the data thereof to the state administrative body responsible for health protection, to the State Sanitary and Health Inspectorate and to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe the methodology and shall determine the reference methods, the requirements, the manner and procedure for monitoring, as well as the parameters for bathing water quality.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of health in concurrence with the

minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the manner and procedure for informing the public about the results from the monitoring of the bathing water quality.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of health shall be obliged to identify the bathing waters, every year, before 24th of March in the current year at the latest, on the basis of the monitoring of the bathing waters that is conducted in accordance with the regulation adopted on the basis of Article 104 paragraph (6) of this Law.

## **Article 150**

### **Monitoring of waste water discharge**

(1) The legal entities and natural persons that discharge waste waters shall be obliged to install instruments for measurement of the discharged quantities of water and analysis of their quality and to maintain the instruments operable, to keep records of the measurements conducted, and to submit these data to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The legal entities and natural persons that discharge waste waters containing hazardous materials and substances in accordance with Article 108 of this Law, shall be obliged to install instruments for measurement of discharged quantities of water and analysis of their quality and to maintain these instruments operable, to keep records of the measurements conducted, and to submit these data to the state administrative body responsible for carrying out the activities in the field of environment.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the methodology, the reference measuring methods, the manner and parameters for monitoring of waste waters, including the sludge from the purification of urban waste waters.

(4) The legal entities and the natural persons referred to in paragraph (1) of this Article may monitor the waste waters by own, accredited departments or by accredited scientific or expert organizations or other legal entities.

(5) The detailed requirements that should be met by the legal entities and natural persons, that is, the accredited scientific and expert organizations and institutions referred to in paragraph (4) of this Article in relation to the expert personnel, equipment, devices, instruments and spatial conditions for carrying out the activities referred to in paragraph (1) of this Article shall be determined by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(6) In case of suspicion of the credibility of the submitted data, the interested entities referred to in paragraph (1) of this Article may require superanalysis. The superanalysis shall be conducted by an accredited entity that has appropriate equipment, devices, instruments and spatial conditions and appropriate expert personnel for carrying out the analysis. If the superanalysis establishes that the entities referred to in paragraph (1) of this Article discharge harmful and hazardous materials and substances above the allowed limits, the state administrative body responsible for carrying out the activities in the field of environment shall make control testing at least two times in the month the costs of which are to be born by the entities that discharge waste waters into the recipient.

(7) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall in detail determine the conditions for carrying out the superanalysis referred to in

paragraph (6) of this Article.

(8) The state administrative body responsible for carrying out the activities in the field of environment shall announce the reports about the condition of waste water discharge every two years.

(9) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to monitor and to conduct relevant scientific and other examinations in order to check whether the waste water or sludge discharge, including the case when the discharge is regulated by permits, has negative environmental impact.

## **Article 151**

### **Monitoring of the water for irrigation**

(1) The owners or users of hydro systems or irrigation systems shall be obliged to measure the impounded or abstracted quantities of water and to monitor its quality at the points of abstraction or impoundment. The data about the quantity and quality of the water shall be submitted to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall prescribe the detailed technical requirements, the manner and procedure for carrying out the activities referred to in paragraph (1) of this Article.

## **Article 152**

### **Monitoring of the water from land drainage**

(1) The owners or user of hydro-amelioration systems for land drainage shall be obliged to measure the quantity of discharged water and to monitor its quality at the points where the water from drainage is released into the recipients. The data about the quantity and quality of water shall be submitted to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture shall prescribe the detailed technical requirements, the manner and procedure for carrying out the activities referred to in paragraph (1) of this Article.

## **Article 153**

### **Monitoring of the water used for generation of electricity**

(1) The user of the systems for generation of electricity shall be obliged to measure the quantity of water used for generation of electricity at the points of impoundment. The data about the measured quantities shall be submitted to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the detailed technical requirements, the manner and procedure for carrying out the activities referred to in paragraph (1) of this Article.

## **Article 154**

## **Monitoring of the water intended for other purposes**

(1) The legal entities and natural persons that abstract or impound more than 10 m<sup>3</sup> water for purposes other than the ones referred to in Articles 148, 151, 152, 153 of this Law shall be obliged to measure the abstracted or impounded quantities of water and its quality. The data of these measurements shall be submitted to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the detailed technical requirements, the manner and procedure for carrying out the activities referred to in paragraph (1) of this Article.

## **Article 155**

### **Monitoring of the waters in the areas protected under the regulations on protection of nature**

(1) The legal entities and natural persons that under the regulations on protection of nature are responsible for management of the protected areas shall be obliged to monitor the waters in these areas and to submit the results to the state administrative body responsible for carrying out the activities in the field of environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the technical requirements, the manner and procedure for the monitoring of waters in the protected areas.

## **Article 156**

### **Submission of information**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall gather, process and keep the information received from the monitoring of water bodies.

(2) The state administrative body responsible for carrying out the activities in the field of health shall gather, process and keep all the data and information received from the monitoring referred to in Articles 148 and 149 of this Law and shall submit them to the state administrative body responsible for carrying out the activities in the field of environment and to the body responsible for food safety.

(3) The mayor of the municipalities, of the municipalities in the city of Skopje and of the City of Skopje shall submit the data received from the local monitoring network, as well as the data received from the monitoring of bathing water to the state administrative body responsible for carrying out the activities in the field of environment.

(4) The gathering, processing, keeping and submission of the information received from the monitoring shall be made free of charge.

(5) All information received and processed in accordance with the obligations and responsibilities determined by this and another law shall be available to all competent bodies free of charge.

(6) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the detailed requirements and the manner of submission of the information from the monitoring of water bodies referred to in paragraph (1) of this Article, as well as the design and content of the form for submission of data.

(7) The minister heading the state administrative body responsible for

carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe the detailed requirements and the manner of submission of the information from the monitoring of water referred to in Articles 148 and 149 of this Law, as well as the design and content of the form for submission of information.

(8) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture and the minister heading the state administrative body responsible for carrying out the activities in the field of economy shall prescribe the manner of submission of the information from the monitoring of waters referred to in Articles 151, 152, 153 and 154 of this Law, as well as the design and content of the form for submission of the data.

(9) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the manner of transfer of the information from the monitoring referred to in Article 150 of this Law, as well as the design and content of the form for submission of the data.

(10) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the manner of transferring the data from the monitoring of waters referred to in Article 155 of this Law, as well as the design and content of the form for submission of the data.

(11) The access of the public to the data and information in relation to the monitoring of waters shall be arranged in accordance with the Law on Environment.

(12) The state administrative body responsible for carrying out the activities in the field of environment and the body responsible for health protection, for the purpose of enabling access of the public to the data and information pertaining to the monitoring of waters, shall announce the data and results received from the monitoring of water bodies and waters intended for use in periodical and/or annual reports in accordance with the regulation referred to in Article 162 of this Law.

## **Article 157**

### **Water resources management database**

(1) The data and information received from the measurement that are gathered, processed and verified shall constitute an official database for water resources management, development and supervision of management and water protection.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall submit the respective data to all competent bodies, on their request, free of charge.

## **Article 158**

### **Monitoring in states of emergency**

(1) The bodies, legal entities and natural persons responsible for monitoring of waters in accordance with the provisions of this Law, in case of deterioration or threat for deterioration of the water or water body that they monitor, shall immediately inform the state administrative body responsible for carrying out the activities in the field of environment thereof for the purpose of undertaking the necessary measures.

(2) The Government of the Republic of Macedonia, on proposal of the

minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the state administrative body responsible for carrying out the activities in the field of health shall determine the measures that should be taken in the cases of state of emergency, the conditions and the manner of their implementation.

## **Article 159**

### **Obligations under international agreements**

For the purpose of fulfilling the obligations assumed under the international agreements ratified by the Republic of Macedonia, the state administrative body responsible for carrying out the activities in the field of environment and the state administrative body responsible for carrying out the activities in the field of health shall be responsible for presentation of the data received from the monitoring of waters within the framework of their competences.

## **VII. INFORMATION SYSTEM**

### **Article 160**

#### **Water book**

(1) In order to establish a database and to inform all parties about the water use, a water book shall be established and maintained.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall establish and maintain the water book referred to in paragraph (1) of this Law.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the form and content of the water book and the manner of its establishment and maintenance.

(4) The water book shall be a complete and continuously updated register of:

- 1) water use permits;
- 2) water discharge permits;
- 3) permits for excavation of sand, gravel and stone from the beds and watersides of surface water bodies;
- 4) protection zones;
- 5) flood areas;
- 6) old rights and obligations;
- 7) water resources management consents;
- 8) applications for issuance of permits;
- 9) temporary forced management, and
- 10) other data of relevance for the administrative decisions pertaining to waters.

(5) The insight in the content of the water book shall be free for the public and without charge, with the exception to confidential data. Anyone shall have the right to ask for a copy of the data contained in the water book.

(6) The data contained in the water book shall be kept at least five years upon the expiry of the validity of the documents, and shall be archived thereafter in accordance with law.

### **Article 161**

#### **Cadastre of water pollutants**

(1) For the purpose of determining the level of pollution of waste industrial

waters, atmospheric and urban waters, waters in landfills, as well as their harmful effect on the quality of waters in the recipient, and for the purpose of determining the other sources of pollution of waters in the basin area, cadastre of water pollutants shall be established and maintained as part of the Cadastre of Pollutants determined in accordance with the Law on Environment (hereinafter: the Cadastre).

(2) The cadastre referred to in paragraph (1) of this Article shall be established, prepared and maintained by the state administrative body responsible for carrying out the activities in the field of environment.

(3) The manner and procedure for entry of the data referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(4) For the purpose of preparing and keeping the Cadastre referred to in paragraph (1) of this Article, the legal entities and natural persons shall be obliged to submit the data referred to in paragraph (3) of this Article, as well as the other necessary data, to the state administrative body responsible for carrying out the activities in the field of environment, in accordance with the Law on Environment.

(5) The data from the Cadastre shall be available to the public in the scope, form and manner determined by the Law on Environment.

## **Article 162**

### **Informing of the public**

(1) For the purpose of informing the public, the competent state administrative bodies shall prepare periodic reports for the implementation of the provisions of this Law, including the data received from the monitoring of waters.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged to initiate a procedure for submission of reports to other states for issues related to international waters, international organization or body, in accordance with an international agreement ratified by the Republic of Macedonia.

(3) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the content of the reports, the manner and the procedure of informing referred to in paragraph (1) of this Article.

## **VIII. WATER RESOURCES MANAGEMENT FACILITIES AND SERVICES**

### **1. General provisions**

#### **Article 163**

#### **Water resources management facilities and installations**

Water resources management facilities and installations, in terms of this Law, shall be the facilities intended for:

- 1) development of water regime, that is: dams with their accumulation areas, retention and inundated ponds, developed river beds, defensive embankments, developed torrential water and erosion areas, orbital canals, abstraction stations and similar (hereinafter: protection facilities);
- 2) provision, impoundment, bringing and preparations of water for supply

of population, industry and for other business and communal purposes (hereinafter: water supply facilities);

3) provision, impoundment and bringing water for irrigation of agricultural land – irrigation and for accepting and draining extra surface waters and groundwaters – drainage (hereinafter: irrigation systems and drainage systems);

4) impoundment, bringing and use of water for generation of electricity and for running other types of installations (hereinafter: hydro power facilities);

5) impoundment, bringing and purification of polluted waste waters and their drainage in the recipient and for prevention of sudden excessive discharge of hazardous and harmful materials and substances (hereinafter: facilities for protection of water) and

6) satisfaction of special defense purposes, special environmental purposes and similar (hereinafter: special facilities).

## **Article 164**

### **Activities and services of public interest**

(1) Certain activities related to construction, operation, management and maintenance of water resources management facilities and installations for the purpose of water resources management, as well as rendering water resources management services, shall be deemed activities and services of public interest and shall be carried out in the manner and under the conditions determined by this Law.

(2) The water resources management activities and services of public interest, in terms of this Law, shall be the construction, exploitation and maintenance of water resources management facilities and installations that provide water resources management services for:

1) public supply with water intended for human consumption and for technologic purposes;

2) generation of electricity in accordance with law;

3) land irrigation and drainage;

4) protection and conservation of waters and water ecosystems;

5) collection and drainage, treatment and discharge of waste waters;

6) protection against harmful effects of waters;

7) exploitation of groundwaters;

8) excavation of sand, gravel and stone for the purpose of improving the water regime, and

9) provision of water reserves that provide unique water regime in the basin or part of the basin.

(3) The activities and services determined in paragraph (2) of this Article shall be carried out by legal entities established by the Government of the Republic of Macedonia or by a decision of the council of the municipalities, of the municipalities in the city of Skopje, that is, the council of the City of Skopje, in accordance with their responsibilities determined by this or another law, in the manner and in the procedure determined by law.

(4) The activities and services determined by paragraph (2) of this Article may be carried out by other legal entities, in the manner and in the procedure determined by law.

## **Article 165**

### **Technical standards for construction, management and maintenance of water resources management facilities and installations**

(1) For the purpose of protecting the public interest, environment and human life and health, the construction, management and maintenance of water resources management facilities and installations shall be made in accordance with the accepted modern techniques and standards, adjusted

to the scientific and technological development in the manner that does not cause negative impact on the water regime and users.

(2) The legal entity or natural person that impound water from a water body for the purpose of providing water for public water supply, industry, irrigation or for whatever purposes shall be obliged to install and maintain operable the measurement instruments at the place of impoundment, to measure the quantities and quality of the impounded water and to keep the data from the measurements.

(3) The legal entity or natural person that discharges used or waste water into the water body or into the water ecosystems shall be obliged to install and maintain operable measurement instruments at the place of discharge, to measure the quantities and quality of the water and to keep the data for these parameters.

(4) The legal entity or natural person that carries out the measurements referred to in paragraphs (2) and (3) of this Article shall be obliged to submit the data to the state administrative body responsible for carrying out the activities in the field of environment in the manner and in the procedure determined by this Law.

## **Article 166**

### **Obligation for maintenance and management of water resources management facilities and installations**

(1) The water resources management facilities and installations shall be managed and maintained in the manner prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications.

(2) If the water resources management facility or installation, their management or carrying out the water resources management activity, leads to negative impact on waters, the state administrative body responsible for carrying out the activities in the field of environment may order undertaking of necessary activities for prevention of the negative impact determined in cooperation with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture, the minister heading the state administrative body responsible for carrying out the activities in the field of health and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications.

(3) The legal entity and the natural person that manage the water resources management facilities and installations shall be obliged to inform the state administrative body responsible for carrying out the activities in the field of environment about a threat to the water resources management facilities and installations and to take all the necessary measures and activities for reduction or elimination of the threat.

## **Article 167**

### **Protection of water resources management facilities**

For the purpose of protecting and preventing damages to the water resources management facilities and installations, it shall be forbidden:

1) to build constructions or carry out activities that endanger the stability of the defensive embankments, to dig land, to plant trees and shrubs, to stick stakes or build fences, if they are not a composing part of the system for defense against floods;

- 2) to dig and drill wells at a distance smaller than 20 meters from the elevation of the defensive embankments;
- 3) to dig canals and parallel canals along the length of the embankment nearer than 10 meters inward and 10 meters outward from the elevation of the embankment;
- 4) in the area of the defensive embankment and other protection water resources management facilities and installations, to cut trees, thickets and shrubs that are composing part of the protection, defense activities and measures, if not determined by the plan for maintenance of the protection facilities and installations;
- 5) to let livestock graze and cross through or along the water resources management facilities, if that is not anticipated by the plan for maintenance of water resources management facilities and installations;
- 6) to traffic along or through the water resources management facilities and installations, except at specified places (natural gates);
- 7) to throw water, ground and other objects that cover up the canals;
- 8) to discharge waste waters into the facilities of the hydro systems and the irrigation and drainage systems;
- 9) to carry out activities that may change the conditions for measurement of water of hydrometric profiles at hydrological stations;
- 10) to carry out activities that may endanger the stability of the dam, the defensive embankments and other water resources management facilities and installations or their purpose-base use, as well as to change the natural conditions in the surrounding of the accumulation due to which landslide, erosion or creation of abandoned riverbeds and torrents may occur;
- 11) to build cross embankments, barriers, other facilities and crops in the beds of the watercourses that deteriorate the regime of the water flow;
- 12) to excavate sand, gravel, stone etc. from the protection water resources management facilities and installations, if not anticipated by the plan for their maintenance, and
- 13) to carry out other activities that damage the water resources management facilities and installations.

## **Article 168**

### **Obligation for harmonization of the plans for river basin management**

The preparation of the investment and technical documentation, the construction and use of facilities and installations for water resources management, electricity, communal, industrial and other facilities and installations that affect the quantity and quality of waters, as well as the use of waters and discharge of used waters and other activities on waters, shall be made in accordance with the plans for river basin management.

## **Article 169**

### **Restriction of service**

(1) If the quantity of water in a certain area reduces to the extent that it cannot meet the demands of all users, the legal entity that manages the water resources management facilities and installations may temporary restrict or forbid the use of water to certain users, in accordance with the priorities determined by Article 15 of this Law.

(2) In case of water deficiency or excess water due to *force majeure* or due to necessary activities and reconstruction of the facilities and installations, the legal entity that manages the water resources management facilities and installations may temporary restrict the water supply or acceptance of water during the existence of the reasons that caused the deficiency or excess.

(3) The legal entity shall be obliged to immediately inform the users of the water resources management service in the cases referred to in paragraph

(1) and (2) of this Article.

(4) In the cases referred to in paragraphs (1) and (2) of this Article, the users of the water resources management service shall not have the right to damage compensation.

## **Article 170**

### **Right to disconnect a user**

The provider of water resources management services may disconnect the user of the service from the network, provided that:

- 1) it is necessary for carrying out mandatory activities, and
- 2) the user of the service that has been informed to pay the costs and has a reasonable deadline for doing so, has not paid the costs within the determined period.

## **Article 171**

### **Records**

(1) The legal entities that manage the water resources management facilities and installations shall be obliged to establish and maintain records of these facilities and installations.

(2) The legal entities that manage the hydro systems, irrigation systems and drainage systems shall be obliged to establish and maintain records of the areas covered by the hydro systems, irrigation systems and drainage systems, in accordance with the investment and technical documentation according to which the systems have been built.

(3) The legal entities referred to in paragraph (1) and (2) of this Article shall be obliged to submit the data of the records to the state administrative body responsible for carrying out the activities in the field of environment and to the state administrative body responsible for carrying out the activities in the field of agriculture.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of agriculture in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the content and manner of keeping the records referred to in paragraphs (1) and (2) of this Article, as well as the manner of submission of the records.

## **Article 172**

### **Obligations for removing used waters**

The holder of the water right that impounds water shall be obliged to remove all used waters that result from the water impoundment in accordance with the provisions of this Law.

## **Article 173**

### **Provisions pertaining to land**

(1) The land under the waters and the waterside land owned by the Republic of Macedonia and used or impounded for the needs of the water resources management facilities shall be determined in the permit in accordance with this Law.

(2) The owner or the holder of other real rights over the neighboring land of the land referred to in paragraph (1) of this Article shall be obliged to allow access to the water resources management facilities and use of the land for all activities required for construction, management and

maintenance of water resources management facilities.

(3) As an exception, if the land that is used or impounded for the needs of water resources management facilities is in ownership of a legal entity or natural person, but is of special importance for the construction, management and maintenance of the water resources management facilities, may be expropriated in accordance with law.

## **Article 174**

### **Water resources management consent**

(1) The water resources management consent shall be issued for construction of new or reconstruction or extension of existing facilities that are located in or beside the surface waters, facilities that cross above or under the surface waters or facilities that are located in vicinity of surface waters or waterside lands and which may affect the water regime.

(2) The water resources management consent shall be issued for construction of new or reconstruction or extension of existing water resources management facilities referred to in Article 163 paragraph (1) point 1 of this Law, except for dams.

(3) The water resources management consent shall determine the water resources management requirements that must be met during the construction.

(4) Construction permit for the facilities and installations referred to in paragraph (1) and (2) of this Article must not be issued without the water resources management consent.

(5) The water resources management consent referred to in paragraphs (1) and (2) of this Article shall not constitute a legal basis for water use.

## **Article 175**

### **Harmonization of the plans for river basin management and other documents**

The harmonization of the documentation for construction, reconstruction or extension of facilities and installations with the provisions of this Law, with the Water Resources Management Basis, that is, with the Plan for River Basin Management and other documents adopted on the basis of this or another law shall be evaluated in the procedure for issuing the water resources management consent.

## **Article 176**

### **Request and necessary documentation for issuing the water resources management consent**

(1) The water resources management consent shall be issued by the state administrative body responsible for carrying out the activities in the field of environment, on a written request of the investor.

(2) Except the data about the investor, the following shall be in particular attached to the request for water resources management consent referred to in paragraph (1) of this Article:

- 1) building requirements in accordance with law, and
- 2) basic design prepared by an expert institution or another legal entity or natural person registered for carrying out such type of activity.

(3) The basic design referred to in paragraph (2) point 2 of this Article shall in particular contain: location of the facility, hydrologic bases, hydraulic calculations, purpose of the facility and its impact on the water

regime.

(4) The technical documentation of the basic design referred to in paragraph (2) point 2 of this Article must be revised by an expert institution or another legal entity or natural person registered for carrying out such type of activity.

(5) If the state administrative body responsible for carrying out expert activities in the field of environment assesses that the submitted documentation referred to in paragraph (2) of this Article is not in compliance with the provisions of this Law and with other regulations for preparation of such type of documentation, it shall stop the procedure and shall set a deadline, which cannot be shorter than 15 days, during which the investor shall be obliged to submit the necessary documentation or to harmonize the already submitted documentation with the prescribed requirements.

(6) If the investor does not act in accordance with paragraph (5) of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall adopt a decision rejecting the request for issuing water resources management consent.

(7) The investor may file an appeal against the decision referred to in paragraph (6) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision.

## **Article 177**

### **Integrated environmental permits and environmental impact assessment**

(1) The facilities and installations referred to in Article 174 paragraphs (1) and (2) of this Law for which the Law on Environment anticipates that an integrated environmental permit is obligatory to be obtained, cannot be constructed, that is, start operation if the permit is not obtained, under the conditions, in the manner and in the procedure determined by the Law on Environment.

(2) The facilities and installations referred to in Article 174 paragraphs (1) and (2) of this Law for which the Law on Environment anticipates that a procedure for environmental impact assessment is to be conducted, cannot be constructed if a positive decision for the environmental impact assessment study is not obtained, under the conditions, in the manner and in the procedure determined by the Law on Environment.

## **Article 178**

### **Issuance of water resources management consent**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall be obliged, within a period of 30 days as of the day of receipt of the request, to adopt a decision accepting or rejecting the request for water resources management consent.

(2) If the state administrative body responsible for carrying out the activities in the field of environment determines that the requirements for issuing water resources management consent are not met, it shall adopt a decision for rejection of the request.

(3) The investor and the other entities having a legal interest may file an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision for water resources

management consent.

(4) If the body referred to in paragraph (1) of this Article does not adopt a decision for acceptance or rejection of the request for issuance of water resources management consent, within a period referred to in paragraph (1) of this Article, the requesting entity shall have the right, within a period of three working days, to file a request for adoption of a decision for issuing a water resources management consent to the filing office of the minister heading the state administrative body responsible for the activities in the field of environment. If the minister does not have a filing office, the request shall be filed to the filing office of the head office of the state administrative body responsible for the activities in the field of environment.

(5) The form and content of the request referred to in paragraph (4) of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of environment.

(6) The requesting entity shall attach a copy of the request referred to in Article 176 paragraph (1) of this Law for adoption of a decision for issuing water resources management consent to the request referred to in paragraph (4) of this Article.

(7) The minister heading the state administrative body responsible for the activities in the field of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (4) of this Article to the filing office, to adopt a decision for accepting or denying the request for issuance of a decision for water resources management consent.

(8) If the minister heading the state administrative body responsible for the activities in the field of environment does not adopt the decision referred to in paragraph (7) of this Article, the requesting entity may notify the State Administrative Inspectorate within a period of five working days.

(9) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (8) of this Article, to inspect whether the procedure in accordance with law has been conducted in the state administrative body responsible for carrying out the activities in the field of environment and to inform the requesting entity about the situation established during the inspection within a period of three working days as of the day the inspection has been conducted.

(10) Upon the inspection completed in accordance with law, the inspector of the State Administrative Inspectorate shall adopt a decision obliging the minister heading the state administrative body responsible for the activities in the field of environment, within a period of ten days, to decide upon the submitted request referred to in paragraph (4) of this Article, that is, to approve or deny the request and to inform the inspector about the adopted decision. Copy of the decision about the submitted request shall be attached to the notification.

(11) If the minister heading the state administrative body responsible for carrying out the activities in the field of environment does not decide within a period referred to in paragraph (10) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor determined by the Law on Administrative Inspection and shall set an additional deadline of five working days within which the minister is to decide upon the submitted request and within the same period to inform the inspector about the adopted decision. Copy of the decision about the submitted request shall be attached to the notification. The inspector shall inform the requesting entity about the measures taken within a period of three working days.

(12) If the minister does not decide in the additional deadline referred to paragraph (11) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the requesting entity about the measures taken.

(13) If the inspector does not act based on the notification referred to in paragraph (8) of this Article, the requesting entity shall have the right to file a complaint to the filing office of the director of the State Administrative Inspectorate within five working days. If the director does not have a filing office, the request shall be submitted to the filing office in the head office of the State Administrative Inspectorate.

(14) The director of the State Administrative Inspectorate shall be obliged to examine the complaint referred to in paragraph (13) of this Article within three working days and, if he/she establishes that the inspector has not acted based on the notification of the requesting entity in accordance with paragraphs (9) and (10) and/or has not filed a report in accordance with paragraphs (11) and (12) of this Article, the director of the State Administrative Inspectorate shall file a motion for initiation of a misdemeanor procedure against the inspector for a misdemeanor laid down in the Law on Administrative Inspection and shall set an additional deadline of five working days within which the inspector shall inspect whether the procedure in accordance with law has been carried out in the state administrative body responsible for the activities in the field of environment, and shall notify the requesting entity about the measures taken within three working days as of the day the inspection has been conducted.

(15) If the inspector does not act in the additional deadline referred to in paragraph (14) of this Article, the director of the State Administrative Inspectorate shall file a report with the competent public prosecutor against the inspector and shall notify the requesting entity about the measures taken within three working days.

(16) In the cases referred to in paragraph (15) of this Article, the director of the State Administrative Inspectorate shall immediately, or within one working day at latest, oblige other inspector to conduct the inspection immediately.

(17) In the cases referred to in paragraph (16) of this Article, the director of the State Administrative Inspectorate shall notify the requesting entity about the measures taken within three working days.

(18) If the director of the State Administrative Inspectorate does not act in accordance with paragraph (14) of this Article, the requesting entity may file a report with the competent public prosecutor within eight working days.

(19) If the minister heading the state administrative body responsible for the activities in the field of environment does not adopt a decision within the deadline referred to in paragraph (11) of this Article, the requesting entity may initiate an administrative dispute before the competent court.

(20) The procedure in the Administrative Court shall be urgent.

(21) The bylaw referred to in paragraph (5) of this Article shall be adopted within a period 15 days as of the day of adoption of this Law.

(22) Upon adoption of the bylaw referred to in paragraph (5) of this Article, it shall immediately and within a period of 24 hours at the latest be announced on the web page of the state administrative body responsible for the activities in the field of environment.

## Article 179

## **Termination of the water resources management consent**

The validity of the water resources management consent shall terminate simultaneously with the termination of the validity of the construction approval in accordance with the Law on Construction.

### **Article 180**

#### **Annulment of the water resources management consent**

(1) If the state administrative body responsible for carrying out the activities in the field of environment determines that during the construction, reconstruction or extension of the facilities and installations referred to in Article 174 paragraphs (1) and (2) of this Law, the investor does not comply with the requirements under the water resources management consent, it shall adopt a decision for stopping the works and shall set a deadline for the investor to adjust to the requirements under the consent.

(2) The investor may file an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision. The appeal shall not postpone the enforcement of the decision.

(3) If the investor does not act in accordance with the decision referred to in paragraph (1) of this Article, completely or partially, the state administrative body responsible for carrying out the activities in the field of environment may, completely or partially, annul the issued water resources management consent.

(4) As an exception to paragraph (3) of this Article, on the basis of a previous written request of the investor, the state administrative body responsible for carrying out the activities in the field of environment may change the requirements contained in the water resources management consent, provided that it is contrary to the public interest of the water resources management.

## **2. Water supply**

### **Article 181**

#### **Waters intended for human consumption**

(1) The water that, in accordance with the provisions of this Law, the Water Resources Management Basis of the Republic of Macedonia and the plans for river basin management, is determined primarily to be used: for water supply of population, for health institutions and legal entities in the field of veterinary medicine, for defense purposes, for industry for production and processing of food stuff and for livestock watering that require drinking water quality, must not be used for other purposes and in manner contrary to the provisions of this Law.

(2) The natural surface waters, springs, and bodies of groundwaters with quantity and quality appropriate for human consumption should be primarily used for public water supply and food production for the local population, on the areas of the municipalities, the municipalities in the city of Skopje and the City of Skopje.

### **Article 182**

#### **Exceptions**

(1) The provisions of Articles 183 through 190 of this Law shall not apply to:

- 1) natural mineral and natural spring water determined by the competent bodies in accordance with the Law on Food Safety and the regulations regulating the quality of natural mineral water;
- 2) waters that are prescribed as medical products in accordance with the regulations on medical products, and
- 3) supply with water intended for human consumption made from individual springs for supply wherefrom less than 10 m<sup>3</sup> water a day are provided or the demands of less than 20 persons are met, provided that the water is intended for personal and household purposes and is not intended for sale, commercial purpose or public water supply.

(2) In the case referred to in paragraph (1) point 3 of this Article, the state administrative body responsible for carrying out the activities in the field of health shall be obliged to inform the concerned population about the exceptions and about all actions that may be taken in order to protect the human health from negative impacts resulting from any water pollution, as well as to immediately give appropriate advices to the population.

## **Article 183**

### **Quality standards and values**

(1) The water intended for human consumption must be always safe and clean in accordance with the provisions of this Law and the regulations adopted on the basis of this or another law.

(2) For the purpose of achieving the objectives referred to in paragraph (1) of this Article, the water intended for human consumption must:

- 1) not contain microorganisms or parasites and materials and substances that may pose a threat to human health if in certain number or concentration, and
- 2) fulfill the minimum values and standards and the parameters for water quality in relation to:
  - microbiological parameters,
  - physical – chemical parameters,
  - radiological parameters,
  - biological indicators (phito and zooplanktons) for supply with water from surface waters and groundwaters and certain wells.

(3) Any supply with water intended for human consumption that does not meet the requirements prescribed in paragraphs (1) and (2) of this Article or may pose a treat to the human health shall be forbidden.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of health, based on a proposal of the Food and Veterinary Agency, shall prescribe the minimum values, standards and parameters for water quality referred to in paragraph (2) point 2 of this Article, as well as the measures that are necessary for achieving the objective referred to in paragraph (1) of this Article.

## **Article 184**

### **Measuring points**

The parameter values determined in accordance with Article 183 paragraph (2) of this Law shall refer to:

- 1) the water supplied by the water supply network, in the premises or the organization of the place where from it flows out of the taps usually used for human consumption;
- 2) the water supplied by a tank, at the point it flows out of the tank;
- 3) the bottled water or water put in tanks intended for sale, at the point where the water is bottled or put in tanks, and

4) the water used for food production, at the point where the water is used.

## **Article 185**

### **Competences**

(1) The mayor of the municipalities, municipalities in the city of Skopje and the City of Skopje shall be obliged to ensure:

- 1) achievement of the objectives referred to in Article 183 of this Law;
- 2) development and maintenance of efficient and cost-effective system for supply of drinking water in sufficient quantities and according to the demands of all legal users, and
- 3) undertaking of the necessary measures determined by the provisions referred to in the articles of this part, unless otherwise determined by this Law.

(2) For the purpose of carrying out the activities referred to in paragraph (1) of this Article, on proposal of the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje, a public enterprise for carrying out the activity and for operation and maintenance of water supply systems and the supply with drinking water may be established.

(3) Two or more municipalities and the City of Skopje, for the purpose of carrying out the activities referred to in paragraph (1) of this Article, on proposal of the mayor of the municipalities and the mayor of the City of Skopje, may establish a joint public enterprise.

(4) The activities referred to in paragraph (1) of this Article, on proposal of the mayor of the municipality, the municipalities in the city of Skopje and the City of Skopje, may be carried out by legal entities in the manner and in the procedure determined by law.

(5) The user shall be obliged to use and maintain the domestic water supply system in the manner that does not lead to decrease of the quality of the drinking water and ensures water in sufficient quantities, as well as in the manner that reduces the loss of water to minimum.

## **Article 186**

### **Disinfection and purification of the water intended for human consumption**

(1) For the purpose of meeting the quality standards and values referred to in Article 183 of this Law, the legal entities carrying out supply with water intended for human consumption shall be obliged to disinfect the water.

(2) Any change in the quality caused by the disinfection by-products must be at the lowest possible level without affecting the efficiency of the disinfection and with no consequences to the human health.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of health shall prescribe the equipment and expert personnel of the legal entities and natural persons referred to in paragraph (1) of this Article, the frequency and methodology for disinfection of the water.

## **Article 187**

### **Deviations from quality values and standards and refurbishing measures**

(1) In case of deviations from the quality values and standards determined

in accordance with Article 183 of this Law, the legal entities carrying out public water supply and the bodies responsible for health protection shall examine and identify the reasons that caused the deviation.

(2) The mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje, in cooperation with the legal entity carrying out public water supply, in case of deviation referred to in paragraph (1) of this Article, shall be obliged, immediately and without any delay, to take the measures necessary for refurbishment, as well as to determine the restrictions and prohibitions on water use, where necessary, in order to re-ensure the safety of the water, as well as to inform the body responsible for food safety.

(3) The priority in implementation of the necessary measures referred to in paragraph (2) of this Article shall be established depending on the degree of quality values and standards excess, as well as depending on the risk to the human health.

(4) The measures referred to in paragraphs (2) and (3) of this Article shall be appropriate and time limited by the need for their application, taking into consideration:

- 1) the risks to the human health that might be caused by the interruption in the water supply, and
- 2) the number and the needs of the end users for each individual water supply system.

(5) In case when the refurbishing measures affect the population, the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged to immediately inform the concerned population about the measures taken and measures to be taken, as well as about their duration, and to give appropriate advices and recommendations about the activities that are to be taken in order to protect their health.

(6) The mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged, in the cases when the measures referred to in paragraph (2) of this Article last more than 14 days, to immediately notify the state administrative body responsible for carrying out the activities in the field of health about the restriction, the reason for the restriction, the measures taken, and their expected duration.

(7) When the deviation from the quality values and standards is a result of the domestic water supply system or of its use and maintenance, the measures referred to in paragraphs (2) and (3) of this Article shall be taken by the owner of the domestic water supply system under supervision and instructions of the competent body.

(8) Paragraph (7) of this Article shall not apply in case when public premises, that is, pre-school, school and health institutions, restaurants and facilities for production and processing of food products are supplied with water. In this case, the measures referred to in paragraphs (2) and (3) of this Article shall be taken in cooperation with the owner of the premises, that is, facilities.

(9) The costs for examining and identifying the causes, as well as the costs for undertaking the measures referred to in paragraphs (1) and (2) of this Article, in the cases referred to in paragraphs (7) and (8) of this Article, shall be covered by the owner of the domestic water supply system, that is, the owner of the premises or facilities.

(10) The measures referred to in paragraphs (2) and (3) of this Article shall be:

- 1) measures for reduction or elimination of the risk from inconformity with the parameters values or for elimination of the risk from inconformity;
- 2) other measures, particularly appropriate methods for treatment in order to alter the nature or properties of the water before it is supplied, in such a manner that eliminates the risk of inconformity of the water with the

parameters values after the supply, and

3) appropriate and timely information to the concerned consumers for all possible additional refurbishing measures that should be taken.

## **Article 188**

### **Restrictions due to water deficiency**

(1) In case when the demands of all the users cannot be satisfied due to water deficiency, the legal entity carrying out public water supply may temporarily restrict the use for certain users, only upon prior notification of the users and the mayor of the municipality, the municipalities in the city of Skopje and the City of Skopje about the restriction and its expected duration, the replacement for the water supply, and the measures to be taken, in a period of 24 hours prior to the beginning of the restriction.

(2) If the restriction concerns the needs of the population for water intended for human consumption, the legal entity carrying out public water supply shall be obliged to establish and to inform the concerned population of the additional, adequate water supply.

(3) The restriction referred to in paragraph (1) of this Article must suit the number and the needs of the end users of each individual water supply system and must not last longer than necessary.

(4) The mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall be obliged, in cases when the restriction referred to in paragraph (1) of this Article lasts longer than 14 days, to immediately notify the state administrative body responsible for carrying out the activities in the field of health about the restriction and its expected duration, the reason for the restriction and the measures taken.

## **Article 189**

### **Abuse and misuse of waters**

(1) Everyone shall be obliged to use the water cautiously and rationally, only for the anticipated purpose.

(2) The user of water shall be obliged to pay the incurred costs if, intentionally or out of negligence, causes damage or failure of the system which requires repairing or causes pollution or misuse of water.

(3) The substances or materials in the new installations for preparation and distribution of drinking water must not be present in concentrations higher than those necessary for their use or in concentrations that would cause decrease of the health protection, in accordance with the provisions of this Chapter.

(4) The legal entity that carries out public water supply shall be obliged to reduce the losses in the water supply system to minimum, as well as to take all the necessary measures thereof.

## **Article 190**

### **Informing the public**

(1) All the information and data on the quality of drinking water shall be available to the public, in accordance with law.

(2) For the purpose of informing the public, the state administrative body responsible for carrying out the activities in the field of health shall, every three years, prepare and issue a report in regard to the water intended for human consumption for the whole territory of the Republic of Macedonia.

(3) The report referred to in paragraph (2) of this Article shall particularly

contain information on the fulfillment of the obligations referred to in this Chapter, the measures taken, prescribed quality values and standards, the deviations from the prescribed quality values and standards, the programs for monitoring and the results from the monitoring of the safety of the water intended for human consumption, as well as data for all legal entities and natural persons that supply water to more than 5.000 citizens or supply more than 1.000 cubic meters water a day.

(4) The report referred to in paragraph (3) of this Article shall refer to three calendar years and shall be issued in a period of one calendar year as of the end of the previous and the beginning of the following reporting period.

### **3. Irrigation and drainage**

#### **Article 191**

##### **Water resources management entities**

(1) The impoundment and use of surface waters and groundwaters for the needs of irrigation, as well as land drainage, shall be performed by hydro-systems, or irrigation and drainage systems.

(2) Water resources management entities shall be established, in accordance with law, in order to use, exploit and maintain the hydro-systems or irrigation and drainage systems.

(3) The state administrative body responsible for carrying out the activities in the field of agriculture shall be responsible for the works related to the activities and actions of the water resources management entities referred to in this Law.

#### **Article 192**

##### **Water communities**

(1) For the purpose of using, maintaining, constructing, reconstructing and extending the small irrigation and/or drainage systems and the transmission and/or distribution network of irrigation and/or drainage systems (the irrigation and/or drainage infrastructure), the owners and users of the agricultural or other land may establish water communities, in accordance with the law.

(2) The state administrative body responsible for carrying out the activities in the field of agriculture shall be responsible for the activities related to the activities and actions of the water communities referred to in this Article.

#### **Article 193**

##### **Prohibition against irrigation and livestock watering**

(1) For the purpose of protecting the human and livestock health, the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture and the minister heading the state administrative body responsible for carrying out the activities in the field of health shall prohibit the use or utilization of waters for irrigation and livestock watering, in case the quality of the water deteriorates to a measure that makes the water unusable for that purpose.

(2) The prohibition referred to in paragraph (1) of this Article shall last as long as the quality of the water falls under the category that is not suitable for irrigation and livestock watering.

## 4. Dams and accumulations

### Article 194

#### Dams

(1) Dam, in terms of this Law, shall be a hydrotechnical facility where the water is retained in order to create permanent or temporary accumulation of water or another liquid material, the height of which is at least 5 meters, measured between the downstream elevation and spillway crest, or which may accumulate more than 100.000 m<sup>3</sup> of water in the space to the crest.

(2) Large dam shall be a hydrotechnical facility, in accordance with paragraph (1) of this Article, the height of which is at least 15 meters. The dams that have height of at least 10m and fulfill at least one of the following requirements shall be included in the group of large dams:

- 1) the length of the crest of the dam is bigger than 500m;
- 2) the volume of accumulation is more than 1.000.000 m<sup>3</sup> and
- 3) the maximum flow of the spillway is more than 2.000m<sup>3</sup>/c.

(3) Each dam referred to in paragraphs (1) and (2) of this Article shall be a dam of special significance to the Republic of Macedonia.

(4) Small dam, including the micro accumulations, shall be a hydrotechnical facility in accordance with paragraph (1) of this Article that does not fall under the group of big dams according to paragraph (2) of this Article.

### Article 195

#### Technical provisions

(1) For the purpose of ensuring constructive, economic and operative safety, the dams and the associated facilities shall be designed, constructed, exploited (used and maintained) and managed in the manner determined by the technical documentation for small and large dams prepared in accordance with the regulation laying down the measures necessary for technical surveillance of dams and associated facilities and accumulations adopted by the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications and the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of defense may determine the small dams referred to in Article 194 paragraph (3) of this Law as dams with special significance and classify them as big dams, upon a proposal of the Commission on Dams referred to in Article 197 of this Law.

(3) A detailed research and analysis on the basis of modern standards for static stability, risk from great waters and earthquakes, including the risk assessment, shall be carried out for the existing and planned big dams.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall establish the protection zones in the areas around the dam, that is, the accumulation, on proposal of the user of the dam with accumulation space.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications and the

minister heading the state administrative body responsible for carrying out the activities in the field of agriculture may prescribe refurbishing measures or restitution measures necessary for the achievement of the environmental objectives determined in accordance with Article 90 of this Law for the existing dams or the dams under construction.

## **Article 196**

### **Dams of special significance**

(1) Dams located above populated places, highways or other business facilities or other goods of general interest shall be under special control and of significance for the defense.

(2) The dams referred to in paragraph (1) of this Article shall be determined by the minister heading the state administrative body responsible for carrying out the activities in the field of defense in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of environment and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications.

## **Article 197**

### **Commission on Dams**

(1) The state administrative body responsible for carrying out the activities in the field of environment shall form a Commission on Dams for matters pertaining to the design, construction and management of dams and accumulations.

(2) The Commission on Dams shall be composed of seven members from among the established scientific and expert workers in the field of hydro engineering and dams.

(3) The Commission on Dams shall adopt Rules of Procedure for its work.

(4) The members of the Commission on Dams shall be entitled to remuneration for their work in the Commission.

(5) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall determine the amount of the remuneration referred to in paragraph (4) of this Article, depending on the scope and complexity of the activities they carry.

(6) The funds for the remuneration and for the costs of the work of the Commission on Dams shall be provided from the budget of the state administrative body responsible for carrying out the activities in the field of environment.

(7) The expert and administrative and technical activities necessary for the work of the Commission on Dams shall be carried out by the state administrative body responsible for carrying out the expert activities in the field of environment.

## **Article 198**

### **Monitoring of dams**

(1) The legal entities that manage the dams established as dams of special significance shall be obliged to establish and organize technical surveillance of the dams and of the associated facilities and accumulations, on the basis of a project for technical surveillance (auscultation) of the dam, the associated facilities and accumulations, in accordance with Article 195 paragraph (1) of this Law.

(2) The legal entity that manages the dams of special significance, the associated facilities and the accumulations, on the basis of the data from the technical surveillance, in accordance with the project for technical surveillance, shall be obliged to prepare a special study for analysis and assessment of the stability and functionality of the dams and the associated facilities and accumulations and for the stability of the field around the dams, associated facilities and accumulations, at least once a year.

(3) The studies referred to in paragraph (2) of this Article shall be submitted to the state administrative body responsible for carrying out the expert activities in the field of environment in a period of four months after the expiry of the year they refer to at the latest, and shall be approved on the basis of a previous opinion of the Commission on Dams.

(4) If during the technical surveillance or during the preparation of the study referred to in paragraph (2) of this Article, flaws that might endanger the stability of the dam and the associated facilities are detected and established, the legal entity that manages the dam shall be obliged to forthwith notify the state administrative body responsible for carrying out the activities in the field of environment, as well as the body responsible for protection and rescue thereof.

## **Article 199**

### **Alerting in case of danger**

(1) The legal entity that manages the dams of special significance shall be obliged:

- 1) to prepare a study for analysis of the consequences from flood wave propagation in case of possible destruction or overflow of the dam, that shall be mandatorily examined and evaluated (revision);
- 2) to set up and maintain all the devices for warning and alerting operable;
- 3) to organize and ensure warning and alerting in case of danger that might arise due to destruction or overflow of the dam and
- 4) to connect the warning and alerting system of the dam to the warning and alerting system of the Republic of Macedonia, the municipalities, municipalities of the city of Skopje and the City of Skopje whose areas are potentially endangered in case of destruction or overflow of the dam.

(2) The legal entity that manages the dams of special significance shall be obliged to submit a copy of the study referred to in paragraph (1) point 1 of this Article to the state administrative body responsible for carrying out the activities in the field of environment and to the Protection and Rescue Directorate, 30 days before the first filling of the accumulation at the latest.

## **Article 200**

### **Management of dams that are not of special significance**

(1) The legal entities that manage the dams that are not established as dams of special significance shall be obliged to establish and organize minimum technical surveillance of the dams and the associated facilities and accumulations.

(2) The manner of performing the surveillance referred to in paragraph (1) of this Article shall be determined in the technical documentation for construction of the dam, in accordance with the regulation referred to in Article 195 of this Law.

## **5. Digging wells**

## Article 201

### Digging a well

(1) Digging (drilling) a well or a drill for the purpose of abstracting water from a body of groundwater, in accordance with Article 29 of this Law, shall be performed only upon previously submitted notification to the state administrative body responsible for carrying out the activities in the field of environment, as well as to the body of the municipalities, the municipalities in the city of Skopje and the City of Skopje.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall prescribe the manner of notifying, the data to be contained in the notification, as well as the form and content of the notification referred to in paragraph (1) of this Article.

## Article 202

### Obligations of the digger of the well

(1) The digger of a well shall be obliged to:

- 1) test the generosity of the dug well in accordance with a regulation;
- 2) collect samples of water and organize testing of the quality of the water from the collected samples in an accredited laboratory, in accordance with a regulation, and
- 3) keep and ensure records, data from testing, geological and other information and samples, prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(2) In a period of one month as of the completion of the building of the well, the digger of the well shall prepare and submit a report to the state administrative body responsible for carrying out the activities in the field of environment in a form and manner prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

## Article 203

### Mutual influence, protection and monitoring of wells

(1) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall establish the level to which groundwater may be abstracted from the well in order to:

- 1) minimize the risk from decrease of the water level, which might decrease the generosity of the neighboring wells;
- 2) maintain balance between the recharge and abstraction of the aquifer;
- 3) avoid negative effects on the aquatic ecosystems and the water environment.

(2) The minister heading the state administrative body responsible for carrying out the activities in the field of environment shall establish a protection zone around a well for groundwater used for purposes other than human consumption, in order to protect the groundwater from pollution.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment may order examinations and monitoring for the purpose of collecting data and other information in regard to the availability of groundwaters, sustainable water abstraction rates, spatial distance between wells, abstraction tests, hydrogeologic mapping, and other activities necessary for proper utilization of groundwaters.

## IX. STATE OF EMERGENCY AND DEVIATIONS

### Article 204

#### State of emergency and deviations

(1) Where the monitoring or other data show that the provisions of this Law pertaining to measures or changes in quality of the waters are not in conformity or cannot be reached, the state administrative body responsible for carrying out the activities in the field of environment in cooperation with the state administrative body responsible for carrying out the activities in the field of health, must immediately and without any delay:

- 1) examine and identify the reasons for the deviation;
- 2) in case of risk to the human life and health, inform the concerned public thereof and provide the public with all relevant information about the manner of mitigating the consequences, as well as give recommendations or other precautionary measures;
- 3) take measures for reduction and elimination of the risk and the reason for the deviation;
- 4) take appropriate prevention measures and measures for restitution to the previous condition, in order to control the condition and inform the public, and
- 5) initiate activities for restitution of the environmental quality to the previous condition.

(2) In addition to the measures and activities referred to in paragraph (1) of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall ensure:

- 1) appropriate examination and revision of the relevant permits and consents;
- 2) revision and adjustment of the monitoring programs, and
- 3) appropriate measures for prevention of further deterioration of the condition, including if necessary more strict criteria for the environmental quality.

(3) When the reasons for the deviation are a result of *force majeure*, especially the extreme floods or continued droughts, the state administrative body responsible for carrying out the activities in the field of environment may determine that the more strict criteria for the quality do not apply.

(4) When the state of emergency and the deviations concern the interests of any neighboring country, the state administrative body responsible for carrying out the activities in the field of environment shall initiate a procedure for submission of all the relevant information in accordance with paragraph (1) of this Article to the concerned neighboring country.

(5) The Government of the Republic of Macedonia, on proposal of the Center for Crisis Management established in accordance with the state administrative body responsible for carrying out the activities in the field of environment, shall prescribe the measures, activities, manner of surveillance and manner of early warning, plans in case of state of emergency, as well as the manner of informing the public and the neighboring countries.

## X. MATERIAL BASIS AND FINANCING THE WATER RESOURCES MANAGEMENT AND DEVELOPMENT

### Article 205

## General provision

(1) In accordance with the consumer pays principle, the price of the water shall enable the water consumers to use the water efficiently contributing to the achievement of the environmental objectives in such a way that different consumers pay a corresponding charge.

(2) The achievement of the objectives referred to in paragraph (1) of this Article shall be based on the economic analysis referred to in Article 71 of this Law, taking into consideration the social, economic effects and the effects on the environment from the restitution to the previous condition, as well as the geographic and climatic conditions in the region.

(3) The report on the planned and achieved activities for the purpose of applying this Article shall be a part of the river basin management plan.

(4) If the objectives determined by this Law are necessary to be achieved, undertaking of special prevention or additional measures may be financed on the basis of a document of the Government of the Republic of Macedonia, that is, document of the council of the municipalities, the council of the municipalities in the city of Skopje and the council of the City of Skopje, within their competences determined by law.

## Article 206

### Sources of financing

Funds for water resources management and development shall be provided from:

- 1) charges for water use;
- 2) charges for water discharge;
- 3) charges for sand, gravel and stone excavation;
- 4) rent of the land in state ownership given under lease, which is entered in the Cadastre of Immovables as "under waters";
- 5) the Budget of the Republic of Macedonia;
- 6) the budgets of the municipalities, the municipalities in the city of Skopje and the City of Skopje, and
- 7) other sources of financing, in accordance with the law.

## Article 207

### Charge for water use and discharge and excavation of sand, gravel and stone

(1) Payers of charge for water use shall be the legal entities and natural persons that, on the basis of a permit for water use, issued in accordance with this Law:

- 1) impound, abstract, redirect, accumulate, store or in any other manner use waters from natural and artificial bodies of surface water for:
  - supply of water intended for human consumption through a public water supply system, for food production and processing, for defense purposes, and for livestock watering,
  - irrigation of agricultural land,
  - industrial and technological (business) purposes,
  - generation of electricity and other purposes of installations,
  - water bottling for commercial purposes,
  - use of thermal energy from geothermal waters,
  - fish and waterbirds breeding,
  - land drainage,
  - maintenance of water flows by using chemical materials and substances,
  - washing and separating sand, gravel and stone, and
  - other activities for which the state administrative body responsible for carrying out the activities in the field of environment assesses to affect the water regime and/or the morphology of the water body and
- 2) impound, abstract, redirect, accumulate, store or in any other manner

use water from a body of groundwater for:

- supply of water intended for human consumption through a public water supply system, for food production and processing, for defense purposes, and for livestock watering,
- irrigation of agricultural land,
- industrial and technological (business) purposes,
- water bottling for commercial purposes,
- absorption of thermal energy from geothermal waters,
- hydrogeological researches and data collection, and
- other activities for which the state administrative body responsible for carrying out the activities in the field of environment assesses to affect the water regime and/or the morphology of the water body.

(2) Payers of charge for water discharge shall be the legal entities and natural person that on the basis of:

- 1) a waste water discharge permit, issued in accordance with this Law, discharge waste waters in bodies of surface water and/or groundwater, and
- 2) a discharge and release permit, discharge and release materials and substances in bodies of surface water and/or groundwater, in accordance with this Law.

(3) Payers of charge for sand, gravel and stone excavation shall be the holders of the permit for excavation of sand, gravel and stone issued in accordance with Article 142 paragraph (3) of this Law.

## **Article 208**

### **Cases when charge is not paid**

(1) The charge for water use shall not be paid in the cases when the water is used for:

- 1) treatment and artificial recharging of groundwaters, and
- 2) protection of the nature and the region.

(2) The charge for sand, gravel and stone excavation shall not be paid if the excavated sand, gravel and stone is used for construction and maintenance of protection water resources management facilities and facilities in the field of the defense.

## **Article 209**

### **Obligation to pay a charge**

(1) The obligation to pay the charge of the payers referred to in Article 207 paragraphs (1) and (3) of this Law shall be created on the day the permit becomes legally effective, in accordance with the provisions of Article 41 paragraphs (3) and (4) of this Law.

(2) The obligation to pay the charge of the payers referred to in Article 207 paragraph (2) of this Law shall be created on the day the permit becomes legally effective, in accordance with the provisions of Article 82 paragraph (1) of this Law.

(3) The holder of the permit referred to in Article 207 paragraph (1) of this Law that provides services for water supply to third parties, shall ensure the funds for payment of the charge for water use by charging the service to the water end users.

(4) The holder of the permit referred to in Article 207 paragraph (2) of this Law that provides services for water drainage and purification to third parties, shall ensure the funds for payment of the charge for water use by charging the service to the water end users.

(5) The obligations under the contract for water supply and/or the contract for provision of services for water drainage and purification between the

holder of the permit referred to in paragraphs (1) and (2) of this Article and the end users, as well as their mutual relationships, shall not create legal obligations for the issuer of the permit in terms of conditions, deadlines, manner of payment and amount of the charge for water use determined by the permit.

## **Article 210**

### **Total charge**

(1) The total charge for water end users shall be composed of the price of the service for water use referred to in Article 211 paragraph (1) of this Law and the charge for water use referred to in Article 207 paragraph (1) of this Law.

(2) The total charge for the end users for water drainage and treatment shall be composed of the price for the service for water drainage and treatment referred to in Article 211 paragraph (2) of this Law and the charge for discharge in waters referred to in Article 207 paragraph (2) of this Law.

## **Article 211**

### **Price of the service**

(1) The price of the service for the water end users shall be composed of the supply service costs, the costs for protection of the environment and the costs for the resource, in accordance with the user pays principle.

(2) The price of the service for the end users of water drainage and treatment shall be composed of the costs of the water drainage and treatment service, the costs for protection of the environment against discharge in waters and the costs for the recipient, in accordance with the pollutant pays principle.

(3) The price for the service referred to in paragraphs (1) and (2) of this Article shall include all the exploitation costs, maintenance costs, costs for replacement of dilapidated parts and other damages, capital investments, interest for paying off the capital investments and loans, guarantees and other additional costs.

## **Article 212**

### **Designation of the funds from the charge**

(1) The funds from the charge referred to in Article 207 of this Law shall be used for management and development of water resources and coverage of operational costs of the state administrative bodies and the bodies and organizations that, in accordance with this or another law, have corresponding responsibilities in the water resources management, that is, in carrying out certain activities related to waters.

(2) The funds from the charge that is paid in accordance with Article 207 paragraph (1) point 1, lines 1, 2, 3, 4, 6, 7, 8 and 10 and point 2 lines 1, 2 and 3 of this Law shall be used for:

- 1) construction of new and maintenance and improvement of existing public water supply facilities;
- 2) construction of new and maintenance and improvement of existing hydro-systems and hydro-ameliorative systems;
- 3) maintenance and protection of natural lakes;
- 4) maintenance of watercourses, construction and maintenance of facilities for watercourses development and protection against harmful effects of waters (erosion and torrential waters) out of the populated places, and
- 5) preparation of defense plans against floods and freezing, plans for protection against erosion and torrential waters, as well as preparation of

appropriate plans for protection against other harmful effects of waters out of the populated places.

(3) The funds from the charge paid in accordance with Article 207 paragraph (1) point 1 lines 5, 9 and 11 and point 2 lines 4, 5, 6 and 7 of this Law shall be used for:

- 1) control of the conditions and collection and processing of data on water reserves and their rational use, and
- 2) hydrogeological and other researches.

(4) The funds from the charge paid in accordance with Article 207 paragraph (2) of this Law shall be used for:

- 1) preparation and organization of the implementation of the program for measures for protection of the waters against pollution;
- 2) monitoring and establishment of the condition regarding the quantity and quality of waters and monitoring of the safety of the water intended for human consumption and
- 3) definition and maintenance of protection zones referred to in this Law and construction and maintenance of facilities for protection of waters against pollution.

(5) The funds from the charge paid in accordance with Article 207 paragraph (3) of this Law shall be used for maintenance of the watercourses and construction, maintenance of facilities for watercourses development and protection against harmful effects of waters (erosion and torrential waters).

(6) 5% of the total funds from the charges referred to in Article 207 of this Law shall be used for:

- 1) implementation of the technical and economic solutions for rational utilization of waters, protection of waters against pollution, and protection against harmful impact of waters contained in the Water Resources Management Basis of the Republic of Macedonia and the plans for river basin management;
- 2) preparation of the National Water Strategy, Water Resources Management Basis of the Republic of Macedonia, and the plans for river basin management;
- 3) covering the costs for operation of the National Water Council, the Council for River Basin Management, the council for management of part of a river basin, as well as other commissions and bodies established pursuant to this Law;
- 4) preparation of studies and scientific and research activities in the field of water resources management;
- 5) establishment, maintenance and development of a state network for water monitoring;
- 6) participation in construction and maintenance of water resources management facilities;
- 7) promotion of techniques and methods for water savings;
- 8) participation in the fulfillment of the obligations under international agreements and conventions in the field of waters and protection of waters and aquatic ecosystems;
- 9) training of personnel in the field of water resources management, and
- 10) other purposes aimed at implementation of the National Water Strategy, the Water Resources Management Basis of the Republic of Macedonia, and the plans for river basin management.

(7) The funds referred to in paragraph (6) of this Article shall be used in accordance with the Program for Water Resources Management referred to in Article 218 of this Law.

## **Article 213**

### **Determination of the amount of the charge for water use**

(1) The amount of the charge for using water intended for human consumption, for defense purposes, and for livestock watering shall amount 2% of the determined price for cubic meter of water of the provider of the water supply service.

(2) Payer of the charge referred to in paragraph (1) of this Article shall be any legal entity or natural person that uses water from a water supply system.

(3) The charge referred to in paragraph (1) of this Article shall be calculated by the legal entity that manages the water supply system and charges it when charging the price for the provided water supply service and shows it separately in the bill for the completed service.

(4) The legal entity referred to in paragraph (3) of this Article shall be obliged to pay in the collected charge referred to in paragraph (1) of this Article in a separate suspense account within the treasury account, once a month.

(5) The amount of the charge paid for using water for irrigation shall amount 2% of the determined price for cubic meter of water of the provider of the water supply service.

(6) Entity obliged to pay and calculate the charge referred to in paragraph (5) of this Article shall be any legal entity or natural person using water from a hydro-system and/or irrigation system.

(7) The charge referred to in paragraph (5) of this Article shall be calculated by the legal entity that manages the hydro-system or the irrigation system and charges it when charging the price for the provided service for water supply and shows it separately on the bill for the completed service.

(8) The legal entity referred to in paragraph (7) of this Article shall be obliged to pay in the collected charge referred to in paragraph (5) of this Article in a separate suspense account within the treasury account, once a month.

(9) The amount of the charge paid for using water for land drainage shall amount 1% of the determined price per hectare of drained land of the price of the service provider.

(10) Entity obliged to pay and calculate the charge referred to in paragraph (9) of this Article shall be any legal entity or natural person whose land is drained by a drainage system.

(11) The charge referred to in paragraph (9) of this Article shall be calculated by the legal entity that manages the drainage system and charges it when charging the price for the provided service for drainage and shows it separately on the bill for the completed service.

(12) The legal entity referred to in paragraph (11) of this Article shall be obliged to pay in the collected charge referred to in paragraph (9) of this Article in a separate suspense account within the treasury account, once a month.

(13) The amount of the charge paid for using water for generation of electricity shall amount:

- 1% of the price for generation of one kilowatt hour to the threshold of the power plant with regard to hydro power plants, and
- 0,5% of the price for generation of one kilowatt hour to the threshold of the power plant with regard to thermal power plants.

(14) Entity obliged to pay and calculate the charge referred to in paragraph (13) of this Article shall be the legal entity that generates electricity.

(15) The payer referred to in paragraph (14) of this Article shall be obliged

to pay in the collected charge referred to in paragraph (13) of this Article in a separate suspense account within the treasury account, once a month.

(16) The amount of the charge paid for water bottling for commercial purposes shall amount 0,5% of the determined sale price of the product.

(17) Entity obliged to pay and calculate the charge referred to in paragraph (16) of this Article shall be the legal entity that fills and bottles water for commercial purposes.

(18) The payer referred to in paragraph (17) of this Article shall be obliged to pay in the charge referred to in paragraph (16) of this Article in a period of 30 days as of the day of invoicing and placing the water on the market at the latest and shall show it separately on the invoice and pay it in a separate suspense account within the treasury account, once a month.

(19) The amount of the charge paid for using water for thermal energy from geothermal waters shall amount seven Denars per cubic meter used water.

(20) Entity obliged to pay and calculate the charge referred to in paragraph (19) of this Article shall be the legal entity or natural person who is the holder of the permit for geothermal water use.

(21) The payer referred to in paragraph (20) of this Article shall be obliged to pay in the charge referred to in paragraph (19) of this Article in a period of 30 days as of utilization of the geothermal water at the latest in a separate account within the treasury account, once a month.

(22) As an exception to paragraph (21) of this Article, the charge referred to in paragraph (19) of this Article shall be paid by the payer referred to in paragraph (20) of this Article in the amount of 30% of the determined amount in paragraph (19) if there is a system that ensures return of the utilized geothermal water to the water body from where it is abstracted.

(23) The amount of the charge paid for using water for breeding fish, in ponds and in cages, and waterbirds shall amount 3% per kilogram of the sale price of the fish, that is, the bird when placed on the market.

(24) Entity obliged to pay and calculate the charge referred to in paragraph (23) of this Article shall be the legal entity or natural person that manages a pond and/or cage and/or breeds waterbirds and shall show the charge separately in the invoice or bill for sale of the fish, that is, bird when placed on the market.

(25) The payer referred to in paragraph (24) shall be obliged to pay in the charge referred to in paragraph (23) of this Article in a period of 30 days as of the day of invoicing, that is, issuing the bill, in a separate account within the treasury account, once a month.

(26) The amount of the charge that is paid for use of water for washing and separation of sand, gravel and stone shall amount 2% of the price for a cubic meter of separated material.

(27) An entity obliged to pay and calculate the charge referred to in paragraph (26) of this Article shall be the legal entity or the natural person that carries out an activity for washing and separation of sand, gravel and stone and shall present the charge in the invoice or the bill for sale of the material separately.

(28) The payer referred to in paragraph (27) of this Article shall be obliged to pay the charge referred to in paragraph (26) of this Article within 30 days as of the day of invoicing, that is, issuing the bill at the latest, and shall pay it at a separate account of the treasury account, once a month.

(29) The amount of the charge paid for using water for production and processing of food and beverages, for industrial and technological

purposes shall amount 2% of the determined price of the water of a public water supply system.

(30) The charge referred to in paragraph (26) of this Article shall be paid and calculated by the legal entity or natural person user of the facility that manages facilities that use water for production and processing of food and beverages, for industrial and technological purposes based on cubic meter water used, except in the cases when the water is used in accordance with paragraph (1) of this Article.

(31) The payer referred to in paragraph (27) of this Article shall calculate the charge referred to in paragraph (26) of this Article in a separate suspense account within the treasury account, once a month.

(32) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the state administrative body responsible for carrying out the activities in the field of agriculture may temporarily abolish the payment of the charge referred to in paragraphs (1), (5), (9), (13), (16), (19), (23) and (26) or may determine temporary increase by no more than 20% or decrease of the amount, by no less than 20% of the amount of the charges determined in paragraphs (1), (5), (9), (13), (16), (19), (23) and (26) of this Law.

(33) In the cases referred to in paragraph (29) of this Article, the Government of the Republic of Macedonia shall particularly consider:

- 1) the purpose and cases of using water;
- 2) the quality of the water;
- 3) the difference whether surface waters or groundwaters or diverse water bodies are used;
- 4) the climate and meteorological conditions and misfortunes in the use of water, and
- 5) the technical conditions and needs for using water.

## **Article 214**

### **Amount and manner of payment of the charge for discharging in waters**

(1) The amount of the charge for discharging in waters whereby discharging of waste waters and discharging and release of waste materials and substances in surface waters and groundwaters is performed shall be determined as:

- 1) basic value and
- 2) variable value.

(2) The basic value of the amount of the charge referred to in paragraph (1) point 1 of this Article shall amount 1% of the determined price for the service of the provider of waste waters collection and purification service.

(3) The variable value of the amount of the charge referred to in paragraph (1) point 1 of this Article shall be determined in the permit on the basis of the "unit of harmfulness".

(4) One unit of harmfulness shall correspond to pollution of one population equivalent and shall amount 0,4% of the average salary in the Republic of Macedonia.

(5) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment shall establish the manner of calculation of the unit of harmfulness, in accordance with the quantity of discharged water and the type and quantity of waste materials and substances discharged in the surface waters and groundwaters and the manner of payment of the charge referred to in paragraph (3) of this Article.

(6) When determining the amount of the charge, the issuer of the permit shall in particular take into consideration:

- 1) the assessment of the harmfulness of the substances expressed in units of pollution;
- 2) whether the payment is made on the basis of the quantity of discharged waste water or discharged or released waste materials and substances or on the basis of a lump sum, and
- 3) the specific requirements in terms of monitoring.

(7) Payer of the charge referred to in paragraph (1) of this Article shall be a legal entity or natural person that has no devices for drainage and treatment of waste waters and/or releases untreated waste waters and waste materials or substance in recipients in accordance with the permit for discharge in waters.

(8) The charge referred to in paragraph (2) of this Article shall be calculated by the legal entity that manages the waste water drainage and treatment system, on the basis of the quantity of water discharged into the system, and shall charge it when charging the price for the provided service and shall show it separately in the bill for the completed service.

(9) The legal entity referred to in paragraph (8) of this Article shall be obliged to pay in the collected charge referred to in paragraph (1) of this Article in a separate suspense account within the treasury account, once a month.

(10) The charge referred to in paragraph (3) of this Article shall be calculated and paid by the legal entity or natural person that discharges untreated waste waters and waste materials or substances in recipients, in accordance with the permit for discharging of waters.

(11) The legal entity referred to in paragraph (10) of this Article shall be obliged to pay in the charge referred to in paragraph (3) of this Article, once a month, in a separate suspense account within the treasury account, in accordance with the quantity of discharged waste water determined by the measuring devices and the type and quantity of waste materials and substances in the surface waters and groundwaters.

(12) As an exception to paragraph (6) of this Article, if the holder of the permit fulfills the requirements stated in the permit pertaining to the quality of discharged waters, the holder of the permit shall be exempted from payment of the variable value of the charge referred to in paragraph (3) of this Article.

## **Article 215**

### **Amount and manner of payment of the charge for sand, gravel and stone excavation**

(1) The amount of the charge for sand, gravel and stone excavation from the beds of watersides of the bodies of surface waters and from other surfaces entered in the cadastre of immovables as "under water" shall amount 7% of the price for one cubic meter of sand, gravel and stone.

(2) Entity obliged to pay and calculate the charge referred to in paragraph (1) of this Article shall be the holder of the permit for excavation of sand, gravel and stone from the beds and watersides of bodies of surface waters.

(3) The payer referred to in paragraph (2) of this Article shall be obliged to show separately the charge referred to in paragraph (1) of this Article in the invoice or the bill of sale of sand, gravel and stone upon their placing on the market, and shall pay it in a separate suspense account within the treasury account, once a month.

(4) The revenues generated from the charge referred to in paragraph (1)

of this Article shall be distributed in amount of 50% in the Budget of the Republic of Macedonia and 50% in the budget of the municipalities and the municipalities in the City of Skopje on the territory of which the material is excavated.

(5) The funds referred to in paragraph (4) of this Article that are distributed among the municipalities on the territory of the city of Skopje and the City of Skopje shall be distributed in amount of 50% for the municipality on the territory of the city of Skopje and 50% for the City of Skopje.

(6) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment in cooperation with the state administrative body responsible for agriculture may temporarily abolish the payment of the charge referred to in paragraph (1) of this Article or determine temporary increase, by no more than 20%, or decrease, by no less than 20%, of the amount of the charges determined in paragraph (1) of this Article.

(7) In the cases referred to in paragraph (4) of this Article, the Government of the Republic of Macedonia shall in particular take into consideration:

- the endangerment and the quality of the water body;
- the necessary interventions on the water body;
- the climate conditions of the water body, and
- the rate of utilization of sand, gravel and stone of the water body.

## **Article 216**

### **Contribution for waters**

*Deleted* 2

## **Article 217**

### **Payers of contribution for waters**

*Deleted*

## **Article 218**

### **Utilization of the funds from the charges**

(1) The funds from the charges referred to in Article 207 of this Law shall be used on the basis of the Program for Water Resources Management that, on a proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, and determined in accordance with the minister heading the state administrative body responsible for carrying out the activities in the field of health, the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture, and the minister heading the state administrative body responsible for carrying out the activities in the field of transport and communications, shall be adopted by the Government of the Republic of Macedonia.

(2) The direct utilization of the funds of the Program for Water Resources Management shall be carried out by the state administrative bodies determined by the Program.

(3) The minister heading the state administrative body responsible for carrying out the activities in the field of environment, and on the basis of the reports from the bodies referred to in paragraph (1) of this Article, shall annually submit to the Government of the Republic of Macedonia a report for the utilization of the funds from the charges determined by the

Program for Water Resources Management.

(4) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment in concurrence with the minister heading the state administrative body responsible for carrying out the activities in the field of finances, shall determine the method of calculation of the total charge and the price of the service referred to in Articles 210 and 211 of this Law.

(5) The Program for Water Resources Management referred to in paragraph (2) of this Article, determined as a budget program for water resources management in the budgets of each state administrative body, in the amount of the part that is financed, for which it is determined as responsible for implementation in accordance with paragraph (2) of this Article, shall be adopted for the following year by the Government of the Republic of Macedonia in a period of 30 days at most as of the day of publication of the Budget of the Republic of Macedonia for the current year in the "Official Gazette of the Republic of Macedonia".

(6) The Program for Water Resources Management referred to in paragraph (1) of this Article shall finance and/or co-finance the implementation of multi-year projects, programs, activities and/or measures contained in the program or planning documents adopted pursuant to this Law, and shall finance or co-finance the preparation of the program or planning documents determined by this Law.

(7) The Program for Water Resources Management referred to in paragraph (1) of this Article shall finance and/or co-finance the implementation of projects, programs, activities and/or measures intended for the municipalities, the municipalities in the city of Skopje and the City of Skopje through the budgets of the state administrative bodies in accordance with paragraph (2) of this Article.

## XI. ORGANIZATION IN THE WATER RESOURCES MANAGEMENT

### 1. National Water Council

#### Article 219

##### **Establishment, composition and term of office**

(1) National Water Council, as counseling body, shall be established for the purpose of considering issues related to water resources management, harmonization and coordination of different needs and interests, as well as for the purpose of proposing different measures for conservation, protection and continuous improvement of the water regime on the territory of the Republic of Macedonia.

(2) The National Water Council shall be composed of nine members, including the president, appointed by the Government of the Republic of Macedonia.

(3) The members of the National Water Council shall be selected, as follows:

- 1) one member on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment;
- 2) one member on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of health;
- 3) one member on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field

of transport and communications;

4) one member on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of economy;

5) one member on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of agriculture;

6) one member on proposal of the president of ZELS;

7) one member on proposal of the president of the Macedonian Academy of Sciences and Arts;

8) one representative of a non-governmental organization acting in the field of water protection, on proposal of the non-governmental organizations that have worked in this field in the last three years, and

9) one representative of the Council for River Basis Area Management, alternately from each Council with one term of office.

(4) The members of the National Water Council shall be selected from among the established scientific and expert persons in the field of water resources management and related fields and from an association of users of water.

(5) The president and the members of the National Water Council shall be selected for a time period of three years without the right to re-selection, except for the representative referred to in paragraph (3) point 8 of this Article whose term of office is one year.

## **Article 220**

### **Functions**

(1) The National Water Council shall review and give opinion for:

1) draft laws and other regulations that regulate the issues in the field of water resources management;

2) implementation of laws and other regulations that regulate the issues in the field of water resources management;

3) draft National Water Resources Management Strategy;

4) draft Water Resources Management Basis of the Republic of Macedonia;

5) draft plans for river basin management;

6) the needs of amendments to the Water Resources Management Basis of the Republic of Macedonia and the plans for river basin management;

7) other plans, measures and programs determined in accordance with this Law, and

8) other issues in accordance with the Rules of Procedure.

(2) In regard to the issues reviewed, the National Water Council shall give opinion, establish policies and proposals, and propose adoption of regulations and undertaking of measures.

## **Article 221**

### **Rules of Procedure, remuneration and carrying out administrative and technical activities**

(1) The National Water Council shall adopt Rules of Procedure for its work.

(2) The members of the National Water Council shall be entitled to remuneration for their work in the Council.

(3) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall determine the amount of the remuneration referred to in paragraph (2) of this Article, depending on the scope and complexity of the activities they carry.

(4) The funds for remuneration and the costs for the work of the National

Water Council shall be provided from the budget of the state administrative body responsible for carrying out the activities in the field of environment.

(5) The professional and administrative and technical activities necessary for the work of the National Water Council shall be carried out by the state administrative body responsible for carrying out the activities in the field of environment.

## **2. State administrative body responsible for carrying out the expert activities in the field of environment**

### **Article 222**

(1) The expert activities and undertaking of measures and activities significant for water resources management, determined by this Law, in the area of each river basin determined in Articles 7 and 8 of this Law, shall be carried out by the Administration of Environment established under the Law on Environment.

(2) The Administration of Environment shall particularly carry out the following activities with regard to river basin management:

- 1) collect data and carry out the necessary researches in order to establish the beds, amounts and properties of the waters and impose undertaking of necessary measures for protection of groundwaters found geological researches or exploitation of raw minerals, digging of tunnels and other activities for digging and drilling of the land have been carried out;
- 2) prepare basic assessment of the characteristics of each river basin;
- 3) ensure management of the part in the area of the international river basin located on the territory of the Republic of Macedonia in accordance with law and with an international agreement ratified by the Republic of Macedonia;
- 4) expert activities in issuance of permits referred to in Article 26 of this Law and water resources management consent referred to in Article 174 of this Law;
- 5) keep and update the water book;
- 6) keep and update a register of protection zones;
- 7) coordinate activities and participate in the preparation of the National Water Strategy;
- 8) coordinate activities and participate in the preparation of the Water Resources Management Basis of the Republic of Macedonia;
- 9) prepare plans for river basins management;
- 10) prepare Program of Measures;
- 11) implement the plans for river basin management;
- 12) implement the Program of Measures;
- 13) collect, process and store the data from the water monitoring;
- 14) ensure management of the part of the area of an international river basin located on the territory of the Republic of Macedonia in accordance with law and an international agreement ratified by the Republic of Macedonia;
- 15) collect, store and process the data from the records of water resources management facilities and installations;
- 16) establish, prepare and update cadastres of pollutants for the corresponding river basin;
- 17) exercise care in the implementation of the measures for protection against harmful effects of waters in the corresponding river basin;
- 18) propose expropriation of a land that has groundwaters necessary for public water supply;
- 19) carry out scientific and research activities in the field of waters;
- 20) promote techniques and methods for conservation of water, and
- 21) carry out other activities determined by this or another law.

## **3. Council for River Basin Area Management**

## Article 223

(1) For the purpose of preparing and monitoring the implementation of the Plan for River Basin Management, as well as for the purpose of giving opinions and proposals in regard to the priorities in the water resources management, the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out of the activities in the field of environment, shall establish a Council for River Basin Area Management (hereinafter: Council) for each river basin area.

(2) Members of the Council shall be nominated representatives of: the state administrative body responsible for carrying out the activities in the field of environment, the state administrative body responsible for carrying out the activities in the field of agriculture, the state administrative body responsible for carrying out of the activities in the field of health, the state administrative body responsible for carrying out of the activities in the field of transport and communications, the municipalities and the City of Skopje, the consumers association, the water resources management entities, the representatives of the water communities, the providers of water supply and waste waters drainage and treatment services and other users of water, the industry, the non-governmental organizations, the council for management of parts of the river basin area, and other concerned parties.

(3) The number of members of the Council shall be determined depending on the size of the river basin area, as well as the scope of activities related to waters carried out in the river basin area.

(4) The minister heading the state administrative body responsible for carrying out the activities in the field of environment may establish a council for management of parts of the river basin area, in the manner determined in paragraphs (2) and (6) of this Article, for the river basin area spread over a bigger area or the activities of which are greater and/or distributed so that they can be grouped.

(5) The Council shall decide by two-thirds majority of votes.

(6) The composition and manner of participation, as well as the manner of nomination of the representatives referred to in paragraph (2) of this Article in the Council and in the council for management of parts of the river basin area, as well as the manner of operation, shall be determined by the Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(7) The representative of the municipalities and of the City of Skopje shall be appointed by the mayor of the municipalities and of the City of Skopje.

(8) The members of the Council and of the council for management of parts of the river basin area shall be entitled to remuneration for their work in the council.

(9) The Government of the Republic of Macedonia, on proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of environment, shall determine the amount of the remuneration referred to in paragraph (8) of this Article, as well as the manner of its calculation. The costs for the work of, and the remuneration for the work in the Council and of the council for management of parts of the river basin area shall be paid from the budget of the state administrative body responsible for carrying out the activities in the field of environment.

(10) The expert and administrative and technical activities necessary for the work of the Council and of the council for management of parts of the river basin area shall be carried out by the state administrative body responsible for carrying out the activities in the field of environment.

## XII. SUPERVISION

### 1. Supervision of the implementation of the Law

#### Article 224

##### **Responsibility for conducting supervision of the implementation of the Law**

Supervision of the implementation of this Law and of the regulations adopted on the basis of this Law shall be conducted by the state administrative body responsible for the activities in the field of environment, except for:

- the provisions of chapters IV. 3.2, IV. 3.3, IV. 4 and VIII. 2 of this Law and the regulations adopted on the basis of this Law for which the supervision of the implementation is conducted by the state administrative body responsible for the activities in the field of health, and
- the provisions of chapters IV .3.4 and VIII. 3 of this Law and the regulations adopted on the basis of this Law for which supervision of the implementation is conducted by the state administrative body responsible for the activities in the field of agriculture.

##### **1.2. Manner and procedure for conducting supervision of the work of the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje**

#### Article 225

When conducting the supervision of the implementation of this Law, the competent bodies referred to in Article 224 of this Law shall supervise the work of the bodies of the municipalities, of the municipalities in the city of Skopje and of the City of Skopje in the exercise of their competences determined by this Law.

#### Article 226

The supervision of the work of the bodies of the municipalities, of the municipalities of the city of Skopje and of the City of Skopje shall be based on the principle of legality, responsibility and independence in the exercise of their competences.

#### Article 227

(1) In supervising the work of the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje, the state administrative body responsible for carrying out of the activities in the field of environment shall carry out the following activities:

- 1) assess whether the municipalities and the City of Skopje, when issuing the B-integrated environmental permit, have established that a special permit in accordance with Articles 26 and 28 of this Law is issued for the actions and activities of the installation;
- 2) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have obtained a permit for discharge in waters in accordance with Article 79 of this Law;
- 3) assess whether the municipalities and the City of Skopje upon issuance of the B-integrated environmental permit have determined whether a special permit for discharge in waters in accordance with Article 79 of this Law is issued for the actions and activities of the installation;
- 4) assess whether the decision for determination of a protection zone is adopted in the manner and in the procedure determined in accordance with Article 96 paragraph (2) of this Law;

- 5) assess whether the urban planning documentation of the municipalities, the municipalities in the city of Skopje and the City of Skopje contains a map of protection zones (Article 98 paragraph (4));
- 6) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have collected, drained and treated the wastewaters that come out of or are created in their area, including the sludge removal (Article 113);
- 7) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have adopted a Program for Drainage, Collection and Treatment of the Urban Waste Waters (Article 114);
- 8) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have ensured that the effluents from the industrial waste waters that flow into the systems for collection and treatment of urban waste waters are subjected to the necessary pre-treatment (Article 116);
- 9) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have taken the necessary measures for protection and defense against floods and protection from other harmful effect of the urban area waters (Article 123);
- 10) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have adopted a Program for Protection from Harmful Effects of Waters within the respective river basin in its river basin areas (Article 124);
- 11) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have adopted and whether they implement the operational plans for protection and defense against floods for the endangered areas (Article 126);
- 12) assess whether the municipalities and the City of Skopje have established the waterside area (Article 131);
- 13) assess whether the municipalities and the City of Skopje have developed the waterside area (Article 132);
- 14) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have completed the assessment whether the watercourses in the area within their competence can cause floods on the land and whether they ensure uninterrupted water flow, every year by the end of September (Article 133);
- 15) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have established the boundaries of the erosive area and the area endangered by erosion and whether they have determined the measures and activities for protection of the land from erosion and regulation of torrents, on the basis of the technical documentation (Article 135);
- 16) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje take the measures for protection of erosive areas (Article 137);
- 17) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje take the measures for protection against torrential waters (Article 141);
- 18) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have prepared, submitted and published reports on the activities completed in the previous year and the activities anticipated for the following year, in regard to protection against harmful influence of waters (Article 143);
- 19) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje have adopted a Program for Water Monitoring (Article 145);
- 20) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje submit the data from the monitoring (Article 156);
- 21) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje take the measures determined in accordance with Article 185 of this Law;
- 22) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje have purposefully spent the funds received from the Program for Water Resources Management for

implementation of the activities in their area (Article 215);

23) monitor the lawfulness of the work of the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje, and take measures and activities and submit initiatives for exercise of the competences of the municipalities, the municipalities in the city of Skopje in accordance with this Law;

24) assess whether the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje ensure the exercise of their competences in accordance with the standards and procedures determined by this Law;

25) indicate to the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje the excess of their authorizations determined by this Law and another regulation and propose appropriate measures for overcoming such condition;

26) indicate certain material and procedural faults in the work of the municipalities, the municipalities in the city of Skopje and the City of Skopje that might hinder the carrying out of public interest activities of local significance, in accordance with this Law;

27) give recommendations for consistent implementation of the responsibilities of the municipalities, the municipalities in the city of Skopje and the City of Skopje, on their request, determined by this Law;

28) monitor the timely adoption of the regulations adopted by the municipalities, the municipalities in the city of Skopje and the City of Skopje in accordance with this Law;

29) submit initiatives and proposals to the municipalities, the municipalities in the city of Skopje and the City of Skopje if it establishes non-implementation of this Law;

30) submit initiatives and proposals to the municipalities, the municipalities in the city of Skopje and the City of Skopje if it establishes non-implementation of this Law as a result of conflict of competences between the bodies of the municipalities, the bodies of the municipalities in the city of Skopje and the bodies of the City of Skopje;

31) monitor the lawfulness of the decisions adopted by the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje when deciding on individual rights, obligations and interests of natural persons and legal entities in accordance with this Law;

32) give opinion and professional assistance upon draft regulations of the municipalities, the municipalities in the city of Skopje and the City of Skopje, upon their request;

33) monitor the achievement of transparency in the work of the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje, especially from the aspect of regular, timely, truthful and full information of the citizens in accordance with law;

34) monitor the performance of the previous supervision of the regulations of the municipalities, the municipalities in the city of Skopje and the City of Skopje;

35) timely notify the bodies of the municipalities, the municipalities in the city of Skopje and the City of Skopje in regard to the established conditions in their work and the measures taken in the supervision; and

36) establish the activities that have not been taken or carried out in accordance with this Law, but for which the municipalities, the municipalities in the city of Skopje and the City of Skopje have been obliged to take.

(2) In supervising the work of the municipalities, the municipalities in the city of Skopje and the City of Skopje, the state administrative body responsible for carrying out the activities in the field of health shall carry out the following activities:

1) assess whether the municipalities, the municipalities in the city of Skopje and the City of Skopje determine and treat the protection zones in accordance with the regulation adopted on the basis of Article 98 paragraph (5) of this Law;

2) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje has marked the bathing zones in the manner determined in accordance with Article 101 paragraphs (3) and

(6) of this Law;

3) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje has taken the measures for protection of the bathing zones against pollution and protection against actions and activities that might have negative impact on the quality of bathing water (Article 101 paragraph (4));

4) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje has regulated the manner of using the bathing waters and has determined the duration of the bathing season (Article 104);

5) assess whether the mayor of the municipalities and the City of Skopje monitor the waters included in the local network for monitoring and monitoring of the waters in the bathing zones in their areas (Article 146);

6) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje monitor the quality of bathing water and whether they submit the data (Article 149);

7) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje submits the data from the monitoring related to the quality of drinking water and bathing water (Article 156);

8) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje in case of deviations from the quality values and standards has taken the refurbishing measures and has determined restrictions or has prohibited the use of the water and whether the competent bodies have been notified thereof (Article 187);

9) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje has taken the necessary measures in case of restriction because of water deficiency (Article 188), and

10) assess whether the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje has taken the necessary measures for reducing the losses in the water supply system of the legal entity that supplies water in their area to a minimum (Article 189).

(3) The state administrative body responsible for the activities in the field of environment shall inform the state administrative body responsible for carrying out the activities in the field of the local self-government about the taken measures and activities referred to in paragraph (1) lines 23, 28, 30 and 34 of this Article.

(4) In carrying out the activities referred to in paragraph (1) of this Article, the state administrative body responsible for carrying out the activities in the field of environment shall be obliged to indicate and determine a time period for the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje to eliminate the established faults in the exercise of their competence.

(5) In carrying out the activities referred to in paragraph (2) of this Article, the state administrative body responsible for carrying out the activities in the field of health shall be obliged to indicate and determine a time period for the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje to eliminate the established faults in the exercise of their competence.

## **Article 228**

(1) If, despite the indications and the measures and activities taken, the bodies of the municipalities, the municipalities of the city of Skopje and the City of Skopje do not ensure carrying out of the activities that, under this Law, are determined to fall within their competence and which are responsibility of the municipalities, the municipalities of the city of Skopje and of the City of Skopje, the respective competence shall be taken away by force of law and the competent body referred to in Article 227 of this Law in the relevant field shall take over the carrying out of their activities, for one year as of their takeover at the most.

(2) The competent body referred to in Article 227 of this Law shall carry out the activities within the competence of the municipalities, the municipalities of the city of Skopje and of the City of Skopje referred to in paragraph (1) of this Article in the name and on behalf of the municipalities, the municipalities of the city of Skopje and of the City of Skopje.

(3) The competent body referred to in Article 227 of this Law shall notify the state administrative body responsible for carrying out the activities in the field of local self-government and the state administrative body responsible for carrying out the activities in the field of finances about the take over of the activities referred to in paragraph (1) of this Article.

## **2. Inspection supervision**

### **Article 229**

#### **Competence in the conducting inspection supervision**

(1) The inspection supervision of the application of this Law and the regulations adopted on the basis of this Law shall be conducted by the State Environmental Inspectorate through the water resources management inspectors and the state environmental inspectors.

(2) Inspection supervision of the application of this Law and the regulations adopted on the basis of this Law, in the part of control of the quality of the bathing water and the water intended for human consumption, shall be conducted by the State Sanitary and Health Inspectorate, through the state sanitary and health inspectors and the Food Directorate through the state food inspectors.

(3) Inspection supervision of the application of this Law and the regulations adopted on the basis of this Law, in the part of control of the nitrate sensitive zones and irrigation and drainage, shall be conducted by the State Agricultural Inspectorate, through the state agricultural inspectors.

(4) With regard to the activities within the competence of the municipality, the City of Skopje and the municipalities of the city of Skopje, determined by this Law, inspection supervision of the application of this Law and the regulations adopted on the basis of this Law shall be conducted by authorized environmental inspectors for the municipality, authorized environmental inspectors for the City of Skopje and authorized environmental inspectors for the municipalities in the city of Skopje (hereinafter: authorized inspectors).

#### **2.1. Water resources management inspectors**

### **Article 230**

#### **Competences of water resources management inspectors**

(1) In conducting inspection within his/her competences, the water resources management inspector shall have the right to:

- 1) control and determine whether the general use of waters is done in accordance with this Law (Article 16);
- 2) control and determine whether the owner and the holder of other real right over the land acts in accordance with Article 17 of this Law;
- 3) control and determine whether the drainage of the land is conducted in accordance with Article 18 of this Law;
- 4) whether the legal entity and the natural person that conducts geological researches or exploitation of mineral raw materials has acted in accordance with Article 22 of this Law;

- 5) control and determine whether the use of well water is done in accordance with Article 29 of this Law;
- 6) control and determine whether the waterside land is treated in accordance with Article 105 of this Law;
- 7) control and determine whether the legal entities that manage the water resources management entities take measures and activities necessary for protection against harmful effects of waters (Article 123);
- 8) control and determine whether the legal entities that manage the water resources management entities have prepared a program for protection against harmful effects of waters (Article 124);
- 9) control and determine whether the measures for protection and defense against flood are taken (Article 126);
- 10) control and determine whether the legal entities that manage dams and accumulations and protection embankments use and maintain them in accordance with Article 129 of this Law;
- 11) control and determine whether the legal entities that manage dams and accumulations and protection embankments monitor and notify in accordance with Article 130 of this Law;
- 12) control and determine whether the access to the surface water is provided in accordance with Article 132 of this Law;
- 13) control and determine whether flow of watercourses is ensured in accordance with Article 133 of this Law;
- 14) control whether the measures and activities for protection of land against erosion and torrential water development are implemented on the basis of the technical documentation referred to in Article 135 paragraph (1) of this Law;
- 15) control and determine whether measures for protection of erosive areas are taken (Article 136);
- 16) determine whether the legal entities and natural persons that create erosion have taken the necessary measures for erosion prevention, as well as measures for elimination of the harmful consequences, and whether the caused damages have been accordingly compensated (Article 138);
- 17) control and determine whether measures for torrential water development have been taken (Article 141);
- 18) control and determine whether the actions are taken in accordance with Article 142 of this Law;
- 19) control and determine whether the water resources management facilities and installations operate in accordance with the permits for water use and for water discharge (Article 163);
- 20) control and determine whether water resources management consent has been obtained (Article 174);
- 21) control and determine whether the water resources management facilities and installations measure the quantity and quality of impounded waters and discharged waters, and whether they keep the data (Article 165);
- 22) control and have insight in all water resources management facilities and installations and other activities that may make qualitative and quantitative changes in the water regime, and determine whether actions are taken in accordance with Article 166 of this Law;
- 23) control and determine whether the prohibitions referred to in Article 167 of this Law are obeyed;
- 24) control and determine whether the records are kept in accordance with Article 171 of this Law;
- 25) for the purpose of having insight in the fulfillment of the conditions contained in the issued water resources management consents, control in the course of construction of new, or reconstruction or extension of existing water resources management facilities and installations located in or by surface waters, facilities that are over or under the surface waters or facilities located in the vicinity of the surface waters or waterside lands, and might affect the water regime;
- 26) for the purpose of having insight in the realization of the conditions contained in the issued water resources management consents, perform control of the manner of using and maintaining facilities and installations;
- 27) for the purpose of having insight in the realization of the conditions contained in the issued water resources management consents, control in

the course of construction of new, or reconstruction or extension of existing protection facilities, with exception of dams, as well as the manner of maintenance and use of such facilities and installations;

28) for the purpose of having insight in the realization of the conditions contained in the issued permits, control in the course of construction of new, or reconstruction or extension of existing water resources management facilities and installations, as well as in the manner of maintenance and use of such facilities and installations;

29) control and have insight whether the water book, records of the water resources management facilities and installations, program for protection against harmful effects of waters, operational plans for protection and defense against floods, assessments, contracts, programs and other books and documents of the legal entities that carry out water resources management activities are ensured;

30) control over the implementation of the operational plan for protection and defense against floods and control and insight of the implementation of the measures for erosion protection and measures for development of erosive areas, areas threatened by erosion, torrential water development;

31) control and have insight in the manner of construction, management, maintenance in good condition and protection of water resources management facilities;

32) control and have insight in abiding by the priorities, as well as control and have insight in the abuse and misuse water;

33) control and have insight in the exploitation of mineral waters;

34) control and have insight in the operations of dams and accumulations, in regard to water use and application of technical provisions (Article 195);

35) have insight in the approval of the project task, documentation for technical surveillance and other prescribed activities and measures for dams and accumulations (Article 197);

36) have insight in the construction of dams referred to in this Law, from water regime, maintenance and surveillance perspective, and control of the recharging and discharging of accumulations, as well as the monitoring of dams and accumulations (Article 198);

37) control and determine whether the digging of wells and use of their water is carried out in accordance with the provisions of Chapter VIII point 5 of this Law;

38) access, where necessary, at any time and upon previous identification, to properties in public and private ownership, locations and means of transport, in accordance with law, and

39) take other activities and measures in order to implement the provisions of this Law.

(2) In carrying out the inspection, the water resources management inspector shall, by decision:

1) order elimination of the faults it establishes when conducting the inspection, and determine a time period for their elimination;

2) order undertaking of measures for the purpose of protecting against harmful effects of waters, protection against erosion and torrential waters;

3) order stopping of the construction of facilities and installations for which water resources management consent or permit is necessary, if such facilities are constructed without water resources management consent or permit or if the construction is contrary to the requirements in the issued water resources management consent or permit;

4) prohibit the use and discharge of waters, sand, gravel and stone excavation, digging wells and other activities and actions that affect the water regime or the morphology of the water body if the actions and activities are performed without a permit or against it;

5) temporarily or permanently stop all the activities contrary to the provisions of this Law or to a general regulation and order restitution to a previous condition;

6) notify the competent water resources management and other management bodies in regard to the established irregularities and request for their intervention;

7) prohibit continuation of the activities and actions contrary to the provisions of this Law and, where necessary, their elimination, to order

carrying out measurements at the expense of the responsible entity for the activity or action and to temporarily seize items needed for carrying out the activity or action, and

8) order taking measures and activities for the purpose of eliminating the established faults.

(3) In carrying out the activities within his/her competence, the water resources management inspector shall have the right to take activities determined by the Law on Environment.

(4) In conducting the inspection referred to in paragraph (1) of this Article, the state inspector may request presence of a person from the body responsible for carrying out expert activities in the field of environment.

(5) On request of the water resources management inspector, an authorized official from the state administrative body responsible for internal affairs shall be obliged to participate in carrying out the activities referred to in paragraph (1) of this Article.

## **Article 231**

### **Necessary qualification for water resources management inspector and official identification card**

(1) The activities of a water resources management inspector shall be carried out by a graduated civil engineer who:

- is a citizen of the Republic of Macedonia,
- is of age,
- has good general health,
- is not issued an injunction banning him/her from exercising a profession, business or office,
- has at least 300 credits under ECTS or completed VII/1 degree in the above mentioned field, verified by a certificate,
- has at least five years of work experience in the field of environment,
- fulfills the other requirements set out by the act on systematization of jobs,
- holds an internationally recognized certificate for work with office computer programs, that is, one of the following:
  - 1) Certiport: IC3 GS4 Key Applications - passed;
  - 2) Microsoft: MOS Word or MOS Excell - passed; or
  - 3) ECDL: Core - passed,
- has a positive opinion on the suitability for the job by passing a psychological test and an integrity test, in accordance with the regulations on civil servants, and
- holds an inspector license in the field that falls within the area of competence of the inspection service.

(2) The official capacity of the water resources management inspector shall be proven by identification card the design, content and form of which shall be prescribed by the minister heading the state administrative body responsible for activities in the field of the environment.

(3) In conducting the inspection, the water resources management inspector shall be obliged to show the official identification card referred to in paragraph (2) of this Article.

(4) The identification card referred to in paragraph (2) of this Article of the water resources management inspectors shall be issued and revoked by the minister heading the state administrative body responsible for the activities in the field of environment in accordance with the Law on Environment.

## **2.2. State environmental inspector**

### **Article 232**

## Competences of the state environmental inspector

(1) In conducting the inspection within his/her competence, the state environmental inspector shall have the right to:

- 1) establish whether internal combustion engines are used in the protection zones and areas determined by this Law, or whether other activities are carried out (Article 19);
- 2) control and establish whether the required permit is obtained for the actions and activities in accordance with Articles 26 and 28 of this Law;
- 3) control and establish whether actions are taken in accordance with the restriction of the water right (Article 49);
- 4) control whether the water is used in accordance with the priorities referred to in Articles 15 and 50 of this Law;
- 5) control and establish whether the water is used in accordance with the requirements determined in the issued water use permit (Article 51);
- 6) control and establish whether the concessionaire has obtained a water use permit (Article 56);
- 7) control and establish whether the action or activity is taken contrary to the general prohibition referred to in Article 77 of this Law;
- 8) control and establish whether the legal entity or natural person holds a discharge permit (Article 79);
- 9) control and establish whether the waters are discharged in the manner and under the conditions prescribed in accordance with the discharge permit (Article 83);
- 10) control and have insight whether the protection zones and the regime in the protection zones are market, except the zones of water intended for human consumption and bathing waters (Article 96);
- 11) control and establish whether the facilities and installations that operate with hazardous materials and substances act in accordance with Article 108 of this Law;
- 12) control and have insight in order to determine whether there are situations related to priority hazardous materials and substances, toxic and harmful or polluting materials and substances or waste in accordance with Article 109 of this Law;
- 13) control the quality of wastewaters that are discharged;
- 14) control and establish whether they hold the required permits for wastewaters discharge;
- 15) control and establish whether effluents from industrial and agricultural liquid waste and urban waste waters are discharged in the sewage or drainage system, in surface or groundwater bodies, as well as in waterside lands and water habitats, on the basis of a permit (Article 110);
- 16) control and establish whether pre-treatment of the industrial waste waters is carried out (Article 116);
- 17) control and establish whether the waste waters reuse is carried out in accordance with Article 117 of this Law;
- 18) control and establish whether the use of the sludge is carried out in accordance with Article 118 of this Law;
- 19) control and establish whether the minimum acceptable flow of water and level of groundwater are ensured (Article 120);
- 20) control and establish whether actions are taken in accordance with Article 131 of this Law;
- 21) control the conducting of water monitoring and submission of information (Chapter VI);
- 22) control and have insight whether the data for keeping the cadastre of polluters are submitted (Article 161);
- 23) control the deviations from the water quality standards;
- 24) control and have insight whether the minimum acceptable flow and the minimum acceptable level of the waters is ensured and
- 25) carry out other activities for implementation of this Law.

(2) In conducting the inspection, the state environmental inspector shall, by decision:

- 1) determine measures for the purpose of eliminating the reasons for causing the water pollution;

- 2) order elimination of the harmful consequences resulting from pollution and restitution of the waters to previous condition;
- 3) determine measures for prevention and elimination of the pollution and restitution to satisfactory condition;
- 4) limit the operations of the facilities, plants and installations, because of the harmful activities that pollute and degrade the waters, environment and human life and health, regardless whether conditions for their operations are ensured and permits, approvals, consents prescribed by law are obtained, in duration of 90 days at the most, during which period the causes for the current condition should be eliminated;
- 5) prohibit the operation of the facilities, plants and installations because of the harmful activities that pollute or degrade the waters, environment and human life and health, regardless whether conditions for their operations are ensured and permits, approvals and consents, prescribed by law, are provided, in duration of 90 days at the most, during which period the causes for the current condition should be eliminated;
- 6) oblige the legal entity or natural person that has not filed an application for obtaining a permit for water use and discharge, to do so, in a period of 90 days at the most;
- 7) limit or prohibit the work of the legal entity or natural person that has not filed an application for obtaining a permit for water use and discharge, for 90 days at the most;
- 8) oblige the legal entity or natural person to take measures for fulfillment of the requirements anticipated by the permits;
- 9) limit or prohibit the work of the legal entity or natural person that does not fulfill the requirements anticipated by the permits, until the requirements are fulfilled, for a period of 90 days at the most, during which period the causes for the current condition shall be eliminated;
- 10) limit or prohibit the work of the legal entity or natural person that does not fulfill the requirements anticipated by the permits, until such requirements are fulfilled;
- 11) oblige the legal entity or natural person to submit and/or to be submitting the information from the monitoring and other environmental information, in a period of 30 days at the most;
- 12) oblige the legal entities and natural persons to monitor the quality and quantity of the waters in the manner prescribed in accordance with this Law;
- 13) oblige the legal entities and natural person to conduct the monitoring in a period of 90 days at the most, in case of occurrence of pollution in the vicinity of the facility of the legal entity or natural person that carries out the activity supposed to have caused the pollution;
- 14) limit or prohibit the work of the legal entity and natural person that does not conduct the monitoring in the manner prescribed by law, in duration of 30 days at the most, during which period the causes for the current condition should be eliminated;
- 15) oblige the legal entities and natural persons to submit the necessary data from the monitoring both for the Register and Cadastre, in a period of 30 days as of the day of establishing the fault;
- 16) limit or prohibit the work of the legal entity and natural person that does not hold a permit, in duration of 90 days during which period the causes for the current condition should be eliminated;
- 17) limit or prohibit the work of the legal entity or natural person that releases emissions in the waters higher than the ones prescribed by a law or regulation adopted on the basis of a law and/or emissions determined by permits, in a period of 90 days at the most during which period the causes for the current condition should be eliminated;
- 18) for the purpose of protecting the human health, limit or prohibit the work of the legal entity or natural person that releases emissions in the waters, or limit their emissions, in case when the quality environmental standards are violated, in a time period until the environmental quality is brought within the limits of the determined quality standards, and
- 19) temporarily seize the sand, gravel and stone excavated from the basins and watersides of surface waters without the permit referred to in Article 26 of this Law, until the faults are eliminated, that is, until a legally valid decision is adopted by the competent court or misdemeanor body.

(3) In carrying out the activities within his/her competence, the inspector shall have the right to take activities determined by the Law on Environment.

(4) In conducting the inspection referred to in paragraph (1) of this Article, the state inspector may request presence of a person from the Environmental Directorate.

(5) On request of the state environmental inspector, the authorized person of the state administrative body responsible for carrying out the activities in the field of internal affairs shall be obliged to participate in carrying out the activities referred to in paragraph (1) of this Article.

(6) In regard to the seized items referred to in paragraph (2) point 19 of this Law, the State Environmental Inspectorate shall issue a certificate for temporary seizure of the sand, gravel and stone.

(7) The seizure of the items and their treatment shall be performed in accordance with the Law on Management of Seized Property, Property Gains and Items Seized in Criminal and Misdemeanor Procedure.

### **2.3. Authorized environmental inspector of the municipalities, the municipalities in the city of Skopje and the City of Skopje**

#### **Article 233**

#### **Competences of an authorized environmental inspector of the municipalities, the municipalities in the city of Skopje and the City of Skopje**

(1) Authorized environmental inspector of the municipalities, the municipalities in the city of Skopje and the City of Skopje (hereinafter: authorized inspector) on the area of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall have the right to conduct:

- 1) control of the discharge of waste waters or release of materials and substances, as well as waste oils, in the sewage and determine whether it is carried out in accordance with law (Article 79);
- 2) control and supervision of the protection of bathing zones against pollution and of the activities that might have negative impact on the suitability of the bathing water (Article 101);
- 3) control of the sewage systems, drainage systems and septic tanks in the area of the municipalities, the municipalities in the city of Skopje and the City of Skopje that are discharged in the sewage system (Article 113 paragraph (3));
- 4) supervision of the collection, transportation, treatment and discharge of waste waters from domestic effluents, collected torrential waters from precipitation in urban areas (Article 116);
- 5) supervision of the collection, transportation, treatment and discharge of waste waters from industrial effluents that hold B integrated environmental permit, or in accordance with the Law on Environment, are within the competence of the municipalities, the municipalities in the city of Skopje and the City of Skopje;
- 6) control and to establish whether the operational plan for protection and defense against floods in the area of the municipalities, the municipalities in the city of Skopje and the City of Skopje is implemented in accordance with Article 126 of this Law;
- 7) control and to establish whether measures for torrential waters development are taken (Article 141);
- 8) control and to establish whether measures for protection against erosion are taken in accordance with Article 137 paragraph (1) of this Law;
- 9) control and to establish whether measures for protection against torrential waters are taken in accordance with Article 141 paragraph (4) of

this Law;

10) supervision of the undertaking of measures necessary for development and maintenance of efficient and cost-effective system for supply of drinking water in sufficient quantities and according to the demands of all legal users (Article 185);

11) supervision and control of the use of drinking and bathing waters and to establish whether there is abuse or misuse of the drinking and bathing waters in its area (Article 189);

12) supervision and control of the implementation of the prohibition for irrigation and livestock watering (Article 193), and

13) carry out other activities determined by law or another regulation.

(2) In conducting the inspection, the authorized inspector shall, by decision:

1) prohibit the carrying out of activities, establish the faults, and determine measures for their overcoming;

2) prohibit the operation of the facilities, plants and installations, due to discharge of waste waters or release of materials and substances, as well as waste oils, in sewage, regardless whether conditions for their operation are ensured and permits, approvals and consents, prescribed by law, are obtained, in duration of 30 days at the most, during which period the causes for the current condition should be eliminated;

3) order elimination of the faults it establishes when conducting the supervision and shall determine a time period for their elimination;

4) order undertaking of measures for the purpose of maintaining and cleaning the sewage networks or cleaning the septic tanks;

5) order undertaking of measures for the purpose of protecting against harmful effects to and of waters, protection against erosion and torrential water;

6) order measures for implementation of the operational plan for protection and defense against floods;

7) prohibit the carrying out of activities and order undertaking of measures for protection against erosion and torrential waters;

8) order undertaking of measures in order to develop and maintain efficient and cost-effective water supply system;

9) order termination of water misuse, as well as order undertaking of measures for the purpose of reinstating to the previous condition, and

10) prohibit irrigation and livestock watering and shall determine measures for reinstatement to the previous condition.

(3) The inspector referred to in paragraph (1) of this Article shall be authorized by the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje, in accordance with the Law on Environment.

(4) In conducting the inspection referred to in this Law, the authorized inspector shall act in accordance with the provisions of this Law and the provisions on authorized environmental inspector determined in the Law on Environment.

(5) On request of the authorized environmental inspector, the authorized person in the state administrative body responsible for carrying out the activities in the field of internal affairs shall be obliged to participate in carrying out the activities referred to in paragraph (1) of this Article.

## **2.4. Actions taken by the water resources management inspector, the state environmental inspector and the authorized environmental inspector**

### **Article 234**

#### **Actions taken by the water resources management inspector, the state environmental inspector and the**

## authorized environmental inspector

(1) In addition to the provisions of this Law, the water resources management inspector, the state environmental inspector or the authorized environmental inspector (hereinafter: the inspector) shall accordingly apply the provisions of the Law on Environment and the Law on Inspection Supervision to the inspection.

(2) If, in conducting the inspection, the inspector establishes that the legal entities and natural persons do not abide by the laws and other regulations, technical regulations, standards and other general acts, it shall, by minutes, state the established irregularities and shall determine a time period for their elimination in the decision.

(3) If the entities referred to in paragraph (2) of this Article do not act in accordance with the decision of the inspector and do not eliminate the causes for the current condition determined by the decision, the inspector shall file a motion for initiation of a misdemeanor procedure with the competent body or court, that is, charges for initiation of a criminal procedure with a competent body or court, as well as shall initiate a procedure for revocation of the obtained permits and authorizations in accordance with this Law and with the Law on Environment.

(4) If, in conducting the inspection, the inspector establishes that the entities referred to in paragraph (2) of this Article do not abide by the laws and other regulations, technical regulations, standards and other general acts despite the determination of the time period for elimination of the faults, the inspector shall have the right to file a motion for initiation of a misdemeanor procedure, that is, charges for initiation of a criminal procedure with a competent court, that is, body.

(5) In the cases referred to in paragraph (4) of this Article, the inspector shall act according to the type of misdemeanor determined in the misdemeanor provisions of this Law and the Law on Environment.

(6) In case of established existence of direct risk to human life and health, the inspector shall issue an oral order for urgent elimination of the established faults concluded in the minutes in cooperation with the State Sanitary and Health Inspectorate, and shall notify the other competent inspectors or other state bodies in regard to the established irregularities and request their intervention.

(7) If the established irregularities referred to in paragraph (6) of this Article pose a threat to the water, the human life and health, the inspector shall forthwith issue an oral order to prohibit the operation of the installation, facility, plant, device, as well as the use of the means and equipment for carrying out the activity.

(8) In the cases referred to in paragraph (7) of this Article, the inspector shall adopt a written decision in a time period of 48 hours as of the issuance of the oral order.

(9) If a measure for prevention of the occurrence of damage to the environment and to the human health is determined by the decision issued by the competent inspector, and the legal entity or natural person bound by the decision has not implemented the measures within the time period determined by the decision, the competent inspector shall be obliged to submit to the minister heading the state administrative body responsible for the activities in the field of environment a proposal for adoption of a decision for implementation of those measures by another legal entity or natural person or competent body, for the account of the legal entity or natural person previously bound by the decision to implement the measures determined thereby.

## 2.5. Sanitary and health inspectors and state food inspectors

## Article 235

### Competences of the state sanitary and health inspectors and the state food inspectors

(1) In conducting the inspection within his/her competences, the sanitary and health inspector shall:

- 1) control and have insight whether the protection zones of the water intended for human consumption and the regime of the protection zones of the water intended for human consumption are marked (Articles 98 and 100);
- 2) control and have insight whether the bathing zones are marked and whether the regime in the bathing zones is observed (Article 101);
- 3) control the quality of the waters for bathing and recreation;
- 4) conduct sanitary and hygiene supervision of the devices and plants for treatment of waste waters, and
- 5) conduct sanitary and hygiene supervision of the wider protection zones.

(2) The state food inspector shall conduct control of the safety and quality of the water intended for human consumption, as well as supervision of the public drinking water supply systems, including as well supervision of the smaller and strict sanitary protection zone, in accordance with the food safety regulations.

(3) On request of the inspector referred to in paragraphs (1) and (2) of this Article, the authorized person of the state administrative body responsible for carrying out the activities in the field of internal affairs shall be obliged to participate in carrying out the activities referred to in paragraphs (1) and (2) of this Article.

## Article 236

### Actions taken by the sanitary and health inspectors and the state food inspectors

(1) The State Sanitary and Health Inspectorate, in addition to the provisions of this Law, shall conduct the inspection in accordance with the Law on Sanitary and Health Inspection and this Law.

(2) The Food Directorate, through the state food inspector, in addition to the provisions of this Law, shall conduct the inspection in accordance with the Law on Food Safety.

(3) In addition to the provisions of this Law, in the course of conducting supervision, the inspectors referred to in paragraphs (1) and (2) of this Article shall accordingly apply the provisions of the Law on Inspection Supervision.

## 2.6. State agricultural inspector

### Article 237

#### Competences of the state agricultural inspector

(1) In conducting the inspection within his/her competence, the state agricultural inspector shall have the right to:

- control and establish whether the recommendations for good agricultural practice in the nitrates sensitive zones are implemented (Article 102 paragraph (1));
- control and establish whether the measures determined in the operational plan for protection of the waters against pollution caused by nitrates from agricultural sources are implemented (Article 102 paragraph (3)), and
- control and establish whether fertilizers, substances for protection of

plants and biocide products are used contrary to Article 105 paragraph (2) of this Law.

(2) The State Agricultural Inspectorate, in addition to the provisions of this Law, shall conduct the inspection in accordance with the Law on Agricultural Inspection and the Law on Inspection.

## **2.7. Authorization in conducting inspection**

### **Article 238**

#### **Decisions and orders and other measures**

The competent inspector referred to in Articles 230, 232, 233, 235 and 237 of this Law (hereinafter: competent inspector) shall be independent in conducting the inspection, shall adopt decisions and take other measures within the framework of the rights, obligations and authorizations determined by this Law.

### **Article 239**

#### **Minutes**

The competent inspector shall prepare minutes for the conducted inspection and the measures proposed, which particularly contains the finding in regard to the condition and the measures proposed, as well as shall adopt decisions obliging the legal entities and natural persons to take measures, in accordance with this Law and the Law on Environment.

### **Article 240**

#### **Procedure**

(1) An appeal against the decision of the state environmental inspector referred to in Article 232 of this Law and the water resources management inspector referred to in Article 234 of this Law may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance in a period of eight days as of the day of receipt of the decision.

(2) An appeal against the decision of the authorized environmental inspector of the municipalities, the municipalities in the city of Skopje and the City of Skopje referred to in Article 233 of this Law may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance in a period of eight days as of the day of receipt of the decision.

(3) An appeal against the decision of the state sanitary and health inspectors may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance in a period of eight days as of the day of receipt of the decision.

(4) An appeal against the decision of the state food inspectors may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance in a period of eight days as of the day of receipt of the decision.

(5) An appeal against the decision of the state agricultural inspectors may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance in a period of eight days as of the day of receipt of the decision.

(6) The appeal referred to in paragraphs (1), (2), (3), (4) and (5) of this Article shall not postpone the enforcement of the decision.

## **Article 241**

### **Obligations of legal entities and natural persons during supervision**

For the purpose of conducting the inspection, the legal entities and natural persons shall be obliged to ensure the competent inspector the right to access and insight in the premises and documentation of the legal entity or natural person, to submit them the requested data, explanations and notifications, to carry out measurements and to take samples and collect evidence, in accordance with this Law and the Law on Environment.

## **Article 242**

### **Responsibility of officials**

(1) The officials in the state administrative body responsible for implementation of this Law, determined in Article 224 of this Law, as well as the officials in the bodies of the municipality, of the City of Skopje and of the municipalities in the city of Skopje shall be obliged, as responsible persons, to timely and efficiently take all the necessary measures and procedures for implementation of this Law.

(2) If during the implementation of the procedures determined by this Law, it is established that violations by the legal entity or natural person are made by an activity and/or omissions and/or failure to conduct an obligatory supervision of another person that has been authorized to act on behalf of the legal entity, as well as provision of incorrect and false data and documents, the officials shall be obliged to raise initiatives or file a motion for initiation of a misdemeanor procedure in accordance with the provisions of this Law and the Law on Environment.

(3) If the legal entities and natural persons for which rights and obligations determined by this Law are anticipated, establish violation or excess of authorizations by the officials referred to in paragraph (1) of this Law caused by activities and/or omissions, shall be obliged to notify the minister heading the state administrative body responsible for implementation of this Law in accordance with Article 224 of this Law, that is, the mayor of the municipality, the City of Skopje and the municipalities in the city of Skopje thereof.

(4) In case of establishment of the violations of the competences of the officials referred to in paragraph (1) of this Article, the minister heading the state administrative body responsible for implementation of this Law, in accordance with Article 224 of this Law, i.e. the mayor of the municipality, City of Skopje and the municipalities in the city of Skopje shall be obliged to initiate a procedure for determination of the responsibility of the official, in accordance with this or another law.

(5) If the legal entity or natural person suffers damage due to a mistake of the official in the implementation of this Law, such damage shall be compensated by the official in accordance with law.

## **Article 242-a**

### **Education procedure**

(1) If in the course of the inspection, the state environmental inspector, that is, the water resources management inspector establishes that there has been an irregularity referred to in Articles 244 paragraph (1) points 2, 20, 26 and 36 and 246 paragraph (1) points 1, 4, 6 and 11 of this Law, he/she shall be obliged to prepare minutes in which he/she shall define the irregularity and indicate that the established irregularity should be eliminated within a period of eight days and shall at the same time hand over an invitation for education of the person or entity where such

irregularity has been established during the inspection.

(2) The form and content of the invitation for education, as well as the manner of delivery of the education shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

(3) The education shall be organized and delivered by the state environmental inspector, that is, by the water resources management inspector, in a period not longer than eight days as of the day of conducting the inspection.

(4) The education may be delivered for several identical, or of the same kind, established irregularities, for one or more entities.

(5) The education shall be considered delivered if the person or entity to be educated does not show at the scheduled time for education.

(6) If the person or entity to be educated shows at the scheduled time for education and completes the education, it shall be considered educated in regard to the established irregularity.

(7) If in the course of the control supervision the state environmental inspector, that is, the water resources management inspector that has done the inspection determines that the established irregularities referred to in paragraph (1) of this Article have been eliminated, he/she shall adopt a conclusion to stop the procedure for inspection.

(8) If in the course of conducting the control supervision the state environmental inspector, that is, the water resources management inspector that has done the inspection determines that the established irregularities referred to in paragraph (1) of this Article have not been eliminated, he/she shall file a motion for initiation of a misdemeanor procedure with the Misdemeanor Commission.

(9) The state environmental inspector, that is, the water resources management inspector that has done the inspection shall keep single records of the completed education, in a manner prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of environment.

## **Article 242-b**

### **Acting upon a report by a natural person or legal entity**

(1) The competent inspectors shall be obliged to act upon an initiative or a report for initiation of an inspection procedure in a period of seven days.

(2) In the cases referred to in paragraph (1) of this Article, the competent inspectors shall be obliged to notify the submitter of the initiative or of the report for initiation of an inspection procedure in a period of seven days as of the day of completion of the inspection.

## **XIII. MISDEMEANOR PROCEDURES**

### **Article 243**

#### **Misdemeanor sanctions for the legal entities**

(1) Fine in the amount of Euro 3.000 in Denar counter-value shall be imposed for a committed misdemeanor on a legal entity if:

- 1) it sails contrary to the provisions of Article 19 of this Law;
- 2) the discharge in the waters, waterside land and water habitats is made without a permit contrary to Article 78 of this Law;
- 3) it discharges waste waters or discharges or releases materials and substances in the recipients without a previously obtained permit for

discharge in waters (Article 79);

4) in case of emission that may directly or indirectly enter the surface waters, groundwaters or sewage system, the legal entity responsible for operation of the installation does not forthwith inform the state administrative body responsible for carrying out the activities in the field of environment, as well as if it does not take all the measures prescribed for prevention and reduction of the negative impact on the environment (Article 108 paragraph (4));

5) the treated urban waste waters are reused without a previously obtained permit from the state administrative body responsible for carrying out the activities in the field of environment (Article 115);

6) the sludge obtained by treatment of urban waste waters is reused without a previously obtained permit;

7) for the purposes of the public water supply or for commercial purposes, the legal entities or natural persons abstract or impound water intended for human consumption, do not monitor the quality and quantity of abstracted or impounded waters, do not keep the data in regard to the completed measurements and analysis, and do not submit the data to the state administrative body responsible for carrying out the activities in the field of environment, as well as to the body responsible for food safety and the bodies responsible for health protection (Article 148 paragraph (4));

8) the legal entity that manages the water resources management system does not install and maintain operable the instruments for measuring and analysis of the quality of raw water in its natural state, the treated water upon disinfection, and the water in the supply points where from it is used for human consumption (Article 148 paragraph (8));

9) in accordance with the regulations on protection of nature, they are responsible for management of the protected areas, and they do not monitor the waters in those areas and do not submit the results to the state administrative body responsible for carrying out the activities in the field of environment (Article 155 paragraph (1));

10) do not submit the data for determination of the level of pollution of the industrial waste waters, atmospheric and urban waters, waters from the landfills, as well as their harmful effect on the quality of the waters in the recipient, and for establishment of other sources of water pollution in the confluence area, as well as other necessary data, to the state administrative body responsible for carrying out the activities in the field of environment, in the manner and in the procedure determined by the Law on Environment (Article 161);

11) carries out measurements and does not submit the data to the state administrative body responsible for carrying out the activities in the field of environment in the manner and in the procedure determined by this Law (Article 165 paragraph (3)), and

12) manages the water resources management and hydro-ameliorative systems and does not submit the data from the records to the state administrative body responsible for carrying out the activities in the field of environment and to the state administrative body responsible for carrying out the activities in the field of agriculture in accordance with Article 174 paragraph (4) of this Law.

(2) Fine in the amount of Euro 700 in Denar counter-value shall be imposed on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 500 in Denar counter-value shall be imposed on the official in the legal entity for the activities referred to in paragraph (1) of this Article.

(4) Fine in the amount of Euro 500 in Denar counter-value shall be imposed on the natural person for the activities referred to in paragraph (1) of this Article.

(5) Fine in the amount of Euro 200 in Denar counter-value shall be imposed on the natural person if it:

1) does not ensure the right to insight of the competent inspectors;

2) does not provide all the required information necessary for conducting

the supervision within the determined time period;

3) gives false statement and incorrect data, and

4) does not identify itself on the place of inspection supervision and does not give its personal data on request of the competent inspectors.

(6) Competent body for pronouncing the misdemeanors referred to in paragraphs (1) to (5) of this Article shall be the Misdemeanor Commission established in accordance with the Law on Environment.

(7) If greater damage to human life and health is caused by the activities referred to in paragraph (1) points 2 to 12 of this Article, sanction proportional to the amount of the damage caused, but up to three times the amount determined in paragraph (1) of this Article at the most, shall be prescribed.

(8) In case of a risk of repeating the misdemeanor that is dangerous for the human life and health by the legal entity referred to in paragraph (1) points 2, 3, 4, 5, 6, 7, 8 and 9 of this Article, it may be pronounced a sanction temporary prohibition for carrying out certain activity in duration of 30 days at the most.

(9) When the misdemeanor referred to in paragraph (1) of this Article is committed so that the perpetrator obtains a personal property benefit or benefit for another party, or if the misdemeanor is committed by an organized group of people composed of minimum three persons, the Misdemeanor Commission may impose a fine in the amount of Euro 15.000 in Denar counter-value.

(10) The competent inspector may impose the misdemeanor sanction on the spot by handing over an invitation to pay a fine, which the perpetrator shall be obliged to pay in a period of eight days, regarding the misdemeanors referred to in paragraphs (1) point 1 and (5) of this Article.

(11) If the fine referred to in paragraph (10) of this Article is not paid in the determined time period, the competent inspector shall be obliged to file a motion for initiation of a misdemeanor procedure with the Misdemeanor Commission.

## **Article 244**

### **Misdemeanor sanctions for legal entities**

(1) Fine in the amount of Euro 6.000 in Denar counter-value shall be imposed for a misdemeanor on the legal entity if:

1) it fails to notify the state administrative body responsible for carrying out the activities in the field of environment regarding the beginning of abstraction or drainage of waters (Article 18 paragraph (2));

2) it digs wells contrary to paragraph 29 of this Law;

3) it discharges waste waters or discharges or throws materials and substances in the recipients, as well as waste oils, in a sewage or drainage system, in bodies of surface water or groundwater, as well in waterside areas and water habitats, contrary to the requirements determined in a water discharge permit, that is, an integrated environmental permit in accordance with law (Article 79);

4) it carries out activities contrary to Article 104 of this Law;

5) the construction of installations and facilities or any works and activities that include processing, treatment, storage, removal or transport of hazardous materials and substances or hard or liquid waste is conducted contrary to Article 105 of this Law;

6) it uses fertilizers, substances for plants protection or biocide products at a distance up to 10m<sup>3</sup> from the waterside of the surface waters (Article 105);

7) the facilities and installations referred to in Article 108 paragraph (1) of this Law are constructed or commence operation without obtaining an integrated environmental permit, opinion or consents required in accordance with the Law on the Environment (Article 108);

- 8) it discharges an effluent from industrial and agricultural liquid waste and urban waste waters in a sewage or drainage system, in bodies of surface water or groundwater, as well as in waterside lands and water habitats, contrary to Article 110 of this Law;
- 9) the legal entity and the natural person, the water resources management entities, as well as the other persons that fail to implement the measures anticipated by the operational plans for protection and defense against floods in accordance with Article 126 of this Law;
- 10) the legal entity which manages dams and accumulations and protective embankments fails to use and maintain them in a manner that ensures reception of flood waves, as well as ensurance of their protection in accordance with Article 129 of this Law;
- 11) it does not monitor the condition of the level and quantity of accumulated waters in the accumulations, as well as the quantity of waters flowing into or discharged from them and fails to notify the state administrative body responsible for carrying out the activities in the field of environment thereof (Article 130);
- 12) it acts contrary to Article 131 of this Law when protecting and maintaining the natural and developed river beds and the watersides of watercourses, lakes and accumulations;
- 13) it does not take the measures for torrential waters development in accordance with Article 141 of this Law;
- 14) it discharges wastewaters, and does not install measuring instruments for the discharged quantities of water and analysis of their quality and does not maintain the instruments operable, does not keep records of the measurements conducted and does not submit the data to the state administrative body responsible for carrying out the activities in the field of environment (Article 150 paragraph (1));
- 15) it discharges waste waters referred to in Article 108 of this Law, fails to install measuring instruments for the discharged quantities of water and analysis of their quality and fails to maintain the instruments operable, fails to keep records of the measurements conducted and fails to submit the data to the state administrative body responsible for carrying out the activities in the field of environment (Article 150 paragraph (2));
- 16) it is an owner or a user of hydro systems or hydro-ameliorative systems for irrigation, fails to measure the impounded or abstracted quantities of water and fails to monitor its quality at the places of abstraction or impoundment, and fails to submit the data regarding the water quality and quantity to the state administrative body responsible for carrying out the activities in the field of environment (Article 151 paragraph (1));
- 17) it is an owner or a user of hydro-ameliorative systems for land drainage at the places of discharge of the water from the drainage into the recipient, fails to measure the quantity of the discharged water, and fails to submit the data regarding the water quality and quantity to the state administrative body responsible for carrying out the activities in the field of environment (Article 152 paragraph (1));
- 18) it fails to measure the quantity of water used for generation of electricity at the points of impoundment, and fails to submit the data about the measured quantities to the state administrative body responsible for carrying out the activities in the field of environment (Article 153 paragraph (1));
- 19) it abstracts or impounds more than 10 m<sup>3</sup> of water for purposes other than the ones stated in Articles 148, 151, 152, 153 of this Law;
- 20) it fails to measure the abstracted or impounded quantities of water and its quality and fails to submit the data regarding the measurements to the state administrative body responsible for carrying out the activities in the field of environment (Article 154 paragraph (1));
- 21) in case of deterioration or threat of deterioration of the water or the water body it monitors, fails to immediately notify the state administrative body responsible for carrying out the activities in the field of environment for the purpose of undertaking necessary measures and fails to take the necessary measures (Article 158);
- 22) it impounds water from the water body for the purpose of provision of water for public water supply, industry, irrigation or any other purposes,

fails to install and maintain operable the measuring instruments at the place of impoundment, fails to measure the quantities and quality of the impounded water and fails to keep the data (Article 165 paragraph (1));

23) it discharges used or waste waters in the water body or in the aquatic ecosystems and fails to install and maintain operable the measuring instruments at the place of discharge, fails to measure the quantities and quality of the water and fails to keep the data on these parameters (Article 165 paragraph (2));

24) it manages the water resources management facilities and installations and fails to inform the competent body in case of danger for the water resources management facilities and installations and fails to take necessary measures and activities for reduction or elimination of the danger (Article 166 paragraph (3));

25) it manages the water resources management facilities and installations and fails to establish and keep records of those facilities and installations (Article 171 paragraph (1));

26) the ones managing the hydro-ameliorative systems (water resources management entities and water communities) fail to establish and keep records of the areas covered with the hydro-ameliorative systems, in accordance with investment and technical documentation on the basis of which the system is constructed (Article 171 paragraph (2));

27) it impounds water and fails to remove all used waters produced from water impoundment in accordance with the provisions of this Law (Article 172);

28) it constructs new or reconstructs or extends the existing facilities which are located in or in vicinity of surface waters, facilities that are above or under the surface waters or facilities which are located near the surface waters or waterside lands or reconstruction or extension of the existing water resources management facilities without water resources management consent (Article 174);

29) an installation for which, in accordance with the Law on Environment, an integrated environmental permit is mandatorily obtained, commences operation (Article 177 paragraph (1));

30) it commences constructing prior to obtaining a decision for the study for the environmental impact assessment, under the conditions, in the manner and in the procedure determined by the Law on Environment (Article 177);

31) during the construction, reconstruction or extension of facilities and installations, it fails to abide by the requirements contained in the water resources management consent (Article 180);

32) it fails to take the measures determined under supervision and direction of the competent body, in case when the deviation from the values and the quality standards are result of the domestic water supply system or its usage and maintenance;

33) it uses the water for irrigation and livestock watering contrary to the prohibition referred to in Article 193 of this Law;

34) the exploitation and the auscultation of each dam, the accompanying facilities and accumulation of special importance, is not in accordance with the technical documentation, that is, fails to act in accordance with the requirements determined in the technical documentation and the requirements determined in the permit (Article 198 paragraph (1)), and

35) it manages the dams and the accumulations without technical surveillance and without preparing separate annual reports (Article 198 paragraph (2)).

(2) Fine in the amount of Euro 800 in Denar counter-value shall be imposed on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 700 in Denar counter-value shall be imposed on the official in the legal entity for the activities referred to in paragraph (1) of this Article.

(4) Fine in the amount of Euro 500 in Denar counter-value shall be imposed on the natural person for the activities referred to in paragraph (1) of this Article.

(5) The Misdemeanor Commission established in accordance with the Law on Environment shall be a competent body for imposing the misdemeanor sanctions referred to in paragraphs (1) to (4) of this Article.

(6) If greater damage to human life and health is caused by the misdemeanor referred to in paragraph (1) of this Article, a sanction proportionate to the damage caused, but up to seven times the amount determined in paragraphs (1) and (4) of this Article, shall be imposed.

(7) For the misdemeanor referred to in paragraph (1), an additional sanction prohibition on carrying out an activity by the legal entity in duration of 30 days at the most shall be imposed on the legal entity referred to in paragraph (1) of this Article, with exception to legal entities carrying out activities of public interest.

(8) Provided that there is danger that the legal entity referred to in paragraph (1) points 1, 3, 4, 5, 6, 8, 13, 14, 19 and 22 of this Article is to repeat the misdemeanor that is dangerous to human life or health, a sanction temporary prohibition on carrying out a certain activity in duration of 30 days at the most may be imposed.

(9) When the misdemeanor referred to in paragraph (1) of this Article has been committed exclusively for the perpetrator to gain property benefit for itself or for another person or when the misdemeanor is committed by an organized group of persons composed of at least three persons, the Misdemeanor Commission may impose a fine in the amount of Euro 22.000 in Denar counter-value.

## **Article 245**

### **Misdemeanor sanctions for legal entities**

(1) Fine in the amount of Euro 8.000 to 20.000 in Denar counter-value shall be imposed for a misdemeanor on the legal entity if:

- 1) it changes the water regime contrary to the provisions referred to in this Law (Article 12 paragraph (2));
- 2) it uses the water contrary to Article 14 of this Law;
- 3) it determines a priority in the water use contrary to the priorities determined in Article 15 of this Law;
- 4) it charges for general water use contrary to Article 16 of this Law;
- 5) it is an owner of a land or a holder of other real right, it abstracts or uses groundwater contrary to Article 17 paragraph (2) of this Law;
- 6) it temporarily abstracts waters for the purpose of land drainage contrary to Article 18 paragraph (1) of this Law;
- 7) it uses the water contrary to the restrictions determined in Article 20 of this Law;
- 8) it acts contrary to the obligations and restrictions referred to in Article 22 of this Law;
- 9) it exercises the water right contrary to the manner and the purpose determined in the permit or the concession (Article 25);
- 10) it exercises the water right on the basis of inheritance contrary to Article 27 of this Law;
- 11) it takes activities which affect or may affect the water regime and/or the morphology of the water body without a permit of a competent body (Article 28);
- 12) it dangers the right of the holder of the permit for unhindered exercise of the right under the permit;
- 13) it acts contrary to the decision for temporary forced management (Article 44);
- 14) it takes activities which affect or may affect the water regime and/or the morphology of the water body upon expiry of the permit validity (Article 47);
- 15) it takes activities which affect or may affect the water regime and/or the morphology of the water body despite the restrictions of the water right (Article 49);

- 16) it takes activities that could endanger the qualitative and quantitative condition of the water body intended for human consumption in the protection zones (Article 100 paragraph (2));
- 17) the legal entity that manages the water supply system fails to fence and fails to take the other necessary measures for protection and safety of the land in the narrow protection zone in accordance with Article 100 of this Law;
- 18) it constructs facilities and carries out other actions and activities contrary to Article 100 paragraph (5) of this Law;
- 19) it builds, places, operates and maintains the facilities and the installations which use or apply hazardous substances in the process of production, processing, filling and storing, in the manner which directly or indirectly pollutes the water (Article 108);
- 20) besides the prohibition referred to in Article 111 of this Law, it directly discharges priority materials and substances and polluting materials and substances in the groundwaters;
- 21) it deposits or removes a certain priority material and substances or carries out another activity that cause indirect discharge of priority materials and substances or polluting materials and substances in the groundwaters without a previously obtained permit referred to in Article 79 of this Law, and contrary to Article 111 of this Law;
- 22) it discharges industrial waste waters contrary to the manner and the requirements stated in the permit referred to in Article 115 of this Law, that is, the integrated environmental permit referred to in the Law on Environment;
- 23) in case of danger of dams collapse, protective embankments destruction, as well as discharge or overflow of large quantities of water from the accumulations which may cause floods, the water resources management entity and the other legal entities referred to in Article 129 of this Law fail to provide information and alerting of the population in the endangered area (Article 130 paragraph (2));
- 24) with its behavior, incorrect land cultivation, or by another activity, it creates erosion causing damage to other facilities and it fails to take protective measures for prevention against erosion, as well as measures for elimination of harmful consequences (Article 138);
- 25) it excavates sand, gravel and stone from the beds and watersides of surface water bodies without a permit referred to in Article 142 of this Law;
- 26) in the course of excavation of sand, gravel and stone, it does not comply with the requirements under the permit referred to in Article 142 of this Law;
- 27) it acts contrary to Article 142-b of this Law;
- 28) for personal needs or for the needs of its household, it abstracts or impounds more than 10m<sup>3</sup> water a day intended for human consumption (Article 148 paragraph (2));
- 29) acts contrary to Article 167 of this Law;
- 30) it manages the water resources management facilities and it limits or prohibits the use of waters contrary to the priorities determined in Article 15 of this Law (Article 169 paragraph (1));
- 31) it manages the water resources management facilities and fails to notify the users of the water resources management service for the temporary water restriction and supply and accepting the water, as well the reasons thereof (Article 169 paragraph (3));
- 32) as a provider of a water resources management service, it disconnects the user from the network contrary to the reasons stated in Article 170 of this Law;
- 33) as an owner or holder of other real rights on the neighboring land, the land under water or the waterside land in ownership of the Republic of Macedonia which is used or impounded for the needs of the water resources management facilities, it fails to enable access to the water resources management facilities and use of the land for all activities necessary for construction, management and maintenance of the water resources management facilities (Article 173 paragraph (1));
- 34) the waters for: water supply of the population, health institutions and

legal entities in the field of veterinary medicine, defense purposes, industry for food production and processing, and livestock watering demanding water with drinking quality, it uses for other purposes and contrary to the provisions referred to in this Law (Article 181 paragraph (1));

35) it supplies water intended for human consumption which does not meet the requirements and the quality values or may pose a threat to the human health (Article 183);

36) it fails to take the necessary measures for the purpose of drinking water supply in sufficient quantities in accordance with law (Article 183);

37) it fails to use and maintain the domestic water supply system in the manner which does not lead to reduction of the drink water quality and enable water in sufficient quantities (Article 185);

38) it supplies water intended for human consumption without disinfecting the water in accordance with Article 186 of this Law;

39) in case of deviation of the quality values and standards determined in accordance with Article 183 of this Law, the legal entity that carries out public water supply fails to take the necessary measures for ensuring the health correctness and safety of water, as well as fails to inform the bodies responsible for health protection in accordance with Article 187 of this Law;

40) it supplies water, it restricts temporarily the use to certain users, without a prior notification to the users and the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje regarding the restriction and its expected duration, replacement for the water supply and the measures that it is to take (Article 188);

41) it supplies water, it fails to establish and inform the concerned population regarding the additional adequate water supply in case when the restriction concerns the demands of the population for water intended for water consumption (Article 188);

42) intentionally or out of negligence, it causes damage or failure of the system for which a repair is needed or it causes pollution or misuse of water in accordance with Article 189 of this Law;

43) it does not design, build, exploit and manage the dams and the accompanying facilities in the manner determined by the technical documentation in accordance with this Law (Article 195 paragraph (1));

44) it fails to implement the refurbishing measures or measures for restitution to the previous condition, necessary for achievement of the environmental objectives determined in accordance with Article 90 of this Law;

45) it manages the dams contrary to Article 199 of this Law;

46) it manages the dams which are not determined as dams of special importance, it fails to establish and organize the minimal technical surveillance of the dams and the accompanying facilities and the accumulations (Article 200);

47) the digging of well or drill for the purpose of abstraction of water from a groundwater body is conducted without an obtained consent from the state administrative body responsible for carrying out the activities in the field of environment (Article 201);

48) the well digger fails to act in accordance with Article 202 of this Law and fails to deliver a report, and

49) it fails to pay the prescribed charge determined in accordance with this Law.

(2) Fine in the amount of Euro 1.400 to 2.500 in Denar counter-value shall be imposed on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 1.000 in Denar counter-value shall be imposed on the official in the entity for the activities referred to in paragraph (1) of this Article.

(4) Fine in the amount of Euro 1.000 in Denar counter-value shall be imposed on the natural person for the activities referred to in paragraph (1) of this Article.

(5) The competent court shall be a competent body for imposing the misdemeanor sanctions referred to in paragraphs (1), (2), (3) and (4) of this Article.

(6) If greater damage to human life and health is caused by the misdemeanor referred to in paragraph (1) of this Article, a sanction proportionate to the damage caused, but up to seven times the amount determined in paragraph (1) of this Article, shall be imposed.

(7) For the misdemeanor referred to in paragraph (1) of this Article, an additional sanction prohibition on carrying out an activity by the legal entity shall be imposed on the legal entity referred to in paragraph (1) points 19, 20, 21 and 23 of this Article.

(8) When the misdemeanor referred to in paragraph (1) of this Article has been committed exclusively for the perpetrator to gain property benefit for itself or another person, the competent court may impose a fine in the amount of Euro 25.000 in Denar counter-value.

(9) Provided that it is determined that the misdemeanor referred to in paragraph (1) of this Article has been committed by an organized group of persons composed of at least three persons, the competent court may impose a fine in the amount of Euro 30.000 in Denar counter-value.

## **Article 246**

### **Misdemeanor sanctions for natural persons**

(1) Fine in the amount of Euro 200 in Denar counter-value shall be imposed for a misdemeanor on a natural person if:

1) he/she abstracts or uses more than 10m<sup>3</sup> a day of groundwaters from the bodies of groundwater for personal needs or for his/her household needs causing negative impact on that or on the neighboring water body (Article 17 paragraph (2));

2) he/she discharges waste oils in a sewage or drainage system, in bodies of surface waters or groundwaters, as well as in waterside lands and water habitats contrary to Article 79 of this Law;

3) he/she uses motor-powered vessels and installations contrary to the prohibitions referred to in Articles 19 and 22 of this Law;

4) he/she acts contrary to Article 29 paragraphs (2) and (3) of this Law;

5) he/she sails contrary to the provisions referred to in Article 19 of this Law;

6) he/she digs wells contrary to Article 29 of this Law;

7) the legal entities or natural persons use fertilizers, substances for plants protection or biocide products at a distance up to 10m<sup>3</sup> from the waterside of the surface waters contrary to Article 105 of this Law;

8) he/she uses the water for irrigation and livestock watering contrary to the prohibition referred to in Article 193 of this Law;

9) he/she, as an owner or holder of other real rights on the neighboring land, the land under water or the waterside land in ownership of the Republic of Macedonia which is used or impounded for the needs of the water resources management facilities, fails to enable access to the water resources management facilities and use of the land for all activities necessary for construction, management and maintenance of water resources management facilities in accordance with Article 173 paragraph (1) of this Law;

10) he/she intentionally or out of negligence, causes damage or failure of the system for which a repair is needed, or he/she causes pollution or misuse of water in accordance with Article 189 of this Law, and

11) he/she digs a well without submitting a notification in accordance with Article 210 of this Law.

(2) Fine in the amount of Euro 600 in Denar counter-value shall be imposed on a natural person for a committed misdemeanor if:

1) it excavates sand, gravel and stone of low value up to 2 m<sup>3</sup> from the

beds and watersides of surface waters without a permit (Article 142).

(3) The environmental inspectors, the authorized environmental inspectors, the water resources management inspector may impose the fine referred to in paragraph (1) and (2) of this Article on-the-spot for the misdemeanors referred to in this Article by serving the perpetrator of the misdemeanor an invitation for payment of the fine which the perpetrator shall be obliged to pay within a time period of eight days.

(4) If the perpetrator of the misdemeanors referred to in this Article admits the alleged act or if the authorized official referred to in paragraph (3) of this Article personally determines the misdemeanor or determines it by using corresponding technical means and devices, the official shall immediately issue a payment order.

(5) By signing the receipt of the payment order, it shall be deemed that the perpetrator of the misdemeanors agrees to pay the fine.

(6) The perpetrator shall be obliged to pay the fine determined in accordance with this Article within a time period of eight days as of the day of receipt of the payment order in the account indicated in the payment order. The perpetrator who pays the fine within that time period, shall pay only half of the imposed fine. The instruction on that right shall be part of the legal instruction on the payment order.

(7) Provided that the fine is paid by the perpetrator of the misdemeanor, the costs of the procedure shall not be paid in the procedure ending with issuance of the order.

(8) If the fine referred to in paragraph (1) and (2) of this Article is not paid within the determined period, the officials referred to in paragraph (3) of this Article shall be obliged to file a motion for initiation of a misdemeanor procedure with the Misdemeanor Commission.

(9) The Misdemeanor Commission established in accordance with the Law on Environment shall be a competent body for conducting the misdemeanor procedure and imposing the misdemeanors referred to in this Article.

## **Article 247**

### **Misdemeanor sanctions for officials**

The misdemeanor sanctions for the officials that are responsible for implementation of this Law shall be imposed in accordance with the Law on Environment.

## **Article 248**

### **Settlement and mediation procedure**

(1) Prior to filing a motion for initiation of a misdemeanor procedure for the misdemeanors determined in Article 243 of this Law, the competent inspector referred to in Article 238 of this Law shall be obliged to propose a settlement procedure to the perpetrator of the misdemeanor.

(2) For the misdemeanors referred to in Article 244 of this Law, the competent inspector referred to in Article 238 of this Law may propose a mediation and reaching an agreement to the perpetrator of the misdemeanor on the basis of which the perpetrator of the misdemeanor should pay the fine, the other fees, or to remove the consequences of the misdemeanor.

(3) In the cases when settlement agreement has been reached, the fine of the perpetrator may be reduced for one half of the maximum prescribed fine for the misdemeanor at the most.

(4) The procedures for settlement and mediation shall be conducted in accordance with the provisions of the Law on Environment.

## **Article 249**

### **Conducting the misdemeanor procedure**

The procedure with the Misdemeanor Commission shall be conducted in accordance with the Law on Environment.

## **XIV. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 250**

#### **National Water Strategy**

The National Water Strategy shall be adopted within a time period of one year as of the day this Law enters into force at the latest.

### **Article 251**

#### **Water Resources Management Basis of the Republic of Macedonia**

The Water Resources Management Basis of the Republic of Macedonia shall be adopted within a time period of four years as of the day this Law enters into force.

Until the Water Resources Management Basis of the Republic of Macedonia enters into force, the existing Water Resources Management Basis of the Republic of Macedonia, the studies and the other documentation related to the integrated development of the river Vardar basin adopted by the competent bodies, as well as the cadastre of the natural resources, the cadastre of wells and pumps, and the study on groundwaters, and the water resources management bases adopted by the municipalities and the City of Skopje shall apply.

### **Article 252**

#### **Plans for river basins management**

The plans for river basin management shall be adopted within a time period of six years as of the day this Law enters into force.

Until the adoption of the plans for river basin management, the existing Water Resources Management Basis of the Republic of Macedonia, including the documents referred to in Article 251 paragraph (2) of this Law, shall apply.

For the purpose of preparing the plans for river basin management:

- 1) the initial assessment of the river basins referred to in Article 71 of this Law shall be conducted within a period of three years as of the day this Law enters into force at the latest;
- 2) the program for monitoring the quality and quantity of water bodies shall be prepared within a period of four years as of the day this Law enters into force at the latest, and
- 3) the environmental objectives and the program of measures for achieving the environmental objectives referred to in Article 73 of this Law shall be prepared within a period of five years as of the day this Law enters into force at the latest.

### **Article 253**

## **International water basin**

As of the day this Law commences its application, the state administrative body responsible for carrying out the activities in the field of foreign affairs in cooperation with the state administrative body responsible for carrying out the activities in the field of environment shall commence the activities for initiation of a procedure for establishment of international water basin areas with the respective neighboring countries.

### **Article 254**

#### **Water rights**

(1) The legal entity or the natural person that on the basis of a water resources management consent has an approval for construction, reconstruction, connection or extension of the existing water resources management and other facilities and installations affecting the water regime, the existing and the other facilities and installations affecting the water regime, as well as the legal entities and natural persons which by carrying out other activities may temporary, occasionally or permanently create changes of the water regime, shall be obliged to submit an application for issuance of a permit referred to in Article 26 paragraph (1), that is, Article 79 paragraph (1) of this Law within a period of one year as of the day this Law commences its application.

(2) On the basis of the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 4/98, 19/2000, 42/2005 and 46/2006), the legal entity or the natural person that on the basis of the water resources management permit or water resources management consent is a holder of the right to utilize or use waters or use the existing water resources management and other facilities and installations affecting the water regime, as well the right to discharge the utilized or used waters in the recipient, shall be obliged to submit an application for issuance of a permit referred to in Article 26 paragraph (1), that is, Article 79 paragraph (1) of this Law within a period of one year as of the day this Law commences its application.

(3) The investors of the facilities which are located in or beside surface waters, facilities above or under the surface waters or facilities located near the surface waters or waterside areas, and which may affect the water regime, as well as the investors of the facilities referred to in Article 163 paragraph (1) point 1 of this Law, with the exception of dams, shall be obliged to submit an application for issuance of a water resources management consent referred to in Article 174 of this Law within a time period of one year as of the day this Law commences its application for the purpose of determining the water resources management requirements that need to be fulfilled during the construction.

(4) If the legal entities and natural person fail to submit an application for issuance of a permit, that is, an application for issuance of a water resources management consent until the expiry of the time period referred to in paragraphs (1), (2) and (3) of this Article, the water resources management permit, that is, the water resources management consent issued on the basis of the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 4/98, 18/2000, 42/2005 and 46/2006) shall cease to be valid.

### **Article 255**

#### **Drainage, collection and treatment of urban waste waters**

The Government of the Republic of Macedonia in cooperation with the mayor of the municipalities, the municipalities in the city of Skopje and the City of Skopje, shall ensure:

- 1) existence of a system for collection of waste waters in each settlement with more than 2.000 population equivalent, within a time period of 15 years as of the day this Law enters into force;
- 2) appropriate treatment of all waste waters discharged of systems for collection of waste waters in settlements with less than 2.000 population equivalent, within a time period of 15 years as of the day this Law enters into force;
- 3) secondary (biological) or similarly appropriate treatment of waste waters from the systems for collection of waste waters in settlements with more than 2.000 population equivalent, within a time period of 15 years as of the day this Law enters into force, and
- 4) the waste waters discharged in zones sensitive to urban waste waters discharge shall be subjected to stricter treatment than the one prescribed in point 3 of this paragraph, for agglomerates greater than 10.000 population equivalent.

## **Article 256**

### **Identification of bathing water**

The first identification of the bathing waters referred to in Article 149 paragraph (2) of this Law shall be conducted within a time period of three years as of the day the regulation referred to in Article 104 paragraph (6) of this Law enters into force.

## **Article 257**

### **Report on the water intended for human consumption**

The first report on the water intended for human consumption for the whole territory of the Republic of Macedonia referred to in Article 190 paragraph (2) shall be adopted within a time period of three years as of the day this Law commences its application.

## **Article 258**

### **State monitoring network**

As of the day this Law commences its application, the existing network of hydrological stations, shall become a state monitoring network in accordance with Article 145 of this Law.

## **Article 259**

### **Regulations for enforcement of this Law**

(1) The detailed regulations on enforcement of this Law shall be adopted within a time period of three years as of the day this Law enters into force.

(2) The existing regulations shall apply until the regulations referred to in paragraph (1) of this Article enter into force.

## **Article 260**

### **National Water Council**

The National Water Council shall be established within a time period of three months as of the day this Law commences its application.

## **Article 261**

### **Council for River Basin Management**

The councils for river basin management shall be established within a time period of one year as of the day this Law commences its application.

## **Article 262**

### **Administrative procedures**

The administrative procedures initiated prior to the day of commencement of application of this Law shall be completed in accordance with the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 4/98, 19/2000, 42/2005 and 46/2006).

## **Article 263**

(1) The Water Fund, established in accordance with the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 4/98, 19/2000, 42/2005 and 46/2006), shall cease to exist as of 1 January 2010. The state administrative body responsible for carrying out the activities in the field of environment shall take over the funds, equipment, employees, and shall assume the rights and obligations of the Water Fund.

(2) The state administrative body responsible for carrying out the activities in the field of environment shall take over the archives referring to the permits and the plans for management and use of waters, the funds, equipment and employees of the Water Resources Management Administration that have worked on the system of issuance of permits, preparation of plans, and the water resources management inspectors who are to be assigned in the state administrative body responsible for carrying out the activities in the field of environment as of 1 January 2010.

(3) The state administrative body responsible for carrying out the activities in the field of environment in cooperation with the state administrative body responsible for carrying out the activities in the field of agriculture shall be obliged to adopt a plan for gradual transfer of the activities referred to in paragraph (2) of this Article from the state administrative body responsible for carrying out activities in the field of agriculture to the state administrative body responsible for carrying out the activities in the field of environment within a time period of three months as of the day this Law enters into force.

(4) The Water Resources Management Administration shall continue to operate as a body within the composition of the Ministry of Agriculture, Forestry and Water Resources Management responsible for the activities related to the water communities and water resources management entities as of 1 January 2010.

## **Article 264**

### **Termination of validity of other regulations**

(1) As of the day this Law commences its application, the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 4/98, 19/2000, 42/2005 and 46/2006) shall cease to be valid.

(2) As of the day this Law commences its application, Article 3 paragraph (2) point 7 of the Law on Mineral Raw Materials ("Official Gazette of the Republic of Macedonia" no. 24/2007) shall cease to be valid.

## **Article 265**

### **Entry into force**

This Law shall enter into force on the eight day as of the day of its publication in the "Official Gazette of the Republic of Macedonia", and shall apply as of 1 January 2011, while the provisions referred to in Chapter III

and Chapter XI of this Law shall commence their application within a time period of 30 days as of the day this Law enters into force.

**PROVISIONS OF OTHER LAWS:**

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 6/2009):

**Article 5**

As of the day this Law enters into force, the provisions referred to in Article 132 lines 1 and 2 of the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 4/98, 19/2000, 42/2005 and 46/2006) shall cease to be valid.

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 51/2011):

**Article 14**

The detailed regulations referred to in Articles 2, 4, 7 and 11 of this Law shall be adopted within a time period of three months as of the day this Law enters into force.

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 51/2011):

**Article 15**

The provisions referred to in Articles 1, 2 paragraph (1), 4 paragraph (1), and 7 paragraph (1) of this Law shall apply as of the day the Law on Establishment of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance commences its application. The provisions referred to in Article 10 of this Law shall apply as of the day the Law on Inspection Supervision commences its application.

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 44/2012):

**Article 7**

The provisions of Articles 1, 2, 3, 5 and 6 of this Law shall apply as of the day of commencement of the application of the Law on Concessions and Public Private Partnership.

**Article 8**

The provisions of Article 4 paragraph (3) of this Law whereby three new paragraphs (7), (8) and (9) are added in Article 58 of the Law on Waters ("Official Gazette of the Republic of Macedonia" number 87/2008, 6/2009, 161/2009, 83/2010 and 51/2011) shall apply as of 1 January, 2016.

Before the commencement of the application of the provisions referred to in paragraph (1) of this Article the following shall be implemented:

- the funds of the concession fee for using the waters for generating electrical energy shall be paid to a separate account within the treasury account. The income of these funds shall be distributed in proportion, 75% income to the Budget of the Republic of Macedonia and 25% income to the budget of the municipalities and the municipalities in the city of Skopje, depending on which area the concession activity is performed,
- the funds referred to in paragraph (2) line 1 of this Article that are distributed between the municipalities of the city of Skopje and the City of Skopje shall be distributed in proportion 50% for the municipality on the area of the city of Skopje and 50% for the City of Skopje

and

- denationalization bonds may be used to pay the part of the concession fee for using the water resources for generating electrical energy that is income to the Budget of the Republic of Macedonia in the amount of 75% of the total amount, and the remaining 25% that are income to the budget of the municipalities and the municipalities in the city of Skopje shall be paid to a separate account within the treasury account.

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 23/2013):

**Article 23**

The provisions of Article 20 paragraph (2) of this Law that introduce two new paragraphs (4) and (5) in Article 215 of the Law on Waters ("Official Gazette of the Republic of Macedonia" nos. 87/2008, 6/2909, 161/2009, 83/10, 51/11 and 44/12 ), shall start to apply retroactively as of 1 January 2013.

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 23/2013):

**Article 24**

The bylaws referred to in Articles 16 and 17 of this Law shall be adopted within a period of three months as of the day of entry into force of this Law.

Law Amending the Law on Waters ("Official Gazette of the Republic of Macedonia" no. 163/2013):

**Article 7**

This Law shall enter into force on the eight day as of the day of its publication in the "Official Gazette of the Republic of Macedonia" and shall start to apply as of 1 May 2014.

