

THE LAW ON ENVIRONMENT

I. GENERAL PROVISIONS

Article 1

Subject of regulation

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

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

(3) The Law on Inspection Supervision shall apply in the procedures concerning performance of inspection supervision unless otherwise provided for by this Law.

Article 2

Scope of the Law application

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

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

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

(3) All environmental measures, standards and goals, specified in this or in other laws and in the regulations adopted on the basis thereof, shall be enforced as minimum requirements.

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

Article 3

Public interest

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

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

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

Article 4

Objectives of the Law and the manner of their achievement

(1) The objectives of this Law shall be:

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

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

1. Forecast, monitoring, prevention, limitation and elimination of the negative impacts on the environment;
2. Protection and regulation of environmental areas;
3. Preservation of the clean environment and remedy of the damaged parts of the environment;
4. Prevention of risks and hazards to the environment;
5. Encouraging the use of renewable natural energy sources;
6. Encouraging the use of products and application of cleaner production and use of clean technologies that are most beneficial to the environment;
7. Integrated approach to environmental protection and economic development;
8. Establishment of a system of planning of environmental protection, improvement and management;
9. Provision of funds to finance the measures and activities aimed at environment protection and improvement;
10. Control over activities that may pose a threat to the environment;
11. Raising of the awareness of the needs of environmental protection in the educational process, and environmental protection promotion;

12. Harmonization of economic and other interests with the requirements for environment protection and improvement;
13. Public and relevant institutions information on the state of the environment and their involvement in environmental protection;
14. Establishment of links between the system of environmental protection and the institutions of the Republic of Macedonia dealing with environmental protection, with the relevant international institutions.
15. Restraining the green house gas concentrations in the atmosphere; and
16. Combating the desertification and mitigation of effects from draughts.

Article 5

Definitions

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

1. **Environment** shall mean the space with all living organisms and natural resources, i.e. natural and man-made values, their interaction and the entire space in which people live and in which settlements, goods in general use, industrial and other facilities, including the media and the areas of the environment, are situated;
2. **Environment protection and improvement** shall mean a system of measures and activities (social, political, economic, technical, educational etc.), which provide support and create conditions for protection against pollution and degradation of and impacts on environmental media and individual areas (protection against depletion of the ozone layer, prevention of harmful noise and vibrations; protection against ionising and non-ionising radiation, protection against odour and use and disposal of wastes, and other types of environment protection);
3. **Environment pollution** shall mean emission of polluting matters and substances, resulting from human activity, into the air, water or soil that may be harmful to the quality of the environment, human life and health or emission of polluting matters and substances that may cause damage to material property or impair or make impact on biological and landscape diversity and other ways of use of the environment;
4. **Pollutants** shall mean polluting matters and substances that pollute the environment and are specified in the Pollutants Release and Transfer Register;
5. **Polluter** shall mean any legal or natural person the activity of which causes, directly or indirectly, pollution of the environment;
6. **Natural resource management** shall mean activities and matters performed by legal and/or natural persons in accordance with this Law for the purpose of preservation and sustainable use of natural resources;
7. **Data management** shall mean collection, processing, storage, use, distribution and presentation of comprehensive, accurate, accessible for the

- public data and information on the conditions, quality and trends in all environmental media and areas;
8. **Environmental quality standard** shall mean the set of requirements to be complied with by individual environmental medium, area or part, in a given time and under specified conditions, in a manner set forth in laws and other regulations of the Republic of Macedonia, and in accordance with the international agreements ratified by the Republic of Macedonia;
 9. **National environmental information system** shall mean comprehensive data and information base on the state of environmental media and individual areas including the Register of Polluting Matters and Substances and their Properties and the Cadastre of Environment;
 10. **Pollutants Release and Transfer Register** shall mean set of data on the source, type, amount, manner and place of release, transfer and disposal of polluting matters and substances and waste in environmental media;
 - 10-a **National Inventory of Indicators** shall mean the list of indicators of the state of environment which prescribes the schedule of data collection, the format, the source and the manner of data flow and data exchange;
 - 10-b **Environmental information** shall mean any type of information in written, visual, electronic or other type of material form in accordance with Article 51 of this Law;
 11. **Substance** shall mean any chemical element and its compounds, except radioactive substances and substances contained in genetically modified organisms;
 12. **Hazardous substance** shall mean a substance or a preparation containing one or more hazardous substances the properties of which pollute and damage the environment and are hazardous to human life and health, with proven acute, chronic, toxic and other harmful effects;
 13. **Environmental areas** shall mean the nature, the waste, the noise, the vibrations, the ionising and non-ionising radiation, the climate, the odour and all other elements constituting integral part of the environment;
 14. **Environmental media** shall mean the water, the air and the soil;
 15. **Environmental monitoring** shall mean systematized measuring, monitoring and control of conditions, quality and changes of environmental media and areas;
 16. **Quality of the environment** shall mean the state of the environment expressed by way of physical, chemical, aesthetic and other indicators;
 17. **Environmental cadastre** shall mean quantitative and qualitative recording of polluters and sources of pollution releasing pollutants in the environmental media, including a map of polluters;
 18. **Immission** shall mean concentration of pollutants and substances in the environmental media in a specific place and at a specific time;
 19. **Chemicals** shall mean substances and preparations;

- 20. Emission limit values** shall mean the mass, expressed in terms of certain specific parameters, concentration and/or level of emission, which shall not be exceeded during one or more periods of time;
- 21. Natural person** shall mean individual dealer, performer of professional activity and citizen;
- 22. Emission** shall mean release or discharge (fugitive emission) of liquid, gaseous or solid substances, preparations, release of energy (noise, vibrations, radiation, heat), odour, organisms or micro-organisms, as well as release of microbiological material from any source into one or more environmental media as a result of human activity;
- 22 a. Diffuse sources** shall mean all minor and scattered individual sources that may release polluting matters and substances into soil, air or water, the common impact of which in these media may be significant and for which it is unfeasible to collect reports on each source separately;
- 23. Harmful impact and activity** shall mean any negative impairment of the quality of environmental media and areas;
- 24. Environmentally harmful substance** shall mean a biological or physical agents or phenomenon/state the presence of which in the environment may induce direct or postponed threat to or pollution of one or more environmental media or areas, as well as other irritant, inflammable and explosive matters which exhibit such properties when of certain quantity, concentration or intensity;
- 25. The public** shall mean one or more legal and/or natural persons, citizens and their organizations and associations established in accordance with the law;
- 26. The public concerned** shall mean the public concerned by or having an interest in - at present or in future, environmental decision making, with which it has specific relation through particular procedure. The public concerned shall include the citizens' associations established for the purpose of environment protection and improvement, as well as individual with regard to whom there is a high probability to experience the effects of decision making;
- 27. Acceptable condition** shall mean the achievement of environmental medium or area quality status that meets the quality standards required as necessary for the purpose of the medium or the area use;
- 28. Indicators report** shall mean a description of the state of the environment presented through quantitative information (indicators) on the state of environmental media and areas obtained by means of summarizing different, stratified and individual information;
- 29. Bodies** shall mean the bodies of the state administration and the bodies of the local self-government that hold authorisations, under this or another law, to adopt regulations and other acts necessary for the implementation of this or other law;

Terms in the area of environmental impact assessment:

30. **Project** shall mean the development document that provides an analysis and defines the final solutions in respect of the use of natural and man made values, regulates the construction of facilities and installations, as well as the performance of other activities which have an impact on the environment, landscape and human health;
31. **Investor/applicant** shall mean the legal or natural person that applies for approval of a private project or the public authority which initiates a project;
32. **Environmental impact assessment** shall mean assessment of possible environmental impacts by certain planning documents, projects and planned activities;
33. **Permit or decision on project implementation** shall mean the decision of the competent body granting a consent to the investor/applicant for approval of/proceeding with the project implementation;

Terms in the area of strategic environmental assessment:

34. **Strategies, Plans and Programmes** shall mean planning documents which are:
 - subject to preparation, amendment and/or adoption by the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia, bodies of the state administration and bodies of municipalities and the City of Skopje and of the municipalities of the City of Skopje;
 - are financed or co-financed by the European Union, and
 - prepared on the basis of an obligation specified in law and/or regulation adopted on the basis of the law;

Terms concerning integrated environmental permits and general environmental audit:

34 a. **Environmental Impact Assessment** shall mean set of actions through which the environmental report is prepared, consultations are carried out, the environmental report and the results of the consultations are taken into account in decision-making and access to information is provided in accordance with the provisions of Chapter X – Assessment of the environmental impact of certain strategies, plans and programmes of this Law;

34-b. **Environmental report** shall mean part of the documentation of the planning document containing information referred to in Article 67 paragraph 2 of this Law;

34-c) **Stakeholders** shall mean the bodies of the state and local administrations which in accordance with their competences have interest in the adoption of decisions related to environment and human health protection.

35. **Installation**

- in relation to integrated environmental permits, shall mean a stationary technical unit where one or more prescribed activities or directly related activities are carried out, and which might have an effect on emissions and on pollution; and

- in relation to prevention and control of major accident which involves hazardous substances, installation shall mean a technical unit within one system in which hazardous substances are produced, used, stored or handled. It shall include all the equipment, facilities, pipelines, machinery, tools, private railway sidings, unloading quays serving the installation, warehouses or similar facilities necessary for the operation of the installation;

36. **Existing installation** shall in relation to integrated environmental permits mean an installation that has been operating before 01 July 2007;

37. **Change in the operation** shall mean a change in the nature of functioning, or an extension of the installation, which may have an impact on the environment;

38. **Substantial change** shall mean a change in the operation of the installation, which in the opinion of the competent authority may have significant negative impacts on human health or the environment;

39. **Best Available Techniques** shall mean the most effective and advanced stage in the development of activities and methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, to reduce emissions and the negative impact on the environment. Thus:

- **techniques** shall include the technology used and the way in which the installation is designed, maintained, operated, and the termination of installations.
- **available techniques** shall mean the level of development of the techniques applied in the relevant industrial sector, under economic and technical cost effective conditions, with full account taken of the costs and benefits, irrespective of whether the techniques are used, or developed and/or produced in the Republic of Macedonia, provided that they are reasonably available to the operator.
- **best** shall mean those techniques which are the most effective in achieving a high general level of protection of the environment as a whole;

40. **Operator** shall mean any legal entity or natural person that performs professional activity or performs an activity through the installation and/or

controls an installation, or a person to whom economic decision making power over the activity or technical functioning of the installation has been granted or delegated, including the holder of the permit or authorisation for such activity or person in charge of recording or alarming with regard to the activity;

41. **Permit**, as regards Integrated Pollution Prevention and Control, shall mean a part, or the full decision in writing (or several such decisions) with which an authorization is granted to operate all or a part of an installation, subject to certain conditions which guarantee that the installation complies with the requirements established by this or other Law. The permit may cover one or more installations, or parts of installations on the same site, operated by the same operator;

Terms in the area of prevention and control of major accidents involving hazardous substances:

42. **Hazardous substance**, with regard to major accidents prevention and control, shall mean a mixture or a preparation determined in accordance with the regulation referred to in Article 145 paragraph (2) of this Law or complying with the criteria or the properties specified in the regulation referred to in Article 145 paragraph (2) of this Law, present in a form of a raw material, product, by-product, residue or semi finished product, including those substances for which it is reasonable to assume may be generated in an event of accident;
43. **Presence of hazardous substance**, in terms of major accidents prevention and control, shall mean existing or probable presence of hazardous substances in a system, or presence of substances posing risk that may appear during loss of control over industrial chemical process, in quantity equal too or exceeding limit values (thresholds) specified by the regulation referred to in Article 145 paragraph (2);
44. **Major accident** shall in relation to accidents prevention and control mean the occurrence of such major emissions, fires or explosions resulting from uncontrolled events in the course of the operations of any system, involving one or more hazardous substances, leading to serious hazards to human life and health and environment, immediate or delayed, within or outside the system involving one or several hazardous substances;
45. **Hazard** shall mean the intrinsic property of a hazardous substance or a physical situation, with a potential to cause damage to human life and health and to environment;
46. **Risk** shall mean the likelihood of occurrence of a specific effect on the environment within a specified period or under specified circumstances;

47. **Storage** shall mean the presence of a certain quantity of hazardous substances for the purpose of warehousing, depositing in safe custody or keeping in stock;
48. **System**, in relation to major accidents prevention and control, shall mean the entire space under operator's control, where hazardous substances are present in one or more installations, including joint or related infrastructure facilities or activities;

- Terms in the area of accountability for damage caused to the environment:

49. **Original state**, in terms of accountability for damage induced on the environment, shall mean the state that would have existed in the time of the occurrence of the damage on the natural resource and on its function, in case the damage on the environment has not occurred. In such case, the original state shall be estimated on the basis of available information and criteria stipulated in accordance with Chapter XVI of this Law and in accordance with the criteria stipulated in the regulation referred to in Article 157 paragraph (3) of this Law.

50. **Damage**, in terms of accountability for damage caused to the environment, shall mean a measurable adverse change in the natural resource or direct or indirect measurable disorder in the function of that natural resource in relation to another natural resource or public interest;

51. **Environmental damage** shall mean any damage caused to:

- protected species and natural habitats that has substantial adverse impacts on the achievement and maintenance of the favourable preservation status of such habitats or species. The substantiality of adverse impacts shall be estimated with regard to original state, taking into account criteria specified in accordance with the regulation referred to in Article 157 paragraph (3) and Chapter XVI of this Law.
- waters, that has substantial adverse impacts on ecological, chemical and/or quantitative status and/or ecological potential of waters, in accordance with the Law on Waters and regulations adopted on the basis of that Law;
- soil, through its contamination, that leads to substantial risk for human health as a result from direct or indirect application of substances, preparations, organisms or micro-organisms in, onto or under the soil;

52. **Restitution including both natural and monetary restitution**, in terms of accountability for damage induced to environment, shall mean:

- in terms of damage caused to waters, protected species and natural habitats, restoration of the damaged natural resource and its function into its original state; and
- in terms of damage caused to soil, elimination of any substantial risk that may lead to adverse impact on human health;

53. Costs, in terms of accountability for damage induced to environment, shall mean all costs required for adequate and effective provision and coverage of the overall damage, including the costs for the estimate of the damage and direct threat of damage and other activities, as well as administrative, legal and other costs related to implementation, costs for data collection, costs for the monitoring, supervision and other costs;

54. Protected species and natural habitats shall be those specified in accordance with the Law on Nature Protection;

- Terms in the area of climate change:

55. Climate change shall mean changes induced by antropogeneous impacts on climate system in accordance with the United Nations Framework Convention on Climate Change.

56. Clean Development Mechanism shall be one of the flexible mechanisms provided for in Article 12 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change; and

57. Project, in the context of the Clean Development Mechanism shall be project activity the implementation of which shall contribute to the achievement of quantified emission restrictions and reductions in accordance with Article 3 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

II. PRINCIPLES OF ENVIRONMENTAL PROTECTION

Article 6

Principle of high level of protection

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

Article 7

Principle of integration

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

Article 8

Principle of sustainable development

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

Article 9

The polluter pays principle

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

Article 10

The user pays principle

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

Article 11

Principle of subsidiarity

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

Article 12

Principle of proportionality

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

Article 13

Principle of precaution

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

Article 14

Principle of prevention

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

Article 15

Principle of cleaner production

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

Article 16

International cooperation principle

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

Article 17

Public participation and access to information principle

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

Article 18

Principle of public environmental awareness raising

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

Article 19

Safeguard clause

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

III. GENERAL OBLIGATIONS

Article 20

General provision on activities performance

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

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

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

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

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

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

Article 21

Prohibition of production, trade and use of certain products, semi-finished products, raw materials, substances and performance of certain activities and services for the purpose of environmental protection

The Minister managing the body of the state administration responsible for the affairs of the environment shall, in consent with the Minister managing the body of the state administration responsible for the affairs of the economy, the Minister managing the body of the state administration responsible for the affairs of the health

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

Article 22

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

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

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

Article 22 a

Handling of ozone depleting substances

(1) The legal or the natural person performing import and/or export of ozone depleting substances and/or products containing ozone depleting substances shall have permit for import and/or export of ozone depleting substances or products containing ozone depleting substances issued by the body of the state administration responsible for the affairs of the environment.

(2) The legal and the natural person referred to in paragraph (1) of this Article shall once in a year, and not later than 1 March of the current year, submit report on the preceding year on imported and/or exported ozone depleting substances or products containing ozone depleting substances.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner of submission of the report referred to in paragraph (2) of this Article.

(4) Handling of ozone depleting substances or products containing ozone depleting substances shall be performed in a manner which prevents release of the substances into the environment and ensures their regular collection and prevention of leakages.

(5) The handling referred to in paragraph (2) of this Article may be performed by a legal or a natural person in possession of certificate for completed training in ozone depleting substances handling.

(6) Legal or natural persons handling ozone depleting substances or products containing ozone depleting substances shall keep records and submit reports on the handling to the body of the state administration responsible for the affairs in accordance with the regulation adopted on the basis of paragraph (5) of this Article.

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner of ozone depleting substances or products containing ozone depleting substances handling including rules for collection, recovery and recycling of ozone depleting substances, rules for handling products containing ozone depleting substances in an amount exceeding 3 kg, as well as the manner, deadlines and procedure for submitting the reports and the records on the handling.

Article 23

Prohibition of application of technologies, technological lines, products, semi-finished products and raw materials

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

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

(3) With regard to import of technologies, technological lines, products, semi-finished products and/or raw materials in the Republic of Macedonia, the importer and/or user shall submit to the body of the state administration responsible for the affairs of the environment a document issued by a competent body of the country of origin and the country of export to verify that the domestic and/or imported technology, technological line, products, semi-finished products and/or raw materials comply with the specified norms for environmental protection in the country of origin and they are not prohibited in the country of production and in the country of export.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment may request an accredited legal entity and natural

person to make an assessment of the technology, the technological line, products semi-finished products or raw materials referred to in paragraph (3) of this Article if there is information on their negative impact on the environment.

(5) In order to acquire accreditation for assessment of technology, the technological line, product, semi-finished product or raw material, legal entities and natural persons should have at least one employee with a University degree in the area of technology, metallurgy, chemistry or environment and with minimum of three years of professional experience in the relevant field, as well as appropriate technical conditions and devices, equipment and premises.

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

Article 24

Environmental impact assessment elaborate

(1) Legal entities or natural persons that perform activities or works which do not represent projects that are subject to an environmental impact assessment procedure according to this Law and regulations adopted on the basis of this Law, shall develop environmental impact assessment elaborate in order to assess the impact of the activities or the works on the environment (hereinafter: elaborate) prior to the commencement with the project implementation and submit it to the body responsible for the project approval and implementation.

(2) The body responsible for approval and implementation of the project referred to in paragraph (1) of this Article, approving the performance of the activities and the works, shall within five days as of the receipt forward the elaborate to the body responsible for the elaborate approval depending on the types of activities or works specified in the regulation adopted on the basis of paragraphs (4) and (5) of this Article.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form and the content of the elaborate depending on the types of activities and works for which the elaborate shall be developed, the approval procedure, as well as the manner of maintaining the Register of approved elaborate.

(4) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall specify the activities and the works requiring compulsory elaborate development the approval of which is under the responsibility of the body performing expert activities in the area of environment.

(5) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall specify the activities and the works requiring compulsory elaborate development the approval of which is under the responsibility of the Mayor of the Municipality, the Mayor of the City of Skopje and the respective Mayor of the Municipality of the City of Skopje.

(6) The existing legal and natural persons performing activities and works specified on the basis of the regulations referred to in paragraphs (4) and (5) of this Article shall develop elaborate or modify the existing elaborate in order to adjust their performance with the prescribed environmental quality standards and specified emission limit values.

(7) The body responsible for the approval of the elaborate referred to in paragraphs (4) and (5) of this Article shall issue a Decision approving the elaborate or rejecting the elaborate, as well as the term for each individual facility within which it shall achieve compliance with the prescribed environmental quality standards and specified emission limit values in accordance with the procedure laid down in paragraph (3) of this Article.

(8) The body responsible for approval and implementation of the elaborate referred to in paragraph (1) of this Article shall reject the project implementation or reject the approval for the activities and the works performance unless Decision approving the elaborate has been provided by the responsible body determined in accordance with the regulation adopted on the basis of paragraphs (4) and (5) of this Article.

(9) The body responsible for the approval of the elaborate referred to in paragraphs (4) and (5) of this Article shall maintain Register of approved elaborates.

(10) Legal and natural persons shall be entitled to file an appeal against the Decision referred to in paragraph (7) of this Article, within 15 days from the day of receipt of the Decision, to the Minister managing the body of the state administration responsible for the affairs of the environment.

(11) The body responsible for the approval of the elaborate referred to in paragraph (7) of this Article shall issue a Decision approving the elaborate or rejecting the elaborate within 30 days as of the day of receipt of the elaborate referred to in paragraph (2) of this Article.

(12) If the body responsible for the approval of the elaborate has established that the elaborate does not contain the requirements referred to in paragraph (3) of this Article, it shall request the legal or the natural person to amend the elaborate within 15 days.

(13) If the body responsible for the approval of the elaborate has not issued decision approving or rejecting the elaborate within the term specified in paragraph (11) of this Article, the applicant shall be entitled, within three working days, to submit request to the office of the Minister managing the body of the state administration responsible for the affairs of the environment or office of the Mayor of the Municipality, the Mayor of the Municipality in the City of Skopje and the City of Skopje

to issue decision approving the elaborate. If the Minister or the Mayor does not have an office, the request shall be submitted to the office of the headquarters of the body of the state administration responsible for the affairs of the environment or the headquarters of the Municipality, Municipality in the City of Skopje and the City of Skopje.

(14) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format and the content of the form of the request referred to in paragraph (13) of this Article.

(15) The applicant shall accompany the request referred to in paragraph (13) of this Article a copy of the elaborate referred to in paragraph (1) of this Article.

(16) The Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality, the Mayor of the Municipality in the City of Skopje and the City of Skopje shall, within five working days as of the day of submission of the request referred to in paragraph (13) of this Article to the office, issue decision approving or rejecting the elaborate.

(17) If the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality, the Mayor of the Municipality in the City of Skopje and the City of Skopje fails to issue the decision referred to in paragraph (16) of this Article, the applicant may notify the State Administrative Inspectorate within five working days.

(18) The State Administrative Inspectorate shall within ten days from the day of receipt of the notification referred to in paragraph (17) of this Article undertake supervision with the body responsible for the approval of the elaborate whether the procedure has been carried out in accordance with the law and shall within three working days inform the applicant on the condition established during the performed supervision.

(19) The Inspector of the State Administrative Inspectorate shall upon the completed supervision in accordance with the law issue a decision obliging the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality, the Mayor of the Municipality in the City of Skopje and the City of Skopje to decide upon the submitted application referred to in paragraph (13) of this Article within ten days, that is to approve or to reject the application and notify the inspector of the act issued. The notification shall be accompanied by a copy of the act deciding upon the submitted application.

(20) If the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality, the Mayor of the Municipality in the City of Skopje and the City of Skopje fails to decide within the deadline referred to in paragraph (19) of this Article, the inspector shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which he/she shall notify the inspector of the issued act. The notification shall be accompanied by a copy of the act deciding upon the submitted application. The

inspector shall within three working days inform the applicant of the measures undertaken.

(21) If the Minister or the Mayor fails to decide within the additional deadline referred to in paragraph (20) of this Article as well, the inspector shall within three working days file charges before the competent public prosecutor and inform the applicant within that deadline of the measures undertaken.

(22) In case the inspector fails to act upon the notification referred to in paragraph (17) of this Article, the applicant shall be entitled, within five working days, to file complaint to the office of the Director of the State Administrative Inspectorate.

(23) Director of the State Administrative Inspectorate shall within three working days from the day of receipt review the complaint referred to in paragraph (22) of this Article and in case he/she has found that the inspector failed to act in accordance with paragraphs (18) and (19) of this Article and/or failed to file charges in accordance with paragraphs (20) and (21) of this Article, Director of the State Administrative Inspectorate shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the inspector shall carry out supervision in the body of the state administration responsible for the affairs of the environment or the municipality, municipality in the City of Skopje and the City of Skopje whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the measures undertaken.

(24) If the inspector fails to act within the additional deadline referred to in paragraph (23) of this Article as well, the Director of the State Administrative Inspectorate shall file charges before the competent public prosecutor and inform the applicant within three working days of the measures undertaken.

(25) In the cases referred to in paragraph (24) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at latest, authorize another inspector to carry out the supervision immediately.

(26) In the cases referred to in paragraph (25) of this Article, the Director of the State Administrative Inspectorate shall within three working days inform the applicant of the measures undertaken.

(27) If the Director of the State Administrative Inspectorate fails to act in accordance with paragraph (22) of this Article, the applicant may file charges before the competent public prosecutor within eight working days.

(28) If the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality, the Mayor of the Municipality in the City of Skopje and the City of Skopje fails to decide within the deadline referred to in paragraph (21) of this Article, the applicant may initiate administrative dispute before the competent court.

(29) The bylaw referred to in paragraph (14) of this Article shall be issued within 15 days as of the day of adoption of this Law.

(30) Upon the issuance of the bylaw referred to in paragraph (2) of this Article, it shall be published on the web site of the body of the state administration responsible for the affairs of the environment immediately, and within 24 hours at latest.

(31) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to issue the decision referred to in paragraph (10) of this Article within 30 days, the applicant filing the complaint may notify the State Administrative Inspectorate thereof within five working days.

(32) The State Administrative Inspectorate shall within ten days from the day of receipt of the notification referred to in paragraph (31) of this Article undertake supervision with the body of the state administration responsible for the affairs of the environment and shall within three working days inform the applicant filing the complaint on the condition established during the performed supervision.

(33) The Inspector of the State Administrative Inspectorate shall upon the completed supervision in accordance with the law issue a decision obliging the Minister managing the body of the state administration responsible for the affairs of the environment to decide upon the submitted complaint referred to in paragraph (10) of this Article within ten days and notify the inspector of the act issued. The notification shall be accompanied by a copy of the act deciding upon the submitted application.

(34) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to decide within the deadline referred to in paragraph (33) of this Article, the inspector shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the Minister shall decide upon the submitted application and shall within the same deadline notify the inspector of the act issued. The notification shall be accompanied by a copy of the act deciding upon the submitted application. The inspector shall within three working days inform the applicant of the measures undertaken.

(35) If the Minister fails to decide within the additional deadline referred to in paragraph (34) of this Article as well, the inspector shall within three working days file charges before the competent public prosecutor and inform the applicant within that deadline of the measures undertaken.

(36) In case the inspector fails to act upon the notification referred to in paragraph (31) of this Article, the applicant filing the complaint shall be entitled, within five working days, to file complaint to the office of the Director of the State Administrative Inspectorate. If the Director does not have an office, the request shall be submitted to the office of the headquarters of the State Administrative Inspectorate.

(37) Director of the State Administrative Inspectorate shall within three working days from the day of receipt review the complaint referred to in paragraph (36) of this Article and in case he/she has found that the inspector failed to act in

accordance with paragraphs (32) and (33) of this Article and/or failed to file charges in accordance with paragraphs (34) and (35) of this Article, Director of the State Administrative Inspectorate shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the inspector shall carry out supervision in the body of the state administration responsible for the affairs of the environment whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the measures undertaken.

(38) If the inspector fails to act within the additional deadline referred to in paragraph (37) of this Article as well, the Director of the State Administrative Inspectorate shall file charges before the competent public prosecutor against the inspector and inform the applicant within three working days of the measures undertaken.

(39) In the cases referred to in paragraph (38) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at latest, authorize another inspector to carry out the supervision immediately.

(40) In the cases referred to in paragraph (18) of this Article, the Director of the State Administrative Inspectorate shall within three working days inform the applicant of the measures undertaken.

(41) If the Director of the State Administrative Inspectorate fails to act in accordance with paragraph (37) of this Article, the applicant filing the complaint may file charges before the competent public prosecutor within eight working days.

(42) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to decide within the deadline referred to in paragraph (35) of this Article, the applicant filing the complaint may initiate administrative dispute before the competent court.

(43) The proceedings before the Administrative Court shall be proceedings of a summary court.

Article 25

Restriction of ownership rights in relation to environmental protection

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

IV. SPECIAL OBLIGATIONS AND MEASURES

Article 26

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

(1) The Minister managing the body of the state administration responsible for the affairs of the environment shall inform the public on the cases of emissions exceeding the permissible limits, and in other cases of large scale pollution of the environment, as well as on the measures specified by this or by another law, that have been undertaken or introduced or measures that are obligatory undertaken or introduced in cases of exceeding or environmental pollution.

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

Article 26-a

Public determination

(1) The bodies adopting decisions or planning documents in accordance with the provisions of this Law, which provide for public participation, shall in the procedure of their adoption determine the public affected or probably affected by the implementation of decisions or planning documents adopted.

(2) The bodies referred to in paragraph (1) of this Article shall make the decisions on public determination referred to in paragraph (1) of this Article available to the public in the earliest stage of initiation of the decision or planning documents adoption procedure.

(3) Determination of the public referred to in paragraph (1) of this Article shall be performed in accordance with the provisions of the regulation adopted on the basis of Article 61 paragraph (8) of this Law.

Article 27

Labelling the products and packaging for their environmental impact

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

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

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

Article 28

Obligation for protection of the environment and ecologically clean areas

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

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

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

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

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

Article 29

Eco-label and prohibition of eco-label use

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

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

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

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

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

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

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the eco-label form and contents, the conditions and the procedure for its awarding and use, as well as the composition and the manner of establishment and work of the Commission for eco-label.

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

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

Article 30

Voluntary agreements

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

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

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

Article 31

Environmental management and audit scheme

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

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

V. ENVIRONMENTAL MONITORING

Article 32

Monitoring

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

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

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

(3) For the purpose of conducting the monitoring referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall adopt Environmental Monitoring Strategy.

(4) On the basis of the Strategy referred to in paragraph (3) of this Article, the body of the state administration responsible for the affairs of the environment shall adopt Environmental Monitoring Programme.

(5) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content, the methodology and the manner of development of the Environmental Monitoring Programme and the contents of the Environmental Monitoring Strategy.

Article 33

State environmental monitoring networks establishment

(1) State environmental monitoring network, consisting of the state monitoring networks of individual environmental media and areas (hereinafter: state monitoring networks) shall be established to carry out the monitoring of environmental media and areas on the territory of the Republic of Macedonia, formed by the Government of the Republic of Macedonia at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs in the area of health and the Minister managing the body of the state administration responsible for the affairs in the area of agriculture.

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

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

Article 34

Local monitoring networks

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

(2) The finances required for the establishment, operation, maintenance and development of local monitoring network shall be provided from the Budget of the

municipality and of the City of Skopje and from other sources, in accordance with the law or a relevant act of the municipality or of the City of Skopje.

Article 35

Delegation of the right for monitoring performance

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

Article 36

Internal monitoring

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

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

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

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

(5) Persons referred to in paragraph (1) of this Article shall:

- regularly monitor the emissions, technological processes and impact on the environment (by measuring the emissions or calculating and estimating the emission quantities) from the source of pollution in a manner laid down in the special law;
- regularly monitor the imissions close to emission sources determined by the special law or the regulation issued on the basis of that law and in the manner specified in the integrated environmental permit;

- regularly monitor the use of natural resources in a manner laid down in the special law or in the regulation adopted on the basis of that law;
- submit data obtained from the regular monitoring to the body of the state administration responsible for the affairs of the environment, on a monthly basis, not later than every fifth day of the current month and/or deadlines specified in integrated environmental permits or adjustment permits with adjustment plan; and
- if requested by the body of the state administration responsible for the affairs of the environment, submit data referred to in indents 1, 2 and 3 of this paragraph within term shorter than the term specified in item 4 of this paragraph.

Article 37

Methodology

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

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

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

Article 38

Authorized scientific and expert organizations

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

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

Article 39

Submitting monitoring data to international organizations

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

(2) The data referred to in paragraph (1) of this Article, as well as the reports on the state of the environment, shall be submitted to the relevant international organizations and bodies in a manner, through procedure and within terms specified in line with the requirements contained in international agreements ratified by the Republic of Macedonia

VI. NATIONAL INFORMATION SYSTEM

Article 40

National Environmental Information System

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

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

(3) The Information System shall be established, developed, managed and coordinated in a manner that would provide a relevant database - comprehensive, accurate and publicly accessible data and information on the state, the quality and the trends of all environmental media and environmental areas, as well as forecasts through the use of modeling techniques for the purpose of integrated management of environmental protection and/or individual environmental media or areas, as well as monitoring of the implementation of documents for sustainable development and protection of the environment.

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

(5) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format, the content and the manner of management and maintenance of the National Environmental Information System, the format and the content of the forms and the deadlines for submission of data and information on the state of the environment referred to in paragraph (4) of this Article to the body of the state administration responsible for the affairs of the environment, the manner of this data management and its publishing.

Article 40-a

Data submission

(1) For the purposes of continuous and efficient maintenance and development of the Environmental Information System, legal and natural persons referred to in Article 36 of this Law, legal and natural persons that perform the environmental monitoring as part of the state and/or local monitoring networks, as well as legal and natural persons that perform monitoring or collect data on the environment shall submit the environmental data and information to the body of the state administration responsible for the affairs of the environment in a manner and through procedure specified in Article 40 paragraph (5) of this Law, as well as in special laws.

(2) The body of the state administration responsible for the affairs of the environment may request the persons referred to in paragraph (1) of this Article to submit occasional and/or periodical processed and/or non-processed environmental data and information they possess if relevant for decision making and for the implementation of legal obligations related to the environment.

(3) Data and information referred to in paragraph (2) of this Article, upon request by the body of the state administration responsible for the affairs of the environment, may be submitted in written, visual, audio, electronic and/or in any other available form.

(4) The bodies of the state administration that possess information, including the statistics needed for the development of the reports referred to in Article 45 of this Law shall make such data and information available, free of charge, to the body of the state administration responsible for the affairs of the environment, in accordance with paragraph (2) of this Article.

(5) Legal and natural persons referred to in Article 36 of this Law, as well as the legal and natural persons that perform the environmental monitoring shall provide to the body of the state administration responsible for the affairs of the environment uninterrupted access to and use of data required for the National Environmental Information System, free of charge.

Article 41

Pollutants Release and Transfer Register

(1) The body of the state administration responsible for the affairs of the environment shall establish and maintain a Pollutants Release and Transfer Register (hereinafter: Register of pollutants) which shall be integral part of the Environmental Cadastre.

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

(3) The Municipality, the City of Skopje and the Municipalities of the City of Skopje, for their respective territories, may establish and maintain Register of pollutants. The Mayor of the Municipality, the Mayor of the City of Skopje and the Mayors of the municipalities of the City of Skopje shall submit the data from the Register of the Municipality, City of Skopje and Municipalities of the City of Skopje in accordance with the regulation referred to in Article 40 paragraph (5) of this Law to the body of the state administration responsible for the affairs of the environment, once in a month at minimum.

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

Article 42

Environmental Cadastre

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

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

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

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

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

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

Article 43

Persons authorized for Cadastre and Register development

(1) The Minister managing the body of the state administration responsible for the affairs of the environment, the Mayor of the municipality, the Mayor of the City of Skopje and the Mayors of the Municipalities of the City of Skopje may delegate the development and the maintenance of the Register of pollutants referred to in Article 41 of this Law and of the Cadastre referred to in Article 42 paragraph of this Law to authorized legal person.

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

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

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

Article 44

Transboundary impact control

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

Article 45

State of the environment report

(1) The body of the state administration responsible for the affairs of the environment shall in prepare Annual Environment Quality Report of the Republic of Macedonia every year.

(2) The body of the state administration responsible for the affairs of the environment shall in cooperation with other relevant bodies, organizations and institutions in possession of environmental data, Environmental Indicators Report (hereinafter: Indicators Report) every second year, and State of the Environment Report of the Republic of Macedonia prepare a state of the environment report in the Republic of Macedonia (hereinafter: Report) every four years. The Report and Indicators Report shall be publicly accessible in accordance with the provisions of Chapter VIII of this Law.

(3) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall adopt Report and Indicators Report referred to in paragraph (2) of this Article. The Government of the Republic of Macedonia shall forward the Report to the Assembly of the Republic of Macedonia for information.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format, the content, the goals, the manner of elaboration and the type and sources of data used in the development of the Report, as well as the manner of the Report assessment.

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

(6) The Mayor of the Municipality, the Mayor of the municipalities of the City of Skopje and the Mayor of the City of Skopje shall submit the report referred to in paragraph (5) of this Article to the body of the state administration responsible for the affairs of the environment for approval.

(7) The body of the state administration responsible for the affairs of the environment shall be responsible for publication of the Report referred to in paragraph (2) of this Article.

(8) The Minister managing the body of the state administration responsible for the affairs of the environment shall for the purpose of preparation of the Report referred to in paragraph (2) of this Article establish coordination body composed of representatives of bodies, organizations and institutions in possession of environmental data.

(9) The Minister managing the body of the state administration responsible for the affairs of the environment shall, at the proposal of the coordination body, establish working groups for the purpose of elaborating parts of the Report referred to in paragraph (2) of this Article.

(10) The coordination body shall prepare the terms of reference for each of the working groups referred to in paragraph (9) of this Article according to which the respective parts of the Report referred to in paragraph (2) of this Article shall be elaborated.

(11) The funds for the preparation and publication of the Report referred to in paragraph (2) of this Article shall be provided from the Budget of the Republic of Macedonia and other financial sources as specified by law.

Article 46

Reporting to international organizations and bodies

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

(2) The body of the state administration responsible for the affairs of the environment shall be the responsible body at state level for environment related reporting and reporting coordination towards international organizations.

(3) The body of the state administration responsible for the affairs of the environment shall cooperate with the European Environmental Agency and report in accordance with the requirements of the European Information and Observation Network (EIONET), as well as with the requirements of the Common European Environmental Information System).

VII. RESEARCH ACTIVITY AND ENVIRONMENTAL EDUCATION

Article 47

Support for environmental research

(1) The improvement of the environmental protection shall be based upon:
-the scientific and the technical and technological development;

-encouraging, assisting and organizing scientific and technical and technological research;

-publication of research results and their application; as well as

-training and improvement of staff in respect of environmental protection issues in accordance with this or another law.

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

Article 48

Education in the field of environmental protection and sustainable development

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

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

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

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

Article 49

Acknowledgements and awards

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

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

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

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

Article 50

The procedure of awards and acknowledgements granting

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

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

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

VIII. ACCESS TO ENVIRONMENTAL INFORMATION

Article 51

Access to information

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

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

1. **the state of environmental media and areas**, such as air and atmosphere, water, soil, land, biological and landscape diversity, including genetically modified organisms, as well as interaction among these elements;
2. **factors**, such as substance, energy, nuclear fuels and nuclear energy, noise, radiation or waste, including radioactive waste, emissions and other releases into the environment, affecting or likely to affect the environmental media and areas and the human life and health;
3. **measures**, including administrative measures, such as policy, legislation, plans, programmes, agreements on environmental issues, as well as activities which may directly or indirectly affect the environmental media, areas and factors, and measures or activities designed to protect those elements;
4. **reports** on the implementation of environmental laws and other regulations and acts.
5. **costs/benefit analysis** and other financial and economic analyses and assumptions applied as part of the measures and activities aimed at environment protection and improvement referred to in indent 3 of this paragraph;
6. **conditions related to human life and health and safety**, safety of foodstuffs, human living conditions, sites of importance to culture and man built structures, to the extent to which they are affected, or are likely to be affected by the environmental media and areas, or through the impact of such media and areas on any condition of the aforementioned elements and factors.

Article 52

Entities holding environmental information

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

- The Government of the Republic of Macedonia;

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

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

(3) The entities referred to in paragraph (1) of this Article shall appoint authorized person to be responsible for the exercise of the right to an access to environmental information, as well as to provide premises where applicants can consider and review the requested environmental information.

(4) The entities referred to in paragraph (1) of this Article shall submit and make available environmental data and information to persons that have requested access to information in accordance with Article 51 of this Law.

Article 53

Requirements applicable to requests for information

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

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

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

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

(3) The entity referred to in Article 52 of this Law shall supply to the person requesting environmental information referring to Article 51, paragraph (2), item 2 of this Law, information on the location where the measurement procedure has been carried out, methods of analysis, sampling and pre-treatment of samples used to complete the information.

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

Article 54

Form in which the requested information is delivered

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

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

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

Article 55

Refusal of request for environmental information

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

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

- the request is manifestly unreasonable;

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

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

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

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

(3) The entities referred to in Article 52 of this Law shall not refuse the request for information based on paragraph (2), items 1, 4, 5, 7 and 8 of this Article, if such request relates to information on discharges or other emissions in the environment;

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

(5) Environmental information available to or kept by the entities, and requested by an applicant, shall be made partially accessible in case it is possible to take out of it the information referred to in paragraph (1), item 4 and paragraph (2) of this Law.

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

(7) The requesting party shall have the right to lodge an appeal against the decision or conclusion referred to in paragraph (6) of this Article, issued by the entities referred to in Article 52 paragraph (1) item 1 of this Law, with the Commission for protection of the right to a free access to information of public nature responsible for resolution of administrative matters at second instance in the area of environment.

(8) The requesting party shall have the right to lodge an appeal against the decision or conclusion referred to in paragraph (6) of this Article, issued by the

entities referred to in Article 52 paragraph (1) items 2, 3 and 4 of this Law, with the body of the state administration responsible for the affairs of the environment.

(9) Charges can be brought against the decisions on appeals referred to in paragraphs (7) and (8) of this Article for initiation of administrative dispute before the competent court.

Article 56

Collection and dissemination of environmental information

(1) The entities referred to in Article 52 of this Law shall, within the scope of their competence, provide for dissemination, public accessibility and maintenance of environmental information they hold, or which is held on their behalf, in forms and formats that are easy to reproduce and accessible by computer communication networks.

(2) The entities referred to in Article 52 of this Law shall, within the scope of their competence, provide for public participation in the process of laws, other regulations and legal acts drafting, in accordance with the conditions, the manner and the procedure specified in Article 61 paragraph (4) of this Law.

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

Article 56-a

Updating of environmental information

(1) The entities referred to in Article 52 of this Law shall regularly update environmental information they possess and shall compulsory include therein:

1. texts of relevant international contracts, conventions or agreements and texts of legal acts enacted by environmental authorities or related to environment;

2. documents that contain policies, as well as strategies, plans and programmes related to environment;

3. reports on the progress in the implementation of materials referred to in items 1 and 2 of this paragraph, including also the reports on the manner in which they have been prepared, and to be held in electronic form;

4. reports on the state of the environment referred to in Article 45 of this Law;

5. data or overviews of data obtained through monitoring of activities that cause or may cause negative impacts on the environment;

6. authorisations issued by the entities referred to in paragraph 52 of this Law, the implementation of which may cause significant impact on the environment, as

well as contracts concluded between legal and natural persons the implementation of which may cause significant impact on the environment or reference of the place where such information can be requested or found in accordance with this Law; and

7. environmental impact assessment studies for projects or reference of the place where such information can be requested or found in accordance with this Law.

Article 57

The body competent for dissemination of environmental information

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

Article 58

Compensation for the expenses made while delivering the requested information

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

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

(3) The Government of the Republic of Macedonia, upon a proposal by the Minister managing the body of the state administration responsible for the affairs of the environment, shall specify the cases and the level of the compensation referred to in paragraph (2) of this Article to be determined on the basis of the real costs born by the body in relation to the information delivery.

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

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

IX. ENVIRONMENTAL PROTECTION PLANNING

Article 59

Planning system

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

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

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

Article 60

Types of planning documents and competence for their adoption

(1) The Government of the Republic of Macedonia shall, upon a proposal made by the body of the state administration responsible for the affairs of the environment and on the basis of environmental policies and goals, the assessment of the state of the environment referred to in Article 45 paragraph (2) of this Law, as well as the determination of necessary measures to be taken in order to achieve the environmental goals, adopt the National Environmental Action Plan of the Republic of Macedonia, (hereinafter: National Environmental Action Plan),

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

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

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

(5) The Council of the Municipality, of the City of Skopje and of the municipalities of the City of Skopje shall establish a body, managed by the Mayor to monitor the implementation of the local environmental action plan and to propose changes in the local environmental action plan, and to inform the body of the state administration responsible for the affairs of the environment thereon, once in a year.

Article 61

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

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

(2) Participation of the public in the process of preparation and adoption of the National Environmental Action Plan and the local environmental action plans shall be carried out in a manner and under conditions set out in paragraph (8) of this Article.

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

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

(5) The bodies of the state administration and the bodies of the units of the local self-government, for the purpose of public participation in decision making, shall inform the public of all proposals for development, adoption, amendment or review of plans and programmes, by way of public announcements or in another appropriate way, such as electronic and printed media and shall provide for the public access to information on proposals, including information on the right of the public to take part in decision making procedure concerning plans and programmes and on the competent body to which remarks and questions may be submitted.

(6) The bodies referred to in paragraph (5) of this Article shall provide public the right to express their remarks, suggestions and opinions prior to the adoption of decisions concerning plans and programmes and shall take into account the opinions resulting from the public participation while taking decisions.

(7) While taking decisions on plans and programmes, the bodies referred to in paragraph (5) of this Article shall undertake measures to inform the public on

decisions adopted, as well as on the reasons and grounds on which such decisions are based, including information on the process of public participation.

(8) The Government of the Republic of Macedonia upon proposal of the body of the state administration responsible for the affairs of the environment shall specify the types of plans and programmes adopted on the basis of the provisions of paragraph (4) of this Article, the manner and the procedure of public participation in development, adoption, amendment or review of plans and programmes, as well as the manner and the criteria based on which public for participation shall be determined, including non-governmental organizations.

(9) Exception from paragraphs (5) and (6) of this Article shall be the plans and the programmes the only purpose of which concerns the security, the defence of the country and the protection and rescue of the population.

Article 62

Competence for the planning documents implementation

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

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

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

(4) The local environmental action plan shall be implemented by the Mayor of the Municipality, of the City of Skopje and the municipalities of the City of Skopje, as well as by other legal and natural persons specified in the plan. At the proposal of the Mayor, the Council of the municipality, of the City of Skopje and the municipalities of the City of Skopje shall prescribe the manner in which the data shall be submitted by the bodies and legal and natural persons responsible for the implementation of the plan.

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

Article 63

The contents of the National Environmental Action Plan

(1) The National Environmental Action Plan shall contain:

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

Article 64

Contents of the local environmental action plans

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

1. protection against pollution and improvement of the quality of air;
2. supply of proper quality drinking water in sufficient quantity;
3. protection of water against pollution, treatment of waste water, progressive reduction of harmful discharges and gradual elimination of the emissions of hazardous substances into the water and mitigation of consequences resulting from harmful activity of water and from shortage of water;
4. waste management;
5. protection against noise and vibrations resulting from economic and other activities and interventions;
6. urban development and spatial planning;
7. development of the local public transportation and traffic in the area;
8. energy efficiency improvement;
9. development of the eco-cultural tourism and its impact on the environment;
10. biological diversity protection;
11. natural resources management and use;

12. public awareness raising and development of the environmental education;
13. environmental impact of the economic development; and
14. competent entities for implementation of individual elements of the plan.

X. ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN STRATEGIES, PLANS AND PROGRAMMES

Article 65 Strategic assessment

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

(2) Strategic assessment shall be carried out on the planning documents prepared in the areas of agriculture, forestry, fisheries, energy, industry, mining industry, transport, regional development, telecommunications, waste management, water management, tourism, spatial and urban planning and land use, which establish grounds for implementation of projects that are subject to environmental impact assessment or on all planning documents regulating the management of protected areas designated under the law or which may have impact on those areas.

(3) Notwithstanding the planning documents referred to in paragraph (2) of this Article regulating the use of small size areas of local importance and by which minor amendments to the planning documents referred to in paragraph (2) of this Article are envisaged shall be subject to strategic environmental assessment only if the body preparing the planning document finds out that they are likely to have significant impact on the environment and on human health in accordance with the regulation referred to in paragraph (4) of this Article.

(4) The Government of the Republic of Macedonia shall, at the proposal of the body of the state administration responsible for the affairs of the environment, set out the criteria on the basis of which it shall be determined whether a given planning document is likely to have a significant impact on the environment and on human health.

(5) With regard to planning documents not covered by the regulation referred to in paragraph (1) of this Article, which establish grounds for implementation of projects that are subject to environmental impact assessment, shall be subject to strategic environmental assessment only if it is probable that they are likely to have

significant impact on the environment and on human health in accordance with the regulation referred to in paragraph (4) of this Article.

(6) The body preparing the planning document shall make a decision to undertake or not to undertake strategic assessment explaining the reasons for undertaking or not undertaking in accordance with the regulation referred to in paragraph (4) of this Article.

(7) In the cases referred to in paragraph (6) of this Article where undertaking of strategic environmental assessment is required, the decision referred to in paragraph (6) of this Article shall also determine the scope of the strategic assessment.

(8) The decision referred to in paragraph (6) of this Article shall be taken by the person managing the body which prepares the planning document or the Mayor of the municipality, the Mayor of the City of Skopje and of the Mayor of the municipalities of the City of Skopje where the planning document is prepared by the municipality, the City of Skopje or the municipalities of the City of Skopje.

(9) The body preparing the planning document shall determine the bodies affected by the implementation of the planning document in a manner stipulated in the regulation adopted under Article 61 paragraph (8) of this Law, as well as to consult them while taking the decision on strategic assessment undertaking or not undertaking, as well as during the implementation of the strategic assessment.

(10) The body preparing the planning document shall within five days from the day of taking the decision referred to in paragraph (6) of this Article, along with the forms referred to in paragraph (20) of this Article, publish on its web site in a manner prescribed in the act adopted in accordance with Article 61 paragraph (8) of this Law.

(11) The public shall be entitled to file a complaint against the decision referred to in paragraph (6) of this Article within 15 days from the day of its publication on the web site of the body preparing the planning document to the Minister managing the body of the state administration responsible for the affairs of the environment, the Mayor of the municipality, the Mayor of the City of Skopje and of the Mayor of the municipalities of the City of Skopje or to the State Commission deciding in administrative procedure and employment at second instance where the decision is taken by a body of the state administration.

(12) The body preparing the planning document shall within five days from the day of taking the decision referred to in paragraph (6) of this Article along with the forms referred to in paragraph (20) of this Article, as well as other accompanying documents, forward it to the body of the state administration responsible for the affairs of the environment.

(13) The body of the state administration responsible for the affairs of the environment shall within 15 days from the day of receipt of the decision, the forms and other accompanying documents referred to in paragraph (12) of this Article, by which it has been decided not to undertake strategic assessment of the planning document or in case they maintain that conditions for undertaking strategic assessment of the planning document have been fulfilled or it may have significant

impact on the environment and human health, it shall take a decision obliging the body that prepares the planning document to undertake strategic assessment thereof.

(14) The decision referred to in paragraph (13) of this Article shall also determine the scope of the strategic assessment.

(15) The body of the state administration responsible for the affairs of the environment shall within 15 days from the day of receipt of the decision, the forms and other accompanying documents referred to in paragraph (12) of this Article, by which it has been decided to undertake strategic assessment of the planning document or in case they maintain that conditions for undertaking strategic assessment, issue a decision determining the scope of the strategic assessment if it finds out that it has not been determined in full by the body preparing the planning document.

(16) The body of the state administration responsible for the affairs of the environment shall publish the decisions referred to in paragraphs (13) and (15) of this Article on its web site.

(17) The affected public, as well as the body preparing the planning document, shall be entitled to file a complaint against the decisions referred to in paragraphs (13) and (15) of this Article to the State Commission deciding in administrative procedure and employment at second instance.

(18) Where the body of the state administration responsible for the affairs of the environment has established that the decision, the forms and other accompanying documents referred to in paragraph (12) of this Article do not contain the required information for screening the need or absence of the need for undertaking strategic assessment, it shall within 15 days from the day of their receipt request the body preparing the planning document to submit the required information.

(19) In case the body of the state administration responsible for the affairs of the environment has failed to issue the decision referred to in paragraphs (13) and (15) of this Article within 15 days from the day of receipt of the decision referred to in paragraph (6) of this Article, it shall be deemed that there are no remarks thereon.

(20) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format, the content and the form of the decision referred to in paragraph (6) of this Article and forms for the requirement to undertake or not to undertake the strategic assessment referred to in paragraph (12) of this Article.

Article 66 Exemptions

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

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

Article 66-a

(1) Where the planning document envisages implementation of project which is at the same time subject to procedure for project environmental impact assessment in accordance with Article 77 of this Law, the body preparing the planning document may decide to carry out the strategic assessment along with the procedure for project environmental impact assessment.

(2) In cases referred to in paragraph (1) of this Article, the body preparing the planning document shall in the decision referred to in Article 65 paragraph (6) of this Law state the reasons for the joint implementation of the two procedures and explain the manner of consultation of the public and the bodies affected by the implementation of the planning document in the planning document adoption procedure.

(3) In cases referred to in paragraph (1) of this Article, the report on the strategic environmental assessment referred to in Article 67 of this Law shall be integral part of the project environmental impact assessment study referred to in Article 83 of this Law.

(4) The entity conducting the procedure for project environmental impact assessment shall take into account all aspects of the strategic assessment procedure.

(5) The report on the strategic environmental assessment referred to in paragraph (3) of this Article shall be signed by a person enrolled on the list of strategic environmental assessment experts referred to in Article 68 of this Law.

Article 67

Report on the Strategic Environmental Assessment

(1) When a strategic environmental assessment is required in accordance with Article 65 of this Law, the body preparing the planning document shall prepare a strategic environmental assessment report (hereinafter: Environmental Report) during the elaboration of the planning document, i.e. prior to its submission to the competent body for adoption.

(2) The Government of the Republic of Macedonia shall, upon proposal of the body of the state administration responsible for the affairs of the environment prescribe the content of the Environmental Report which will identify, describe and assess possible impacts on the environment and human health from the

implementation of the planning document and feasible alternatives taking into account the goals and geographic range of the planning document.

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

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

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

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

(7) In case the strategic assessment is carried out on planning document deriving from a higher level planning document with regard to which strategic assessment has been conducted previously, the body preparing the planning document should take into account the relevant available information on the effect of the higher level planning document on the environment obtained during the adoption of that planning document.

(8) In cases referred to in paragraph (9) of this Article, the report on the strategic environmental assessment shall include the information really needed for the adoption of the lower level planning document, and which according to the current knowledge and methods of assessment, the content and the details of the higher level planning document, the phase and the level of adoption, contribute to the proper assessment of the impact of the lower level planning document on the environment and facilitate avoidance of duplication of the environmental impact assessment.

(9) The Environmental Report referred to in paragraph (1) of this Article shall include relevant information on the impact on the environment and human health from the implementation of the planning document contained in legal acts or decisions issued by other bodies.

Article 68

List of Experts for strategic environmental assessment

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

(2) Any natural person may be an expert for strategic environmental assessment if he/she has university degree of education and a minimum of five years experience in the field of environment.

(3) The natural person referred to in paragraph (2) of this Article shall acquire the status of expert for strategic environmental assessment if she/he possesses a certificate for passed expert examination required for acquiring the professional title for strategic environmental assessment and has been enrolled in the List of experts referred to in paragraph (1) of this Article.

(4) The expert examination referred to in paragraph (3) of this Article shall be taken in accordance with the programme in front of the Commission for examinations for strategic environmental assessment established by the Minister managing the body of the state administration responsible for the affairs of the environment.

(5) The Commission referred to in paragraph (4) of this Article shall be composed of five members at maximum, one of whom shall chair it. The Commission shall be entitled to a compensation for its work to be specified by the Minister managing the body of the state administration responsible for the affairs of the environment based on the working engagement of the Commission.

(6) Natural person with completed higher education may take the expert examination referred to in paragraph (4) of this Article without the right to acquire the status of expert by the fulfilment of the conditions referred to in paragraph (2) of this Article concerning the years of working experience.

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the composition of the Commission and the manner of its work, the programme for and the manner of the expert examination passing, the level of the compensation for the expert examination and the compensation for the establishment and the maintenance of the List of experts, the manner of acquiring and losing the status of expert for strategic environmental assessment, as well as the manner and the procedure for enrolment in and withdrawal from the List referred to in paragraph (1) of this Article.

(8) The level of the compensation referred to in paragraph (7) of this Article shall be specified in amounts not exceeding the real expenditures made for the expert examination taking.

Article 69

Public information and participation

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

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

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

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

(5) The report from the public consultation referred to in paragraph (4) of this Article shall be prepared in accordance with the regulation referred to in Article 61 of this Law.

Article 70

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

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

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

(2) Upon request by the country, which considers that certain planning document prepared in the Republic of Macedonia is likely to have an impact on the environment and human life and health on its territory, the body of the state

administration responsible for the affairs of the environment shall provide the information referred to in paragraph (1) of this Article..

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

Article 71

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

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

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

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

Article 71-a

Strategic transboundary impact assessment

In the procedure for strategic assessment of planning documents that may have transboundary impacts, the body of the state administration responsible for the affairs of the environment may initiate activities of detailed consultations with the

bodies of the other country or to undertake measures for conclusion of special agreements with the other country to regulate the procedure of mutual consultation through strategic assessment of the planning documents.

Article 72

Evaluation of the Environmental Report

(1) The body that prepares the planning document shall integrate in the environmental report the relevant opinions obtained in the public consultation process in accordance with Article 69 of this Law and in the process of transboundary consultation in accordance with Article 70 of this Law and submit the planning document together with the report from public consultation in accordance with Article 69 paragraph (4) of this Law to the body of the state administration responsible for the affairs of the environment.

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

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

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

Article 73

Decision-making

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

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

Article 74

Publication of the decision

(1) The body that adopts the planning document shall publish the decision on the adoption and notify of that fact the relevant bodies and the public, as well as the country consulted in accordance with Article 70 of this Law.

(2) The body that has adopted the planning document referred to in paragraph (1) of this Article shall on its web site publish the adopted planning document and notification referred to in paragraph (1) of this Article.

(3) In case of transboundary consultation, the body of the state administration responsible for the foreign affairs shall deliver the notification referred to in paragraph (1) of this Article.

(4) The notification referred to in paragraph (3) of this Article delivered to the other country shall also include:

- statement summarizing the manner in which the environmental impacts have been integrated in the planning document and how the strategic environmental assessment report has taken into account the opinions from the public participation in accordance with Article 69 of this Law and results from the procedure for transboundary consultation carried out in accordance with Article 70 of this Article, as well as the reasons for selecting the alternative adopted in the planning document compared to other available alternatives,

- the adopted planning document, and

- measures concerning the monitoring of the effects from the implementation of the planning document in accordance with Article 75 of this Law.

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

(6) The Government of the Republic of Macedonia, through the body of the state administration responsible for the area of foreign affairs shall notify the other country on the outcome from the implemented strategic assessment or adoption or non-adoption of the planning document.

Article 75

Monitoring the effects of implementation of the planning documents

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

(2) The monitoring of the effects on the environment and on human health caused by the implementation of the planning document, where relevant, may be conducted through the existing state and local environmental monitoring networks of the Republic of Macedonia.

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

IX. ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN PROJECTS

Article 76

Subject of environmental impact assessment

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

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

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

Article 77

Projects requiring environmental impact assessment

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

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

Article 78

Projects which are not subject to environmental impact assessment

(1) The Government of the Republic of Macedonia may in exceptional cases, at the proposal of the body of the state administration responsible for the affairs of the environment, decide on the basis of case-by-case examination not to carry out environmental impact assessment, either in whole or in part, of projects, in case of:

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

(2) With respect to projects referred to in paragraph (1) item 2 of this Article, the Government of the Republic of Macedonia shall at the proposal of the body of the state administration responsible for the affairs of the environment, decide not to carry out environmental impact assessment and publish such decision on the web site of the Government of the Republic of Macedonia and on the web site of the body of the state administration responsible for the affairs of the environment and the body of the state administration responsible for the affairs of the defense. The decision shall be published in at least one daily newspaper circulated on the whole territory of the Republic of Macedonia.

(3) Besides the decision referred to in paragraph (2) of the Article, information on the following shall be published on the web sites referred to in paragraph (2) of this Article:

- impact of the project on the environment;
- generation of waste and wastewaters (type and quantity, presence of hazardous and harmful matters, etc.);
- impact of the project on biodiversity;
- use of natural resources;
- mutual impacts of the elements referred to in items 1,2,3 and 4 of this Article, and
- address where remarks, opinions and suggestions may be delivered.

(4) In order to provide sufficient time for public information, information referred to in paragraph (3) of this Article shall be available on the web sites for at least 30 days.

(5) Within 15 days from the day of expiry of the deadline referred to in paragraph (4) of this Article, the body of the state administration responsible for the affairs of the defense shall forward all received remarks, opinions and suggestions, along with individual or collective answer thereto, to the body of the state administration responsible for the affairs of the environment.

(6) Based on the received data referred to in paragraph (5) of this Article, the body of the state administration responsible for the affairs of the environment shall issue a decision awarding consent to or rejecting the application for project implementation in accordance with Article 87 of this Law..

(7) The decision referred to in paragraph (6) of this Article shall be published in accordance with Article 90 paragraph (5) of this Law.

Article 79

Manner of a project environmental impact assessment

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

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

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

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

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall issue detailed guidelines on the implementation of the environmental impact assessment procedure that shall be taken into account during the procedure implementation.

Article 80

Notification on the intention for project implementation

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

notification) to the body of the state administration responsible for the affairs of the environment.

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

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

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

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

Article 81

Screening procedure for project environmental impact assessment

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

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner and the procedure of environmental impact assessment screening, as well as the form and the content of the form for project environmental impact assessment screening.

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

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

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

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

employment at second instance within eight days from the day of decision publication.

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

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

Article 82

Scoping of the environmental impact assessment for the project

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

(2) While determining the scope of the study on environmental impact assessment, the body of the state administration responsible for the affairs of the environment shall consult the Investor and the Municipality, the City of Skopje and the Municipalities of the City of Skopje on the area of which the project is to be carried out, as well as other relevant bodies of the state administration and institutions that shall provide information and opinions within 15 days of the day of submission of the request for consultation.

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

(4) In drafting the opinion on the scope of the project environmental impact assessment study, the body of the state administration responsible for the affairs of the environment shall take into account the opinions of the Investor and the opinions obtained in accordance with paragraph (2) of this Article.

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

- alternatives to be taken into consideration;
- basic review and research required;
- methods and criteria used for anticipation and assessment of the effects;
- measures for improvement to be taken into consideration;

- legal persons that should be consulted during the preparation of the study on the project environmental impact assessment; and
 - structure, content and length of environmental information.
- (6) The body of the state administration responsible for the affairs of the environment may, in addition to the determination of the scope of the study on project environmental impact assessment, in the course of the further environmental impact assessment procedure, request additional information in case it maintains that it is necessary and request the information to be composed in the manner that is in line with the modern knowledge and methods of assessment.
- (7) The opinion referred to in paragraph (5) of this Article shall be published within five days from the day of adoption in accordance with Article 90 paragraph (1) item 7 of this Law.

Article 83

Study on the Project Environmental Impact Assessment

(1) The Investor shall prepare the study on the project environmental impact assessment required for the carrying out of the project environmental impact assessment procedure and submit it to the body of the state administration responsible for the affairs of the environment in written and electronic form.

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

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

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

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

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

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

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

Article 84

Content of the study on environmental impact assessment

The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the requirements that need to be fulfilled by the study on environmental impact assessment.

Article 85

List of Experts for project environmental impact assessment

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

(2) Environmental impact assessment expert may be any natural person if he/she has higher education and a minimum of five years experience in the field of environment.

(3) The natural person referred to in paragraph (2) of this Article shall acquire the status of expert for projects environmental impact assessment provided that she/he possesses certificate for passed expert examination for acquisition of professional knowledge in projects environmental impact assessment and has been enrolled in the List of Experts referred to in paragraph (1) of this Article.

(4) The expert examination referred to in paragraph (3) of this Article shall be taken before the Commission for passing expert examinations for projects environmental impact assessment established by the Minister managing the body of the state administration responsible for the affairs of the environment.

(5) Natural person with completed higher education may take the expert examination referred to in paragraph (4) of this Article without the right of acquiring the status of expert until the fulfilment of the conditions referred to in paragraph (2) of this Article with regard to working experience.

(6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the composition of the Commission and the manner of its work, the programme and the manner of the expert examination passing, the level of the compensation of expenses for the establishment and the maintenance of the List of Experts, the manner of acquisition and losing the status of expert for projects environmental impact assessment, as well as the manner of enrolment in and withdrawal from the List referred in paragraph (1) of this Article.

(7) The level of the compensation referred to in paragraph (6) of this Article shall be specified on the basis of the realistic costs incurred in relation to the expert examination passing.

Article 86

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

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

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

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

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

(5) The term for preparation of the adequacy report on the study on the project environmental impact assessment shall not be longer than 60 days from the

date of the submission of the study on the project environmental impact assessment together with the opinions thereon.

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

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

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

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

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

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

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

Article 87

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

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

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

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

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

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

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

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

(6) If the body of the state administration responsible for the affairs of the environment referred to in paragraph (1) of this Article fails to issue a decision granting consent or issue a decision to reject the application for the project implementation, within the deadline specified under paragraph (1) of this Article, the applicant shall be entitled to submit request, within three working days, to the office of the Minister managing the body of the state administration responsible for the affairs of the environment to issue a decision granting consent to the project implementation. In case the Minister does not have an office, the request shall be submitted to the office of the headquarter of the body of the state administration responsible for the affairs of the environment.

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format and the content of the request referred to in paragraph (6) of this Article.

(8) The applicant shall accompany the request referred to in paragraph (6) of this Article with a copy of the application referred to in Article 83 paragraph (1) of this Article for issuance of a decision granting consent to the project implementation.

(9) The Minister managing the body of the state administration responsible for the affairs of the environment shall within five working days from the day of submission of the request referred to in paragraph (6) of this Article issue a decision approving or rejecting the application for the project implementation.

(10) In case the Minister managing the body of the state administration responsible for the affairs of the environment has failed to issue the decision referred to in paragraph (9) of this Article, the applicant may notify the State Administrative Inspectorate within five working days.

(11) The State Administrative Inspectorate shall within 10 days from the day of receipt of the notification referred to in paragraph (10) of this Article carry out supervision in the body of the state administration responsible for the affairs of the environment whether the procedure has been completed in accordance with the law and inform the applicant within three working day from the day of completed supervision of the state found during the supervision.

(12) The Inspector of the State Administrative Inspectorate shall upon the completed supervision in accordance with the law issue a decision obliging the Minister managing the body of the state administration responsible for the affairs of the environment to decide upon the submitted application referred to in paragraph (6) of this Article within ten days, that is to approve or to reject the application and notify the inspector of the act issued. The notification shall be accompanied by a copy of the act deciding upon the submitted application.

(13) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to decide within the deadline referred to in paragraph (12) of this Article, the inspector shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which he/she shall notify the inspector of the issued act. The notification shall be accompanied by a copy of the act deciding upon the submitted application. The inspector shall within three working days inform the applicant of the measures undertaken.

(14) If the Minister fails to decide within the additional deadline referred to in paragraph (13) of this Article as well, the inspector shall within three working days file charges before the competent public prosecutor and inform the applicant within that deadline of the measures undertaken.

(15) In case the inspector fails to act upon the notification referred to in paragraph (10) of this Article, the applicant shall be entitled, within five working days, to file complaint to the office of the Director of the State Administrative Inspectorate.

In case the Director of the State Administrative Inspectorate does not have an office, the application shall be submitted to office of the headquarters of the State Administrative Inspectorate.

(16) Director of the State Administrative Inspectorate shall within three working days from the day of receipt review the complaint referred to in paragraph (15) of this Article and in case he/she has found that the inspector failed to act in accordance with paragraphs (11) and (12) of this Article and/or failed to file charges in accordance with paragraphs (13) and (14) of this Article, Director of the State Administrative Inspectorate shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the inspector shall carry out supervision in the body of the state administration responsible for the affairs of the environment whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the measures undertaken.

(17) If the inspector fails to act within the additional deadline referred to in paragraph (16) of this Article as well, the Director of the State Administrative Inspectorate shall file charges before the competent public prosecutor and inform the applicant within three working days of the measures undertaken.

(18) In the cases referred to in paragraph (17) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at latest, authorize another inspector to carry out the supervision immediately.

(19) In the cases referred to in paragraph (18) of this Article, the Director of the State Administrative Inspectorate shall within three working days inform the applicant of the measures undertaken.

(20) If the Director of the State Administrative Inspectorate fails to act in accordance with paragraph (15) of this Article, the applicant may file charges before the competent public prosecutor within eight working days.

(21) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to decide within the deadline referred to in paragraph (14) of this Article, the applicant may initiate administrative dispute before the competent court.

(22) The proceedings before the Administrative Court shall be proceedings of a summary court.

(23) The bylaw referred to in paragraph (7) of this Article shall be issued within 15 days as of the day of adoption of this Law.

(24) Upon the issuance of the bylaw referred to in paragraph (7) of this Article, it shall be published on the web site of the body of the state administration responsible for the affairs of the environment immediately, and within 24 hours at latest.

Article 88

Legal effect of the decision

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

(2) The body responsible for issuance of permit or decision for the implementation of project which is subject to environmental impact assessment shall immediately inform the body of the state administration responsible for the affairs of the environment of the applications submitted for projects implementation for which no environmental impact assessment has been carried out and that are determined under Article 77 and Article 78, paragraph (1) of this Law.

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

Article 89

Exercise of the rights of the legal and natural persons concerned

(1) Legal or natural persons concerned, as well as the citizens' associations established for the purpose of environment protection and improvement shall have the right to lodge an appeal against the decision referred to in Article 87, paragraph (1) of this Law to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of publication of the decision in accordance with Article 90 paragraph (1) item 5 of this Law.

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

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

(4) Legal or natural persons concerned, as well as the citizens' associations established for the purpose of environment protection and improvement shall have

the right to submit request before the competent court for undertaking the temporary measure - prohibition of the project implementation within 15 days from the date on which they have learned of the issuance of the permit or of the decision for the project implementation referred to in Article 88 paragraph (1) of this Law.

Article 90

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

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

1. publish the notification referred to in Article 80, paragraph (1) of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on the Website of the body of the state administration responsible for the affairs of the environment;
2. publish the decision referred to in Article 81 paragraph (4) of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia, on the web site as well as on the notice board of the body of the state administration responsible for the affairs of the environment;
3. announce that the study on the project environmental impact assessment referred to in Article 83 of this Law has been prepared and is available to the public in at least one daily newspaper available throughout the territory of the Republic of Macedonia, local radio/TV station, while non technical report of the study shall be published on the Website of the body of the state administration responsible for the affairs of the environment;
4. publish the report on the adequacy of the study on the project environmental impact assessment referred to in Article 86 of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on the Website of the body of the state administration responsible for the affairs of the environment;
5. publish the decision referred to in Article 87 paragraph (1) of this Law granting consent to or rejecting the application for the project implementation in at least one daily newspaper available throughout the territory of the Republic of Macedonia, on the web site as well as on the notice board of the body of the state administration responsible for the affairs of the environment;
6. announce the time and the place of the public hearing referred to in Article 91 of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia and local radio and TV station.

7. publish brief content of the opinion referred to in Article 82 paragraph (5) of this Law in at least one daily newspaper available throughout the territory of the Republic of Macedonia, on the web site as well as on the notice board of the body of the state administration responsible for the affairs of the environment;

(2) The body of the state administration responsible for the affairs of the environment shall, in cases referred to in Article 93 of this Law, submit the information referred to in paragraph (1) of this Article, to the competent authority of the foreign country concerned, in accordance with the procedure referred to in Article 93 of this Law.

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

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the content of the announcement of the documents referred to in paragraph (1), items 1,2,3,4 5 and 7 of this Article, as well as the manner of public consultation referred to in Article 91 of this Law.

(5) When by law or regulation enacted on the basis of a law, the confidentiality of commercial and industrial information, information on intellectual and industrial ownership, including the information concerning the protection of the public interest is guaranteed, the competent authorities shall respect the confidentiality while acting in accordance with paragraphs (1) and (2) of this Article, as well as while carrying out the environmental impact assessment procedure.

Article 91

Public Hearing

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

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

(3) The body of the state administration responsible for the affairs of the environment shall keep minutes from the public hearing in which it shall list the

participants as well as the conclusions, and stenographic notes and video or audio records of the hearing shall be attached to the minutes.

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

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

Article 92

The cost of carrying out the project environmental impact assessment procedure

(1) The Investor shall pay for the proceeding of the notification on project implementation intention, for the environmental impact assessment scoping and for the preparation of the report on the adequacy of the study on the project environmental impact assessment, for the organization of the public hearing and costs for providing information on the assessment of the project impact on the environment to the public as specified in Article 90 paragraph (1) of this Law.

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

(3) The costs referred to in paragraph (2) of this Article shall be determined on the basis of the real expenditures born by the body of the state administration responsible for the affairs of the environment in relation to undertaking of certain activities incurred as a result from the need to carry out the project environmental impact assessment.

Article 93

Transboundary environmental impact assessment when the project is to be carried out on the territory of the Republic of Macedonia

(1) In case during the environmental impact screening of a project it is established that the project is likely to cause significant transboundary environmental impact on the territory/territories of another country/countries (hereinafter: affected country), the body of the state administration responsible for the affairs of the environment of the Republic of Macedonia shall notify the affected country/countries within the time period applicable for the domestic public.

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

- notification on the initiation of the project environmental impact assessment procedure,
- a description of the project and information on the likely environmental impact of project,
- information on the possible environmental impact of the project,
- information on the type of the decision that may be taken in relation to the project environmental impact assessment procedure, and
- deadline for response to the notification that may not be shorter than the deadline provided for the domestic public for submission of opinions on the decision for project environmental impact assessment screening.

(3) If the affected country responds that it will not take part in the environmental impact assessment procedure or fails to respond to the notification within the given deadline, the body of the state administration responsible for the affairs of the environment shall carry out the environmental impact assessment procedure in accordance with this Law.

(4) If the affected country responds that it is interested in taking part in the environmental impact assessment procedure, the body of the state administration responsible for the affairs of the environment shall forward to the affected country:

- information concerning the environmental impact assessment procedure, including the time period for information delivery and the places where information is publicly accessible, and
- information on the proposed project and likely transboundary impact.

(5) Documentation submitted to the affected country, the notification and the additional information shall be prepared in the official language of the affected country.

(6) Within the project environmental impact assessment procedure, the body of the state administration responsible for the affairs of the environment may undertake measures of direct consultations with the authorities of the affected country or to undertake measures for conclusion of specific bilateral agreements with the affected country which would regulate in detail the procedure of mutual consultation in the project environmental impact assessment procedure.

(7) The body of the state administration responsible for the affairs of the environment may request from the country affected to provide information concerning the state of the environment on its territory on which the project could make significant impact where such information is of relevance for the preparation of the documentation for environmental impact assessment.

(8) The costs for the translation of the information referred to in paragraphs (5) and (7) of this Article shall be born by the Investor.

Article 93-a
Public participation in the affected country

(1) The body of the state administration responsible for the affairs of the environment in cooperation with the competent authority of the country affected shall create conditions for public information and for obtaining of opinions and comments by the affected country in the same manner as for the domestic public, in accordance with the laws of the Republic of Macedonia.

(2) The body of the state administration responsible for the affairs of the environment shall take into account the information received by the country affected together with the comments from its public while taking the decision for the project implementation approval.

(3) In case the body of the state administration responsible for the affairs of the environment receives notification by another country that they have learned that a project would be implemented in the Republic of Macedonia which may have significant transboundary impact, on which the said country has not been informed by the Republic of Macedonia in accordance with this Law, it shall include the other country, provided that it finds out that there is transboundary impact, in the environmental impact assessment procedure in accordance with this Law.

Article 93-b
Submission of study and decision to the affected country

(1) Upon the receipt of the environmental impact assessment study, the body of the state administration responsible for the affairs of the environment shall forward it to the country/countries affected.

(2) The study referred to in paragraph (1) of this Article shall be submitted in the official language of the country affected. The costs for the translation shall be covered by the Investor.

(3) If the competent authority of the country concerned organizes public discussion on the environmental impact assessment study, the body of the state administration responsible for the affairs of the environment and the Investor shall participate.

(4) During the preparation of the report on the adequacy of environmental impact assessment study, the body of the state administration responsible for the affairs of the environment shall initiate consultations with the competent authority of the country concerned in relation to the measures for reduction or elimination of the likely transboundary impact of the project. The consultations shall take into account:

a) possible alternatives of the proposed project including the alternative not to implement the project and the potential measures for mitigation of transboundary impacts and/or monitoring of the effects of certain measures;

b) other forms of possible mutual assistance in the reduction of the significant transboundary impacts from the proposed project; and

c) other issues related to the proposed project.

(5) The body of the state administration responsible for the affairs of the environment shall, upon the issuance of the decision granting consent to or rejecting the request for project implementation, submit it to the competent authority of the country affected, together with:

a) the main reasons on which the decision is based; and

b) description where necessary of the main measures for avoiding, reducing and if possible eliminating the harmful impacts.

Article 94

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

(1) When the Republic of Macedonia receives a notification from a competent authority of another country on initiation of the implementation of a project on the territory of that country which is likely to have an impact on the environment in the Republic of Macedonia, the body of the state administration responsible for the affairs of the environment shall respond within the given term and shall at the same time inform the public in the Republic of Macedonia on the notification received.

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

(3) The body of the state administration responsible for the affairs of the environment shall inform the relevant institutions and the public concerned in the Republic of Macedonia on how to take part in the environmental impact assessment procedure in the specific case and on the deadline within which they may submit their opinions and comments.

(4) The body of the state administration responsible for the affairs of the environment may organize a public discussion on the area of the Republic of Macedonia that would be most affected by the project implementation.

(5) For the purpose of the public discussion organization, the body of the state administration responsible for the affairs of the environment shall send an invitation to the competent authority in the country where the project will be implemented and to the Investor.

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

Article 95

General provision

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

- the installation is defined as existing under Article 5, item 36 of this Law, in which case Article 134 of this Law shall apply; and

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

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

1. A Integrated Environmental Permit

Article 96

Application for A Integrated Environmental Permit

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

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

Article 97

Handling of A Integrated Environmental Permit application

(1) Within 30 days from the date of receipt of the application referred to in Article 96, the body of the state administration responsible for the affairs of the environment shall by a statement determine which additional data referred to in the regulation adopted on the basis of Article 96, paragraph (2) of this Law should be provided to the application, and depending on the type of deficiencies and data

availability, determine a period for supplementing the application which shall not be shorter than 15 days from the date of statement receipt.

(2) In case the body of the state administration responsible for the affairs of the environment has issued the statement for amendment of the application, the period within which the A integrated environmental permit shall be issued starts from the date of submission of the receipt of the amended application supplemented by data specified in the statement referred to in paragraph (1) of this Article.

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

(4) The applicant has the right to file a complaint against the decision referred to in paragraph (3) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of receipt of the decision.

Article 98

Compliance concerning the application

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

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

(2) The body of the state administration responsible for the affairs of the environment shall, on the basis of their written application, forward the application to the citizens' associations established for the purposes of environment protection and improvement.

(3) The bodies referred to in paragraph (1) indents 1, 2 and 3 of this Article shall be entitled to submit their opinions and comments concerning the application and the conditions specified in the Draft A integrated environmental permit in accordance with the provisions of this Law referring to public participation.

Article 99

Publication of the application for issuing an A integrated environmental permit

(1) The body of the state administration responsible for the affairs of the environment shall publish the full application in at least one daily newspaper available throughout the territory of the Republic of Macedonia as well as on their

own Internet website within seven days from the day of receipt of the application. The costs of publication in the daily newspaper shall be borne by the applicant.

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

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

Article 100

Rights and obligations of the Municipality and the City of Skopje with regard to the application

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

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

(3) The term for submission of the information referred to in paragraph (2) of this Article shall not be included in the term specified in paragraph (1) of this Article. The Mayor of the Municipality or the Mayor of the City of Skopje may within the term specified in paragraph (1) of this Article, organize a public hearing with regard to the application in accordance with Article 103 paragraph (5) of this Law.

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

Article 101

Handling of application in case of a transboundary impact when the installation is on the territory of the Republic of Macedonia

(1) When the body of the state administration responsible for the affairs of the environment concludes, on the basis of the content of the application, that the performance of the activities in the installations subject to A integrated environmental permit may have an adverse impact on human life and health and on the environment on the territory of another country, it shall in observance of the

obligations assumed by the Republic of Macedonia under the ratified international agreements, submit to the competent authorities of that country:

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

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

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

Article 102

Handling of application in case of a transboundary impact when the installation is on the territory of another country

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

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

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

Article 103

Submission of opinions on the application

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

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

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

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

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

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

Article 104

Scientific-technical Commission on Best Available Techniques

(1) The Minister managing the body of the state administration responsible for the affairs of the environment shall establish a Scientific -technical Commission for Best Available Techniques for the purpose of definition of the best available techniques in A integrated environmental permits.

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

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

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

(5) The body of the state administration responsible for the affairs of the environment shall at the proposal of the Commission referred to in paragraph (1) of

this Article, issue national reference documents on the best available techniques that shall represent guidelines on the application of the best available techniques in A-integrated environmental permits for each industrial sector separately.

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

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe works and the affairs and the criteria to be taken into account while determining the best available techniques, taking into consideration the general and the individual conditions for each industrial sector.

Article 105

Term for issuance of the A integrated environmental permit

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

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

(3) When the body of the state administration responsible for the affairs of the environment, in processing the application referred to in Article 96 of this Law, determines on the basis of comments and opinions submitted in accordance with Articles 100, 101 and 103 of this Law that additional data is required, it shall issue a conclusion to cancel the procedure, and set a term not shorter than 15 days, but not longer than 30 days from the date of receipt of the conclusion, for submission of required data by the applicant for the A integrated environmental permit.

(4) If the body responsible for the affairs of the environment referred to in paragraph (1) of this Article has failed to issue a decision issuing A-integrated environmental permit or to issue a decision rejecting the application for issuance of A-integrated environmental permit within the deadline specified in paragraphs (1), (2) and (3) of this Article, the applicant shall be entitled, within three working days upon the expiry of that deadline, to submit request to the office of the Minister managing the body of the state administration responsible for the affairs of the environment to issue decision stating that the application referred to in Article 96 paragraph (1) of this Law has been approved. If the Minister does not have an office, the request shall be submitted to the office of the headquarters of the body of the state administration responsible for the affairs of the environment.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format and the content of the form of the request referred to in paragraph (4) of this Article.

(6) The applicant shall accompany the request referred to in paragraph (4) of this Article with a copy of the application referred to in Article 96 paragraph (1) of this Law.

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall, within five working days as of the day of submission of the request referred to in paragraph (4) of this Article to the office, issue decision approving or rejecting the issuance of A integrated environmental permit.

(8) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to issue the decision referred to in paragraph (7) of this Article, the applicant may notify the State Administrative Inspectorate within five working days.

(9) The State Administrative Inspectorate shall within ten days from the day of receipt of the notification referred to in paragraph (8) of this Article undertake supervision in the body responsible for the affairs of the environment whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the condition established during the performed supervision.

(10) The Inspector of the State Administrative Inspectorate shall upon the completed supervision in accordance with the law issue a decision obliging the Minister managing the body of the state administration responsible for the affairs of the environment to decide upon the submitted application referred to in paragraph (4) of this Article within ten days, that is to approve or to reject the application and notify the inspector of the act issued. The notification shall be accompanied by a copy of the act deciding upon the submitted application.

(11) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to decide within the deadline referred to in paragraph (10) of this Article, the inspector shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the Minister shall decide and notify the inspector of the issued act. The notification shall be accompanied by a copy of the act deciding upon the submitted application. The inspector shall within three working days inform the applicant of the measures undertaken.

(12) If the Minister fails to decide within the additional deadline referred to in paragraph (11) of this Article as well, the inspector shall within three working days file charges before the competent public prosecutor and inform the applicant within that deadline of the measures undertaken.

(13) In case the inspector fails to act upon the notification referred to in paragraph (10) of this Article, the applicant shall be entitled, within five working days,

to file complaint to the office of the Director of the State Administrative Inspectorate. If the Director does not have an office, the request shall be submitted to the office of the headquarters of the State Administrative Inspectorate.

(14) Director of the State Administrative Inspectorate shall within three working days from the day of receipt review the complaint referred to in paragraph (13) of this Article and in case he/she has found that the inspector failed to act in accordance with paragraphs (9) and (10) of this Article and/or failed to file charges in accordance with paragraphs (11) and (12) of this Article, Director of the State Administrative Inspectorate shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the inspector shall carry out supervision in the body of the state administration responsible for the affairs of the environment whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the measures undertaken.

(15) If the inspector fails to act within the additional deadline referred to in paragraph (16) of this Article as well, the Director of the State Administrative Inspectorate shall file charges before the competent public prosecutor against the inspector and inform the applicant within three working days of the measures undertaken.

(16) In the cases referred to in paragraph (17) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at latest, authorize another inspector to carry out the supervision immediately.

(17) In the cases referred to in paragraph (16) of this Article, the Director of the State Administrative Inspectorate shall within three working days inform the applicant.

(18) If the Director of the State Administrative Inspectorate fails to act in accordance with paragraph (14) of this Article, the applicant filing the complaint may file charges before the competent public prosecutor within eight working days.

(19) If the Minister managing the body of the state administration responsible for the affairs of the environment fails to decide within the deadline referred to in paragraph (12) of this Article, the applicant filing the complaint may initiate administrative dispute before the competent court.

(20) The proceedings before the Administrative Court shall be proceedings of a summary court.

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

(22) Upon the issuance of the bylaw referred to in paragraph (5) of this Article, it shall be published on the web site of the body of the state administration responsible for the affairs of the environment immediately, and within 24 hours at latest.

Article 106

Refusal to issue the permit

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

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

(2) The operator may appeal against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the day of receipt of the decision. The appeal shall not have any effect in terms of postponement of the enforcement of the decision.

Article 107

Content of the A integrated environmental permit

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

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

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

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

- the nature and type of activity to be performed in the installation;
- the state of the environment at the location where the installation is located;
- the requirements concerning protection of human life and health and the environment prescribed by the law;

- information contained in the project environmental impact assessment study or report, if any;
- the comments and the opinions submitted in accordance with Articles 100, 101 and 103 of this Law; and
- the best available techniques.

(5) The emission limit values for each installation in accordance with paragraph (2) of this Article, as well as other conditions in the A integrated environmental permit shall be specified on the basis of application of the best available techniques.

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

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

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

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

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

(11) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the substances for which emission limit values shall be prescribed in the A integrated environmental permit in accordance with paragraph (5) of this Article.

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

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

(14) While specifying the limit values in the A integrated environmental permit, the achievement of the quality of environmental media and areas shall be taken into consideration.

(15) In case there has been no national reference document for certain sector as referred to in Article 104 paragraph (5) of this Law, in determining the best available techniques for the purpose of the issuance of the A integrated

environmental permit, the reference documents of the European Union that shall be accordingly referred to in the A integrated environmental permit.

(16) The Minister managing the body of the state administration responsible for the affairs of the environment shall issue detailed guidelines for the purpose of implementing the procedure for A integrated environmental permit issuance.

Article 108

Issuance of A Integrated Environmental Permit

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

(2) Two copies of the A integrated environmental permit shall be retained by the body of the state administration responsible for the affairs of the environment, one of which shall be kept in the Register of A integrated environmental permits and the other shall serve for public review of the permit. A copy of the A integrated environmental permit shall be delivered to the State Environmental Inspectorate and to the Municipality on the territory of which the installation is located and to the City of Skopje where the installation is located on the territory of the City of Skopje.

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

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

(5) Interested legal or natural persons, as well as citizens' associations established for the protection and improvement of the environment, may lodge an appeal against the decision referred to in paragraph (1) of this Article with the State Commission deciding in administrative procedure and employment at second instance within 30 days from the date of announcement of the decision. The appeal shall not have any effect in terms of the decision enforcement.

(6) The operator shall have the right to lodge an appeal against the decision referred to in paragraph (1) of this Article with the State Commission deciding in administrative procedure and employment at second instance within 15 days only with regard to mandatory conditions specified in the permit that have not been contained in the draft permit or on which the operator has made comments that have not been accepted by the body of the state administration responsible for the affairs of the environment. The appeal shall not have any effect in terms of postponement of the decision enforcement.

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

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

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

Article 109

Register of A Integrated Environmental Permit

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

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

Article 110

General obligations of the operator

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

Article 111

Reporting obligations of the A integrated environmental permit holder

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

1. regularly, on the results of the monitoring carried out in accordance with the mandatory conditions of the A integrated environmental permit;
 2. immediately, on any defect, incident and/or major accident that have or could have significant impact on human health, environment or property;
 3. on any change in the operation of the installation that may have an impact on human health, environment or property;
 4. on any planned replacement of the persons with special authorizations with regard to the A integrated environmental permit that manage the installation.
- (2) The holder of the A integrated environmental permit shall observe all conditions contained in the permit while using and managing the installation.
- (3) For the purpose of implementing the obligation referred to in paragraph (2) of this Article, the operator of the installation shall appoint a person to be responsible for the implementation of the conditions specified in the A integrated environmental permit.

Article 112

Obligation for assistance

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

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

Article 113

Publication of A Integrated Environmental Permit

(1) The body of the state administration responsible for the affairs of the environment shall within 15 days from the date of issuance publish the A integrated environmental permit on its web site and in at least one daily newspaper available throughout the territory of the Republic of Macedonia, and allow access to the concerned public to the information relevant for the public participation in the procedure of issuing the permit and to the opinions taken into consideration and upon

which the permit has been issued. The announcement in the daily newspaper shall be at the cost of the applicant for the permit.

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

Article 114

Amendment of the A integrated environmental permit

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

Article 115

Amendment of the A integrated environmental permit ex officio

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

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

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

(3) The operator has a right to lodge an appeal to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the delivery of the decision referred to in paragraph (2) of this Article.

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

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

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

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

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

Article 116

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

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

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

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

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

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

Article 117

Procedure for amendment of the A integrated environmental permit

In the cases referred to in Article 115 and Article 116 of this Law, the body of the state administration responsible for the affairs of the environment shall change the A integrated environmental permit within 90 days from the date of receipt of the full documentation, with full consideration of the provisions of this Law concerning:

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

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the manner and the procedure of A integrated environmental permit amendment.

Article 118

Transfer of the A integrated environmental permit

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

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

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

(4) Interested legal and natural persons and citizens' associations established for the purposes of environment protection and improvement shall have the right to lodge an appeal against the decision to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of announcement of the decision referred to in paragraph (3) of this Article. The appeal shall not have any effect in terms of postponement of the decision enforcement.

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

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

(7) The operators referred to in paragraph (1) of this Article shall have the right to lodge an appeal to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of receipt of the decision referred to in paragraph (3) of this Article only with regard to new mandatory conditions specified in the permit.

Article 119

Revocation of A integrated environmental permit

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

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

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

(3) The operator may file an appeal against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of submission of the decision.

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

Article 120

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

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

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

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

(4) When the operator has restored the site to a satisfactory state, the body of the state administration responsible for the affairs of the environment shall decide on reimbursement of part of the charge, referred to in Article 121, paragraph (1), item 3 of this Law, taking into account the costs for remediation of the site, the site condition and the approved plan.

(5) In case the operator has not restored the site to a satisfactory state, the body of the state administration responsible for the affairs of the environment shall do that using the resources of the charges collected in accordance with Article 121, paragraph (1), item 3 of this Law.

Article 121

Charges

(1) The operator shall be charged:

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

(2) The Government of the Republic of Macedonia shall set the level of charges payable by operators referred to in paragraph (1) of this Article at the proposal of the body of the state administration responsible for the affairs of the environment.

(3) The determination of the level of the charges referred to in paragraph (2) of this Article shall be done on the basis of the number of points of the installation from which emissions are released from the installation, the number of mandatory conditions and measures specified in the permit, the type and the scale of emissions into the environment, as well as on the basis of the area covered by the installation. The level of the compensation specified for each industrial sector separately, shall not be lower than 1000 denars or more than 9000 denars per number, type, scale and area per hectare.

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

Article 121-a

Integration of conditions from another permit, approval and/or consent

(1) Where for the purpose of certain activities performance of the installations that shall hold A integrated environmental permit is conditioned by prior obtaining of another permit, approval and/or consent by another body, the operator shall submit those to the body of the state administration responsible for the affairs of the environment. The conditions and the measures specified in the other permit, approval and/or consent shall be accordingly integrated in the A integrated environmental permit.

(2) Where for the purpose of certain activities performance of the installations that shall hold A integrated environmental permit is conditioned by prior obtaining of permit, approval and/or consent issued by the body of the state administration responsible for the affairs of the environment, then the conditions and the measures for their obtaining shall be mandatory integrated in the A integrated environmental permit.

2. B Integrated Environmental Permit

Article 122

B Integrated environmental permit

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

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

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the procedure for issuance, amendment, partial or full transfer of the B integrated environmental permit, the conditions for termination of the activity and the conditions for revocation and cancellation of the permit.

(4) If not otherwise regulated in Chapter XII item 2 of this Law, the provisions applicable for obtaining A-integrated environmental permit of Chapter XII item 1 of this Law shall apply accordingly in the procedure for obtaining B-integrated environmental permit.

Article 123

Competent bodies for B integrated environmental permits issuance

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

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

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

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

Article 124

Application for B environmental permit

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

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

Article 125

The content of the B integrated environmental permit

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

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

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

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

Article 126

Issuance of the B integrated environmental permit

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

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

(3) The operator of the installation shall have the right to file an appeal against the decision issued by the body of the state administration responsible for the affairs of the environment referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of the decision issuance.

(4) The appeal against the decision referred to in paragraphs (2) and (3) of this Article may be lodged by legal and natural persons concerned, as well as citizens' associations founded for the purposes of environment protection and improvement, to the bodies stated in paragraphs (2) and (3) of this Article.

(5) The Mayor of the municipality and the Mayor of the City of Skopje shall establish and maintain Municipal Register of B integrated environmental permits for

their respective areas and shall submit a copy thereof to the body of the state administration responsible for the affairs of the environment.

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

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

(8) The body that has issued B-integrated environmental permit shall at every seven years review the conditions set in the permit and in case amendments have occurred in environmental regulations that may affect the operation of the installation initiate procedure for B-integrated environmental permit amendment.

(8) When the installation is required to obtain other permits apart from B integrated environmental permit, related to natural resources use and exploitation, or permits for releases into the environment, the body holding competence for B integrated environmental permit issuance referred to in Article 123 paragraph (1) of this Law, shall not issue the permit unless the Investor provides the required permits. The conditions and the measures specified in other permits shall be accordingly integrated in the B integrated environmental permit.

(9) If the body referred to in Article 124 paragraph (1) of this Law has failed to issue a decision issuing B-integrated environmental permit or to issue a decision rejecting the application for issuance of B-integrated environmental permit within the deadline specified in Article 124 paragraph (1) of this Law, the applicant shall be entitled, within three working days upon the expiry of that deadline, to submit request to the office of the Minister managing the body of the state administration responsible for the affairs of the environment or to the office of the Mayor of the Municipality and the City of Skopje to issue decision stating that the application referred to in Article 124 paragraph (1) of this Law has been approved. If the Minister or the Mayor does not have an office, the request shall be submitted to the office of the headquarters of the body of the state administration responsible for the affairs of the environment or the headquarters of the Municipality and the City of Skopje.

(10) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format and the content of the form of the request referred to in paragraph (9) of this Article.

(11) The applicant shall accompany the request referred to in paragraph (9) of this Article with a copy of the application referred to in Article 124 paragraph (1) of this Law.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality and the City of Skopje shall, within five working days as of the day of submission of the request referred to in paragraph (9) of this Article to the office, issue decision approving or rejecting the issuance of B - integrated environmental permit.

(13) If the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality and the City of Skopje fails to issue the decision referred to in paragraph (11) of this Article, the applicant may notify the State Administrative Inspectorate within five working days.

(14) The State Administrative Inspectorate shall within ten days from the day of receipt of the notification referred to in paragraph (13) of this Article undertake supervision in the body responsible for the issuance of the B-integrated environmental permit whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the condition established during the performed supervision.

(15) The Inspector of the State Administrative Inspectorate shall upon the completed supervision in accordance with the law issue a decision obliging the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality and the City of Skopje to decide upon the submitted application referred to in paragraph (9) of this Article within ten days, that is to approve or to reject the application and notify the inspector of the act issued. The notification shall be accompanied by a copy of the act deciding upon the submitted application of the measures undertaken.

(16) If the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality and the City of Skopje fails to decide within the deadline referred to in paragraph (15) of this Article, the inspector shall file a request for initiation of misdemeanour procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the Minister or the Mayor shall decide and notify the inspector of the issued act. The notification shall be accompanied by a copy of the act deciding upon the submitted application. The inspector shall within three working days inform the applicant of the measures undertaken.

(17) If the Minister or the Mayor fails to decide within the additional deadline referred to in paragraph (16) of this Article as well, the inspector shall within three working days file charges before the competent public prosecutor and inform the applicant within that deadline of the measures undertaken.

(18) In case the inspector fails to act upon the notification referred to in paragraph (13) of this Article, the applicant shall be entitled, within five working days, to file complaint to the office of the Director of the State Administrative Inspectorate. If the Director does not have an office, the request shall be submitted to the office of the headquarters of the State Administrative Inspectorate.

(19) Director of the State Administrative Inspectorate shall within three working days from the day of receipt review the complaint referred to in paragraph (18) of this Article and in case he/she has found that the inspector failed to act in accordance with paragraphs (14) and (15) of this Article and/or failed to file charges in accordance with paragraphs (16) and (17) of this Article, Director of the State Administrative Inspectorate shall file a request for initiation of misdemeanour

procedure for misdemeanour established in the Law on Administrative Inspection and specify additional deadline of five working days within which the inspector shall carry out supervision in the body of the state administration responsible for the affairs of the environment or the Municipality and the City of Skopje whether the procedure has been carried out in accordance with the law and shall within three working days from the day of completed supervision inform the applicant on the measures undertaken.

(20) If the inspector fails to act within the additional deadline referred to in paragraph (19) of this Article as well, the Director of the State Administrative Inspectorate shall file charges before the competent public prosecutor against the inspector and inform the applicant within three working days of the measures undertaken.

(21) In the cases referred to in paragraph (24) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at latest, authorize another inspector to carry out the supervision immediately.

(22) In the cases referred to in paragraph (21) of this Article, the Director of the State Administrative Inspectorate shall within three working days inform the applicant of the measures undertaken.

(23) If the Director of the State Administrative Inspectorate fails to act in accordance with paragraph (18) of this Article, the applicant filing the complaint may file charges before the competent public prosecutor within eight working days.

(24) If the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the Municipality and the City of Skopje fails to decide within the deadline referred to in paragraph (17) of this Article, the applicant filing the complaint may initiate administrative dispute before the competent court.

(25) The proceedings before the Administrative Court shall be proceedings of a summary court.

(26) The bylaw referred to in paragraph (10) of this Article shall be issued within 15 days as of the day of adoption of this Law.

(27) Upon the issuance of the bylaw referred to in paragraph (10) of this Article, it shall be published on the web site of the body of the state administration responsible for the affairs of the environment immediately, and within 24 hours at latest.

Article 127

Fulfilment of requirements

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

(2) The fulfillment of the requirements defined in the B integrated environmental permit shall be established by the competent body referred to in

paragraphs (3) and (4) of this Article through inspection in the installation and its operation, upon which it shall issue a conclusion.

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

(4) The operator of the installation shall have the right to file an appeal against the decision referred to in paragraph (2) of this Article issued by the body of the state administration responsible for the affairs of the environment to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of the decision issuance.

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

Article 128

Environmental impact assessment

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

Article 129

Charges

(1) The operators of the installations shall pay charges:

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

(2) The Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment, shall prescribe the level of the charges to be paid by the operators referred to in paragraphs (1) and (2) of this Article.

(3) The determination of the level of the charges referred to in paragraph (2) of this Article shall be done on the basis of the number of points of the installation from which emissions are released from the installation, the number of mandatory conditions and measures specified in the permit, the type and the scale of emissions into the environment, as well as on the basis of the area covered by the installation.

The level of the compensation specified for each industrial sector separately, shall not be lower than 300 denars or more than 3000 denars per number, type, scale and area per hectare.

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

(5) The funds generated through the charges referred to in paragraph (1) of this Article shall be paid to a special budgetary account as revenues of the budget of the body of the state administration responsible for the affairs of the environment and shall be used for covering the costs for B integrated environmental permit issuance, transferring or amending, as well as control over B integrated environmental permit within protected area.

XIII. GENERAL ENVIRONMENTAL AUDIT

Article 130

General Environmental Audit

(1) Operators shall carry out general environmental audit in cases of:

- termination of activities of an installation with A integrated environmental permit; and
- full or partial transfer of A or B integrated environmental permit.

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

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

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

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

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

Article 131

Right to General Environmental Audit

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

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

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

Article 132

Registration of Environmental Auditors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 133

Supervision of environmental auditors activities

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

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

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

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

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

XIV. ADJUSTMENT PERMITS WITH ADJUSTMENT PLANS

Article 134

Adjustment permits with adjustment plans

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

(2) Unless otherwise regulated by this Chapter, within the procedure for issuance of adjustment permit with adjustment plan, the provisions of Chapter XII of this Law shall apply accordingly.

Article 135

Application for an adjustment permit with an adjustment plan

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

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

1. financial indicators of the performance of the legal or natural person;
2. number and structure of staff;
3. data on the operator and the location of the installation;
4. description of the installation and its operations;
5. summary of emissions in all environmental media and areas;
6. data on waste, raw materials and use of natural resources and energy;
7. assessment of the environmental condition in the vicinity of the installation;

8. proposed adjustment plan including deadlines for completion and a financial plan;
9. report on the site condition;
10. assessment of the contribution of the installation to environmental pollution; and
11. environmental risk assessment.

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

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

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

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

Article 136

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

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

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

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

(4) Without prejudice to paragraph (2) of this Article, the body holding the competence for the issuance of the permit shall organize the public hearing referred to in paragraph (2) of this Article, within 20 days of the day of the application announcement, when it receives the request for public hearing organization:

- by at least one citizens' association established for the purpose of the environment protection and improvement,

- by at least one entity from the public concerned; and

- it has been requested by the Mayor of the Municipality and/or the Mayor of the Municipalities in the City of Skopje and/or the Mayor of the City of Skopje in case of issuance of adjustment permit with an adjustment plan for A- integrated environmental permits and B - integrated environmental permits.

Article 137

Content of the adjustment plans and experts for adjustment plans development

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

(2) The adjustment plan shall include:

- conditions for the operation of the installation;
- schedule of implementation of the plan by specific phases;
- monitoring and manner of reporting;
- summary of financial resources required for the implementation of each of the phases of the adjustment plan, and summary of the total financial resources required for the implementation of the plan;
- emission values during the implementation of specific phases of the plan;
- indicators of usage of raw materials, energy, natural resources, water and other materials by specific phases of the plan; and
- other issues stipulated in the special laws on individual environmental media and areas protection.

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

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

Article 138

Deadline for implementation

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

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

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

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

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

(6) On the basis of the notification referred to in paragraph (5) of this Article for the purpose of fulfilling the obligations of the adjustment plan, the body of the state administration responsible for the affairs of the environment shall issue a decision granting A integrated environmental permit in accordance with Article 107 paragraph (13) and Article 108 paragraphs (1), (2), (5), (6), (7), (8) and (9) of this Law and in accordance with Article 126 and Article 127 paragraphs (2), (4) and (5) of this Law in case of B integrated environmental permit within protected area.

(7) Prior to the issuance of the decision referred to in paragraph (6) of this Article, the State Environmental Inspectorate shall carry out inspection in the installation and its operations for the purpose of establishing the fulfillment of the obligations under the adjustment plan, as well as the conditions set in the A-integrated environmental permit for adjustment with the adjustment plan.

(8) On the basis of the notification referred to in paragraph (5) of this Article, the Mayor of the Municipality and the Mayor of the City of Skopje shall issue a decision granting B integrated environmental permit in accordance with Article 126 and Article 127 paragraphs (2), (3) and (5) of this Law.

(9) Prior to the issuance of the decision for issuance of B-integrated environmental permit by the Mayor of the Municipality and the Mayor of the City of Skopje, authorized environmental inspector shall carry out inspection in the installation and its operations for the purpose of establishing the fulfillment of the

obligations under the adjustment plan, as well as the conditions set in the B-integrated environmental permit for adjustment with the adjustment plan.

Article 139

Exceptions

(1) Without prejudice to Article 138 of this Law, when the body of the state administration responsible for the affairs of the environment concludes that the achievement of conditions for integrated environmental permit granting cannot be fulfilled by 01.04.2014, it shall inform the Government of the Republic of Macedonia thereon with a proposal for setting of additional deadline to implement the adjustment plan.

(2) Without prejudice to Article 138 of this Law, when the Mayor of the municipality and the Mayor of the City of Skopje concludes that the achievement of conditions for integrated environmental permit granting cannot be fulfilled by 01.04.2014, he/she shall inform the body of the state administration responsible for the affairs of the environment with a proposal for setting of additional deadline for the implementation of the adjustment plan.

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

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

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

(6) Where an installation referred to in Article 134 of this Law has been found out that it has exceeded the term of operation of the installation in terms of achievement of the conditions required for the granting of the integrated environmental permit, conditions and measures for the installation closure shall be set in the adjustment permit with adjustment plan.

Article 140

Content of the adjustment permit with adjustment plan

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

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

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

(4) Within 10 days from the date of issuing the adjustment permit with adjustment plan, the body of the state administration responsible for the affairs of the environment , the Mayor of the municipality and the Mayor of the City of Skopje shall announce in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on their web site that the adjustment permit with adjustment plan has been issued and information on where the adjustment permit with adjustment plan can be obtained for review. Publication in the daily newspaper shall be at the expense of the permit applicant.

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

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

Article 141

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

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

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

(3) The agreement on the contents and on the deadline for the adjustment plan implementation should be reached within a year as of the application for

issuance of adjustment permit with adjustment plan. If no agreement is reached within that period, the body of the state administration responsible for the affairs of the environment, or the Mayor of the municipality and the Mayor of the City of Skopje shall inform thereon the Minister managing the body of the state administration responsible for the affairs of the environment.

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

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

Article 142

Amendments to the adjustment permit with an adjustment plan

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

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

(2) The procedure for amendment of the adjustment permit with adjustment plan shall be conducted in accordance with the provisions of this Law concerning the issuance of the adjustment permit with adjustment plan.

Article 142-a

Charges for adjustment permit

(1) The operators of installations shall pay charges:

- when applying for adjustment permit with adjustment plan;
- for holding adjustment permit with adjustment plan, payable on annual basis;
- for amendment of adjustment permit with adjustment plan;
- for regular supervision over the installation in accordance with the adjustment permit with adjustment plan; and
- when the installation is terminated.

(2) The Government of the Republic of Macedonia shall prescribe the level of the charges referred to in paragraph (1) of this Article.

(3) The determination of the level of the charges referred to in paragraph (2) of this Article shall be done on the basis of the number of points of the installation from which emissions are released into the environment, the number of mandatory conditions and measures specified in the permit, the type and the scale of emissions into the environment, as well as on the basis of the area covered by the installation. The level of the compensation specified for each industrial sector separately, and separately for A and B integrated environmental permits shall not be lower than 200 denars or more than 7000 denars per number, type, scale and area per hectare.

(4) The funds generated through the charges referred to in paragraph (2) of this from installations that are subject to A integrated environmental permit, shall be paid to a special budgetary account of the body of the state administration responsible for the affairs of the environment.

(5) The funds generated through the charges referred to in paragraph (2) of this from installations that are subject to B integrated environmental permit, shall be paid to a special budgetary account of the Municipality and of the City of Skopje.

(6) The funds generated through the charges referred to in paragraph (2) of this Article shall be used for covering the costs incurred for the competent body in relation to granting, transferring and/or amending the adjustment permit with an adjustment plan.

Article 143

Financial guarantees and penalties for failures to fulfil the obligations

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

Article 144

Settlement of disputes

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

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

of experts. The Minister managing the body of the state administration responsible for the affairs of the environment shall establish the List of experts in the areas of environment, economy, technical and law science, from among which the members of the Commission shall be elected.

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

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

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

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

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

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

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

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

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

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

(13) The members of the Commission shall be entitled to compensation. The level of the compensation and the manner of the compensation payment shall be established by the Government of the Republic of Macedonia at the proposal by the

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

XV. PREVENTION AND CONTROL OF MAJOR ACCIDENTS INVOLVING HAZARDOUS SUBSTANCES

Article 145

General provisions

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

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

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

Article 146

Exemptions

The provisions of this Chapter shall not apply to:

- installations and storehouses of the armed forces of the Republic of Macedonia;
- hazards caused by ionising radiation;
- transport of hazardous substances on public roads, railroad, internal water ways or air and their temporary storage, except in the systems specified in this Law, including their loading and unloading and transport to and from other transportation means at docks, commercial ports or marshalling stations;
- transport of hazardous substances in pipelines, including pump stations, except in the systems specified in this Law; and

- extractive industrial activities (such as research and exploitation of mineral resources), if the prevention and the control of major accidents when performing these activities is regulated by a special law.

Article 146- a

Inter-sectoral cooperation

(1) For the purpose of ensuring the inter-sectoral cooperation to monitor the activities for prevention and control of major accidents in presence of hazardous substances, the Government of the Republic of Macedonia at the proposal by the Minister managing the body of the state administration responsible for the affairs of the environment shall establish inter-sectoral body for major accidents prevention and control in presence of hazardous substances.

(2) The inter-sectoral body for major accidents prevention and control in presence of hazardous substances shall be composed of 11 members, one member from each of: the body of the state administration responsible for the affairs of the environment, the body of the state administration responsible for the affairs of crisis management (Crisis Management Centre), the body of the state administration responsible for the affairs of protection and rescue (Directorate for Protection and Rescue), the body of the state administration responsible for the affairs of the health, the body of the state administration responsible for the affairs of the interior, the body of the state administration responsible for the affairs of defense, the body of the state administration responsible for the affairs of labour, the body of the state administration responsible for the affairs of agriculture, forestry and water economy, state inspectorate for technical inspection and Association of the Units of Local Self-Government.

(3) The body responsible for performance of professional activities in the area of environment referred to in Article 160 of this Law shall perform the expert, administrative and technical activities of the inter-sectoral body.

Article 147

Notification

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

1. within three months prior to the commencement of construction or commencement of operation of new systems; and

2. on the existing systems, within one year from the day of application of the provisions of this Chapter.

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

1. the name of the operator's company and full address of the system which is subject to the obligations for prevention and control of major accidents;
2. the name and title of the person responsible for meeting the obligations for prevention and control of major accidents in the system;
3. information needed for full identification of the hazardous substances, or the type of substances used in the system, as well as their quantity and physical state;
4. the activity performed or planned to be performed in the system; and
5. the characteristics of the site on which the system is located (especially the elements that have the potential to cause major accidents or aggravate their consequences).

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

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

Article 148

Report on safety measures

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

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

(2) The report on safety measures referred to in paragraph (1) of this Article shall contain sufficient information to allow the competent authority to determine the locations for the new activities nearby the existing ones when preparing the spatial

and urban plans. The report shall contain a list of hazardous substances involved in the system.

(3) The operator shall submit the report on safety measures referred to in paragraph (1) of this Article and the internal plan for state of emergency referred to in paragraph (1) item 4 of this Article to the body of the state administration responsible for the affairs of the environment and to the Mayor of the municipality and the Mayor of the City of Skopje, as follows:

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

(4) The body of the state administration responsible for the affairs of the environment shall approve the report on safety measures within six months from the day of submission of the report on safety measures by the operator.

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

(6) The report on safety measures referred to in paragraph (1) of this Article shall be available to the public. If this report contains information that violates industrial and commercial confidentiality or the confidentiality of personal data, public security or national defense, and upon consent given by the body of the state administration responsible for the affairs of the environment, the operator may also provide another report that does not contain such information.

(7) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the report on safety measures.

Article 149

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

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

Article 150

Information on safety measures

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

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

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

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the information referred to in paragraph (1) of this Article, as well as the manner of acting of persons that may be affected by major accident caused by the system.

Article 151

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

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

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

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

(3) The body of the state administration responsible for the affairs of the environment shall, by way of examination, investigation or other appropriate way, as well as in cooperation with other competent bodies of the state administration, the Mayor of the Municipality and the Mayor of the City of Skopje, provide all necessary information for full analysis of technical, organizational, management and other reasons that have caused the major accident.

(4) The operator shall immediately submit the information on major accident occurred referred to in paragraphs (1) and (2) of this Article to the Mayor of the

Municipality and the Mayor of the City of Skopje, as well as to other authorities and bodies determined by the law holding competence for measures undertaking within the system of protection and rescue.

Article 152

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

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

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

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

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

(5) The operator may file an appeal against the decision referred to in paragraphs (2) and (3) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of receipt of the decision.

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

Article 153

Cumulative effect

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

(2) Once the systems referred to in paragraph (1) of this Article are identified, the body of the state administration responsible for the affairs of the environment shall ensure an appropriate exchange of relevant information in order to enable the operators of these installations to take into consideration the nature and scale of the overall hazard from major accident in relation to the measures and activities for prevention of major accidents, safety management systems, security reports and internal emergency plans.

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

Article 154

Emergency plans

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

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

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

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

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

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

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

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

(8) The Mayor of the municipality and the Mayor of the City of Skopje shall submit the external emergency plan within 15 days from its adoption to the body of the state administration responsible for the affairs of the environment.

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

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

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

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

Article 155

Spatial and urban planning

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

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

Article 156

Transboundary effects from major accidents and transboundary cooperation

In the event of a major accident in system located on the territory of the Republic of Macedonia which may have transboundary effects, the body of the state administration responsible for the affairs of the environment shall provide the potentially concerned countries with all information required to undertake the

necessary activities and security measures, even if not requested from the competent authorities of potentially concerned countries.

XVI. LIABILITIES FOR DAMAGES CAUSED TO THE ENVIRONMENT

Article 157

Liability for environmental damage

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

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

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

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

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

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

(5) The operator shall be liable if it:

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

(6) When the environmental damage has not occurred yet, but there is a direct threat of such damage, the operator shall immediately and without any delay, undertake all necessary measures to prevent the occurrence of environmental

damage. If the operator fails to fulfill this obligation, prevention measures shall be undertaken by the body of the state administration responsible for the affairs of the environment at the expense of the operator.

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

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

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

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

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

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

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

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

- undertake all necessary remediation measures determined in accordance with the regulation referred to in paragraph (10) of this Article.

(9) In case of environmental damage occurred, the body of the state administration responsible for the affairs of the environment shall issue a decision by which it shall:

- request the operator to provide additional information on the damage occurred,

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

- request the operator to undertake the necessary remediation measures and provide instructions on remediation measures to be undertaken; and

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

(10) The Minister managing the body of the state administration responsible for the affairs of the environment shall specify the remediation measures with regard to occurred environmental damage.

(11) In case of occurred environmental damage, the operator shall under the regulation referred to in paragraph (10) of this Article, define and propose remediation measures and submit them to the body of the state administration responsible for the affairs of the environment for approval. When defining remediation measures, the operator shall take care that the remediation measures are appropriate and efficient with regard to elimination of entire damage occurred on the environment.

(12) When the environmental damage occurred is multifold so that remediation measures cannot be undertaken simultaneously, the body of the state administration responsible for the affairs of the environment shall decide on the priority in measures to be undertaken. While specifying the priority remediation measures, the body of the state administration responsible for the affairs of the environment shall in particular take into account the nature, the scale and the severity of each environmental damage occurred, the risk to human health and the ability of natural restoration of the resource.

(13) The operator may file an appeal against the decision referred to in paragraphs (7) and (9) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of receipt of the decision. The appeal shall not have any effect in terms of postponement of the decision enforcement.

(14) The body of the state administration responsible for the affairs of the environment shall hold competence to identify the operator that has caused the direct threat of damage or environmental damage, to estimate the significance of the damage, as well as to specify the remediation measures that fall under its exclusive competence. Upon the request of the body of the state administration, the estimate shall be carried out by the operator or by another legal or natural person.

Article 158

Expenses for prevention and remediation measures undertaking

(1) The operator shall cover all expenses for prevention and remediation measures undertaking.

(2) Notwithstanding paragraph (1) of this Article, the operator shall not be obliged to compensate the expenses for prevention and remediation measures undertaking with regard to occurred environmental damage if it proves that the occurred environmental damage or the threat of environmental damage occurrence:

- has been caused by a third party and/or has occurred despite the undertaking of appropriate measures, and

- has resulted from the observation of compulsory decision issued by a state body.

(3) The operator shall not be obliged to compensate the expenses for prevention and remediation measures, if it proves that the environmental damage has occurred without its fault and if it proves that the environmental damage has been caused by:

- emission or event that have been authorized or in compliance with the conditions specified in the permit based on the law, and
- emission or activity or use of product during the activity performance which at the moment of the damage occurrence and the level of scientific and technical development has not indicated that it could cause environmental damage.

(4) In the cases referred to in paragraphs (2) and (3) of this Article, the operator shall apply to the body of the state administration responsible for the affairs of the environment in accordance with the Law on General Administrative Procedure.

Article 159

Restitution of environmental damage

(1) Legal or natural person, as well as citizens' associations established for the purposes of environment protection and improvement which is directly affected by or suffers consequences from the occurred environmental damage, has the right to request the operator before the competent Court:

1. to restitute the environment to its original state,
2. compensation for the occurred environmental damage, in accordance with the general regulations on compensation for damage, if restitution to original state is not possible.

(2) The Republic of Macedonia shall retain the right to request restitution of the environment to its original state and compensation for the occurred environmental damage, if there are no or no other persons appear with the right to that under the provisions of this Law.

(3) In case environmental damage has been caused on goods of general interest to the Republic, enjoying special protection under the law, restitution to original state or compensation for the occurred environmental damage may be requested by the Republic of Macedonia or the Municipality, the City of Skopje and municipalities of the City of Skopje, on the territory of which the good is located.

(4) In the case referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall furnish the competent court with all data necessary to establish liability for environmental damage, the scale of liability, as well as to establish restitution to original state or the level of the compensation for damage.

(5) The holder of the right to the legal suit referred to in paragraph (1) of this Article may request the Court to order the defendant to provide information, or enable gathering of information from the source of pollution, in order to establish liability for environmental damage and the scale of liability.

(6) When the defendant fails to enable information gathering or to provide information required despite the Court order, the competent body shall gather the information at the expense of the defendant.

XVII. ADMINISTRATION OF ENVIRONMENT

Article 160

Establishment of Administration of Environment

For the purpose of carrying out expert activities related to environmental media and areas, an Administration of Environment shall be established as a body responsible for expert activities in the area of environment within the body of the state administration responsible for the affairs of the environment.

Article 161

Competencies of the Administration of Environment

The Administration of Environment shall:

1. perform expert activities in the field of nature protection;
2. perform expert activities in the areas of waste, air, chemicals, noise and other environmental areas management;
3. perform expert activities in the fields of water and soil protection against pollution;
4. perform expert activities within the environmental impact assessment procedure and integrated environmental permitting procedure and adjustment permitting with adjustment plans;
5. manage the Cadastre of Environment and Register of pollutants and polluting substances and their characteristics;
6. manage environmental monitoring; and
7. perform other activities determined by this or other law.

XVIII. FINANCING

Article 162

Basis for financing the activities in the area of environment

(1) Financial resources for the activities of supporting, preservation, sustainable use, protection and improvement of the environment, as well as preparation, implementation and development of programmes and projects for environment protection and improvement, shall be provided from the charges referred to in paragraph (2) and funds referred to in paragraph (3) of this Article.

(2) Financing of activities referred to in paragraph (1) of this Article shall be provided from the charges payable by legal and natural persons that:

- have sources that cause environmental pollution;
- pollute the environment through use of products and substances;
- are users of natural resources;
- load the environment with wastes;
- import used products in the Republic of Macedonia; and
- produce or import products and goods that are harmful or contain harmful substances for the environment and nature.

(3) Financing of activities referred to in paragraph (1) of this Article shall also be provided from:

- Budget of the Republic of Macedonia;
- funds acquired on the basis of international cooperation under programmes and projects;
- donations from national and foreign legal and natural persons;
- foundations and gifts; and
- other sources.

(4) Financial resources referred to in Articles 179, 181, 182, 183, 184 and 185 of this Law shall be paid to the relevant budgetary account under the safe-deposit box account.

(5) Financial resources referred to in Article 180 of this Law shall constitute a revenue of the body of the state administration responsible for the affairs of the environment and shall be paid to the relevant budgetary account under the safe-deposit box account.

Article 163

Persons under obligation for charges payment

(1) Persons under obligation for payment of the charges referred to in Article 162 paragraph (2) of this Law shall be legal and natural persons that:

1. **have sources that cause environmental pollution** and by their activity cause environmental pollution directly or indirectly or are responsible for emission into the environment within the meaning of the Cadastre of Environment and Register of pollutants and polluting substances and their characteristics, as well as within the meaning of the special laws and international agreements ratified by the Republic of Macedonia;
2. **pollute the environment** through use of motor vehicles and vessels; through production or import of oil derivatives; through production or import of tobacco products; and through import of ozone depleting substances;
3. **are users of natural resources through:** forests exploitation by wood cutting; collection and export of plants and parts of plants, branches and other parts of plants; and collection and export of mollusks with and without shells;.
4. **load the environment with wastes through:** generation of industrial non-hazardous waste through their activity or generation of hazardous waste; plastic products and packaging materials of plastic masses; import of wastes and residues of lead, ashes and wastes, residues containing mainly lead, residues and refuse of used primary cells, primary batteries and electric accumulators and lead containing wastes and residues; and production and import of petroleum residues or oils and waste oils;
5. **import used products** such as: used passenger cars and other motor vehicles, motor vehicles for goods transportation; technical goods, refrigerators, other cooling and freezing devices; protected and used tires; tape recorders and other sound recorders, television receivers, video monitors and video projectors; and
6. **produce or import products and goods** that are harmful or contain harmful substances for the environment and nature.

Article 164

Basic of determination of the charges level

(1) The level of charges payable by legal and natural persons possessing sources of pollution shall be determined on the basis of:

- the quantity, the type and the scale of environmental impact and emission of pollutants, heat, noise, vibrations, light, ionising and non-ionising radiation into the environment; and

- the manner of treatment of waste and waste matters, products or articles that after use reach the environment directly or indirectly or other activities or events that are unfavorable for the environment.

(2) The level of charges payable by legal and natural persons that pollute the environment shall be determined on the basis of:

- whether motor vehicles and vessels have catalyst or not, or on the basis of the level of the principal insurance;

- type and quantity of produced or imported oil derivatives;

- type and quantity of produced or imported tobacco products; and

- type and quantity of produced or imported ozone depleting substances.

(3) The level of charges payable by legal and natural persons using natural resources shall be determined on the basis of:

- quantity of wood cut;

- type and quantity of collected or exported plants and parts of plants, branches and other parts of plants; and

- quantity of collected or export mollusks with and without shells;

(4) The level of charges payable by legal and natural persons loading the environment with wastes shall be determined on the basis of:

- quantity of generated industrial non-hazardous waste;

- type and quantity of generated hazardous waste;

- quantity of imported used products;

- type and quantity of imported and produced plastic products and packaging of plastic masses;

- type and quantity of imported wastes and residues of lead, ashes and wastes, residues containing mainly lead, residues and refuse of used primary cells, primary batteries and electric accumulators and lead containing wastes and residues; and

- type and quantity of imported or generated petroleum residues or oils and waste oils.

(5) The level of charges payable by legal and natural persons importing used products shall be determined on the basis of:

- operational capacity and power of the motor of the vehicle, or the extent of vehicle gross mass;

- type, quantity and volume of imported used technical goods, such as: refrigerators, other cooling and freezing devices; protected and used tires; tape recorders and other sound recorders, television receivers, video monitors and video projectors; and
- quantity of imported used or protected tires.

(6) The level of charges payable by legal and natural persons producing or importing products and goods that are harmful or contain harmful substances for the environment and nature shall be determined on the basis of:

- the price or customs value of the product, goods and quantity and extent of harmfulness or negative impact on the environment.

Article 165

Exemption from charges payment and charges reimbursement

(1) Legal and natural persons shall be exempted from the payment of part of the future charges referred to in Article 182 paragraph (1) of this Law up to the level of the charges payable for the quantity and the type of waste transferred thereby to or processed by legal and natural persons that possess permit for waste processing with which they have concluded an agreement for waste collection.

(2) Legal and natural persons shall be exempted from the payment of the charges referred to in Article 185 paragraph (2) items 1 and 2 of this Law up to the level of the charges payable for the quantity of used products and packaging collected and returned thereby if they have established system of collection and deposit based return of used products and packaging.

(3) Legal entities and natural persons shall be exempted from the payment of the charges referred to in Article 179 paragraph (5) and Article 182 of this Law up to the level of the charges payable for the quantity and the type of exported waste if they have exported waste, waste matters and residues from the Republic of Macedonia which are subject to charges payment.

(4) Legal and natural persons shall be exempted from the payment of the charges referred to in Article 185 paragraph (2) items 1 and 3 of this Law that have exported packaging of plastic mass or products packed in plastic bags for goods transportation up to the level of the charges payable for the quantity and the type of packaging of plastic mass or quantity of bags and wrapping material for goods transportation.

(5) The persons under obligation for payment of the charges referred to in Articles 183, 184 and 185 of this Law may submit a request to the

body of the state administration responsible for the affairs of the environment for reimbursement of the charges for the quantity exported.

(6) In the cases referred to in paragraphs (1) and (2) of this Article, the persons under obligation for payment of the charges referred to in Articles 182 and 185 of this Law may submit a request to the body of the state administration responsible for the affairs of the environment for exemption from charges payment up to the level of charges payable for the quantity of the waste transferred or the quantity of used products and packaging collected and returned upon deposit thereby.

(7) In the cases referred to in paragraph (3) of this Article, the persons under obligation for payment of the charges referred to in Article 179 paragraph (5) and Article 182 of this Law may submit a request to the body of the state administration responsible for the affairs of the environment for reimbursement of the charges payment up to the level of charges payable for the quantity of the waste exported.

(8) The Government of the Republic of Macedonia shall, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance, prescribe the procedure, the manner and the documentation required for exemption from charges payment and for reimbursement of the charges referred to in paragraphs (5), (6) and (7) of this Article.

(9) The request referred to in paragraphs (5), (6) and (7) of this Article shall be accompanied by explanation of the request and additional documentation specified in the regulation referred to in paragraph (8) of this Article.

(10) The request referred to in paragraphs (5), (6) and (7) of this Article shall be decided on by the body of the state administration responsible for the affairs of the environment.

(11) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall prescribe the conditions to be met by the persons under obligation for payment of the charges related to cases referred to in paragraph (6) of this Article.

Article 166

Obligation, manner and procedure of charges setting, calculation, payment and terms for charges calculation and payment

(1) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister

managing the body of the state administration responsible for the affairs of the finance shall prescribe the manner and the procedure of charges setting, calculation, payment and the terms of charges calculation and payment.

(2) The provisions of the Law on General Administrative Procedure, the Law on Public Revenues Establishment and Collection and the Law on Personal Income Tax shall apply in the procedure of charges setting, calculation, payment and the terms of charges calculation and payment, unless otherwise provided for by this Law.

(3) The person under obligation for charges payment shall calculate and pay the charges in timely and proper manner, and shall manage, maintain and keep orderly and accurate records of calculated and paid charges.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall adopt more precise regulations on the manner and the procedure of managing, maintaining and keeping the records referred to in paragraph (3) of this Article.

(5) The Administration of Public Revenues shall be competent for the control over the setting, calculation and payment of the charges, exemptions from future charges payment, as well as over the observation of the terms set for the charges payment.

Article 167

Decision on charges payment by the body of the state administration responsible for the affairs of the environment

(1) The body of the state administration responsible for the affairs of the environment shall set and calculate the charges referred to in Article 179 paragraphs (1), (2), (4), (5) and (8) of this Law, when issuing import or export permit.

(2) The persons under obligation for charges payment shall pay the charges on the basis of a decision issued by the Minister managing the body of the state administration responsible for the affairs of the environment.

(3) The decision referred to in paragraph (2) of this Article shall also specify the term within which charges shall be paid.

(4) An appeal may be filed against the decision referred to in paragraph (2) of this Article to the State Commission deciding in administrative procedure and employment at second instance within eight days from the day of the decision receipt.

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

Article 168

Decision on charges payment by customs body

(1) The customs body shall carry out the calculation of charges referred to in Article 179 paragraphs (3) and (6) of this Law, while carrying out the customs procedure for export based on net quantity of the conducted export and export permit issued by the body of the state administration responsible for the affairs of the environment.

(2) An appeal may be filed against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within eight days from the day of the decision receipt.

() The appeal referred to in paragraph (2) of this Article shall not retain the enforcement of the decision.

Article 169

Collection of due unsettled charges and forced collection of charges

(1) The collection of due unsettled amounts of charges set on the basis of the decisions referred to in Article 167 of this Law, along with the applicable interests, shall be carried out by the bank with which the person under obligation carries out payment operations.

(2) The collection referred to in paragraph (1) of this Article shall be executed by transferring funds from the account of the person under obligation to the appropriate payment account under the safe-deposit box account, in accordance with Article 162 paragraph (4) of this Law, on the basis of the enforceable decision issued by the Minister managing the body of the state administration responsible for the affairs of the environment.

(3) The enforceable decision referred to in paragraph (2) of this Article shall be enforced by means of executive order of the bank for funds transfer from the account of the person under obligation.

(4) With regard to the collection of due unsettled amounts of the charges, forced collection of charges and the expenses of the forced collection, the interest, the terms of expiry and return of wrongfully calculated charges, the provisions of the Law on Public Revenues Setting and Collection shall apply accordingly, unless otherwise provided for by this Law.

Article 170

Expiry

(1) The obligation for charges payment shall expire five years after the expiry of the year in which it has been calculated.

(2) The right to exemption from charges payment shall expire three years after the expiry of the year in which the collection of the charges for which exemption is requested has been conducted.

Article 171

Records of persons under obligation

(1) The body of the state administration responsible for the affairs of the environment shall keep records of the persons under obligation for charges payment referred to in Article 179 paragraphs (1), (2), (4), (5) and (8) and Articles 182 and 185 of this Law.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of the finance shall prescribe the content, the manner and the terms of establishment, maintenance and keeping of the records of the persons under obligation for charges payment, as well as the manner of submission of data required for records keeping.

(3) The person under obligation for charges payment shall, within 15 days from the day of arising of the obligation for charges payment, submit data to the body of the state administration responsible for the affairs of the environment, for the purpose of entry into records in accordance with the regulation based on paragraph (2) of this Article.

(4) The person under obligation for charges payment entered in the records shall report to the body of the state administration responsible for the affairs of the environment on the termination of the operations or on the change in activity within 15 days from the day of such changes emergence.

Article 172

Programme for environmental investment

(1) Financing and implementation of activities in the area of environment referred to in Article 162 of this Law shall be based on annual programme for environmental investment (hereinafter: Programme).

(2) The Programme referred to in paragraph (1) of this Article shall be developed in accordance with the National Environmental Action Plan, Spatial Plan of the Republic of Macedonia, other strategies, programmes

and acts in the area of environment, as well as in accordance with the international agreements ratified by the Republic of Macedonia.

(3) The Programme referred to in paragraph (1) of this Article for the given fiscal year shall be submitted to the Government of the Republic of Macedonia within 30 days from the day of publication of the Budget of the Republic of Macedonia for the same fiscal year in the Official Gazette of the Republic of Macedonia.

(4) The Programme referred to in paragraph (1) of this Article shall be adopted by the Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment. The Programme referred to in paragraph (1) of this Article shall be published in the Official Gazette of the Republic of Macedonia.

(5) The body of the state administration responsible for the affairs of the environment shall implement the Programme referred to in paragraph (1) of this Article through allocation of funds for full or partial financing of programmes, projects and other activities.

(6) The following shall be considered as programmes, projects and other activities referred to in paragraph (5) of this Article eligible for financing under the funds of the Programme: provision of equipment intended for direct protection of the environment and protection and promotion of human health; development of investment documentation and feasibility studies and their implementation; development of adjustment plans and implementation of individual phases of adjustment plans under the adjustment permit; construction works conducting for the purpose of direct protection of the environment; encouragement of waste selection, recycling and removal; achievement of compliance with environmental norms and standards; development of studies and planning documents for biological diversity protection and improvement; education and training of staff and other related activities of environment protection and improvement.

(7) The body of the state administration responsible for the affairs of the environment shall submit annual report on the implementation of the Programme referred to in paragraph (1) of this Article for the previous year to the Government of the Republic of Macedonia within five months in the current year.

Article 173

Funds users

Legal and natural persons, including bodies of the state authority, as well as bodies of municipalities, the City of Skopje and municipalities of the City of Skopje, and bodies of local communities in municipalities that carry out programmes, projects

and other related activities of environment protection and improvement shall be users of the funds of the Programme referred to in Article 172 of this Law.

Article 174

Purpose of the funds

(1) The funds of the Programme referred to in Article 172 of this Law shall be used for financing the development and the implementation of programmes, projects and other activities referred to in Article 172 paragraph (6) of this Law, as well as for undertaking of preventive measures and measures intended for supporting, preservation, sustainable use, protection and improvement of the environment, especially for:

- protection, preservation and improvement of the quality of air, soil, climate change mitigation; ozone layer protection and protection against radiation;
- rehabilitation and construction of waste landfills; encouragement of waste generation reduction; waste recycling and selection;
- protection and improvement of biological diversity;
- protection and promotion of human health;
- encouragement of cleaner production;
- substitution of fissile fuels use with natural gas, biological fuels and other types of environmentally acceptable fuels,
- improvement of environmental monitoring and state of the environment assessment and introduction of environmental management system;
- encouragement of sustainable use of natural resources;
- encouragement of achievement of environmental standards in the course of economic activities performance,
- encouragement of educational, research and development studies, programmes, projects and other related activities for environment and nature protection and improvement;
- supporting non-governmental and non-for-profit organizations in the area of environment;
- supporting the development of local environmental action plans, and
- encouragement of sustainable development of rural areas.

(2) When awarding the funds of the Programme referred to in Article 172 of this Law, the body of the state administration responsible for the affairs of the environment shall in particular assess if the programmes, projects and activities result in notable and measurable environmental effects, if they are harmonised with the strategies, plans and programmes of the Republic of Macedonia and of the body of the state administration responsible for the affairs of the environment, if they are in line with the priorities and goals of environmental protection or priorities of certain medium protection or improvement of the state in certain environmental area and if

they are in accordance with the obligations under the international agreements ratified by the Republic of Macedonia.

Article 175
Manner of funds awarding

(1) The funds of the Programme referred to in Article 172 of this Law shall be awarded by means of public competition that shall be announced and carried out by the body of the state administration responsible for the affairs of the environment.

(2) Notwithstanding paragraph (1) of this Article, funds of the Programme referred to in Article 172 of this Law may also be awarded on the basis of decision of the Government of the Republic of Macedonia, at the proposal of the body of the state administration responsible for the affairs of the environment if:

- the funds are intended for development of infrastructure facilities aimed at environmental protection of wider public interest,
- the construction of the facilities is envisaged under the planning documents in the area of environment, and
- the purpose of the funds has been defined in Article 172 of this Law.

Article 176
Co-financing of projects and programmes

(1) The body of the state administration responsible for the affairs of the environment may also, as business party using the funds of the Programme referred to in Article 172 of this Law, in accordance with Article 175 of this Law, take part in co-financing of programmes, projects and other related activities referred to Article 174 of this Law organized and financed by the municipality, the City of Skopje and the municipalities of the City of Skopje, local communities, legal entities and natural persons, as well as international organizations, financial and other related institutions.

(2) In cases in which funds are awarded as co-financing, the user of the funds shall announce public invitation for best bidder selection.

Article 177
Funds from domestic and foreign donors

The funds from domestic and foreign donors shall be allocated for implementation of programmes, projects and other related activities in a manner and under conditions specified by the donor.

Article 178
Agreement for funds awarding

(1) For the purpose of awarding the funds of the Programme referred to in Article 172 of this Law, the body of the state administration responsible for the affairs of the environment and funds user shall conclude an agreement.

(2) The user of the funds shall use the awarded funds in a manner, under conditions and for the purposes specified in the agreement and in accordance with this Law.

(3) During and upon completion of the agreement referred to in paragraph (2) of this Article, the user shall submit report to the body of the state administration responsible for the affairs of the environment along with an audit of the funds administration as determined in the agreement, as well as report on the environmental effects achieved through the implementation.

Article 179 **Level of import and export charges**

(1) The level of charges payable for import permit for protected or used tires shall be:

- for passenger cars 60.00 den/piece, and
- for buses, lorries and other vehicles 150,00 den/piece.

(2) The level of charges payable for import permit for used refrigerators, freezers and other cooling and freezing appliances, shall be:

- for those with volume up to 250 litres 200 den/piece,
- for those with volume from 250 to 340 litres 300 den/piece,
- for those with volume from 340 to 900 litres 400 den/piece,
- 250 denars per kW cooling capacity for ventilation device.

(3) The level of charges payable for export permit for endangered or strictly protected plants and plants parts, branches and other parts of plants collected in nature shall be:

- for juniper berry (*Juniperus communis*) 1.30 den/kg,
- for oak lichen (*Everina prunastri*) 1.00 den/kg,
- for *Arctostaphylos uva-ursi* 3.00 den/kg,
- for Klamath weed 0.80 den/kg,
- for mushrooms - fresh 1.00 den/kg,
- for mushrooms-preserved 2.00 den/kg,
- for mushrooms - dry 4.00 den/kg, and
- other plants 1.00 den/kg.

(4) The level of charges payable for import permit for ozone depleting substances as classified under the Annexes to the Montreal Protocol shall be:

- for substances under Annex A, group I and II,
- substances under Annex B, group I, II and III and
- substances under Annex C, group II 64.00 den/kg,

- for substances under Annex E, group I 100.00 den/kg, and
- for substances under Annex C, group I 62.00 den/kg.

(5) The level of charges payable for import permit for lead wastes and residues; ashes and residues containing mainly lead; wastes and residues of used primary cells, used primary batteries and used electric accumulators, and wastes and residues containing lead, shall be:

- for ashes and residues 20.00 den/kg,
- for wastes and residues 25.00 den/kg, and
- for wastes and residues of used primary cells, used primary batteries and used electric accumulators 200.00 den/ton.

(6) The level of charges payable for export permit shall be:

- for mollusks with or without shell and for snails collected in nature 1.00 den/kg, and
- other protected wild species collected in nature 1.00 den/kg.

(7) The level of charges payable for import permit for:

1. used motor vehicles for transport of ten or more persons, including the driver, with internal combustion piston engine started by compression or by spark plugs, shall be 3.000.00 den/piece;

2. used passenger cars and other motor vehicles designed mainly for transport of persons, except vehicles referred to in item 1 of this paragraph, with piston engine (except rotation piston engine) with internal combustion started by spark plugs:

- with a volume of the cylinder not exceeding 1000 cm³ shall be 1.500.00 den/piece;

- with a volume of the cylinder exceeding 1000 cm³, but not exceeding 1500 cm³ shall be 2.000.00 den/piece;

- with a volume of the cylinder exceeding 1500 cm³, but not exceeding 3000 cm³ shall be 2.000,00 den/piece;

- with a volume of the cylinder exceeding 3000 cm³ shall be 3.500,00 den/piece;

3. used passenger cars and other motor vehicles designed mainly for transport of persons, except vehicles referred to in item 1 of this paragraph, with piston engine with internal combustion started by compression (diesel and semi-diesel):

- with a volume of the cylinder not exceeding 1500 cm³ shall be 2.500,00 den/piece;

- with a volume of the cylinder exceeding 1500 cm³, but not exceeding 2500 cm³ shall be 3.000,00 den/piece;

- with a volume of the cylinder exceeding 2500 cm³ shall be 6.000.00 den/piece;

4. used motor vehicles for transport of goods, with piston engine with internal combustion started by compression (diesel and semi-diesel):

- with a gross mass not exceeding 5 t shall be 5.000,00 den/piece;

- with a gross mass exceeding 5 t, but not exceeding 20 t shall be 7.000,00 den/piece; and

- with a gross mass exceeding 20 t shall be 8.000,00 den/piece; and

5. used motor vehicles for transport of goods, with piston engine with internal combustion started by spark plugs:

- with a gross mass not exceeding 5 t shall be 3.000,00 den/piece;

- with a gross mass exceeding 5 t shall be 4.500,00 den/piece;

(8) The level of charges payable for import permit for used tape recorders and other sound recorders, television receivers, video monitors, video projectors shall be 200.00 den/piece.

(9) Person under obligation for payment of the charges referred to in paragraphs (1), (2), (4), (5) and (8) of this Article shall be the legal person applying for import permit for the products.

(10) Person under obligation for payment of the charges referred to in paragraph (7) of this Article shall be the legal or the natural person that imports the products.

(11) Person under obligation for payment of the charges referred to in paragraphs (3) and (6) of this Article shall be the legal person applying for export permit for the products.

(12) The charges referred to in paragraphs (1), (2), (4), (5), and (8) of this Article shall be calculated and collected by the body of the state administration responsible for the affairs of the environment when issuing import or export permit and shall be paid to the appropriate account under the safe-deposit box account prior to the issuance of the permit, while the charges referred to in paragraph (7) of this Article shall be calculated and collected by the customs body when collecting customs duties and shall be paid to the appropriate account under the safe-deposit box account.

(13) The charges referred to in paragraphs (3), and (6) of this Article shall be calculated and collected by the customs body when collecting duties under the customs export procedure and shall be paid to the appropriate account under the safe-deposit box account.

(14) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of finance, shall prescribe the products related to charges referred to in paragraph (7) of this Article.

(15) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of finance, shall prescribe other species of protected wild plants and animals collected in nature, related to charges referred to in paragraph (3) item 8 and paragraph (6) item 2 of this Article.

Article 180

Level of charges payable for motor vehicles and vessels

(1) The level of charges payable by national legal and natural persons polluting the environment by use of motor vehicles, for a period of one year, shall be:

- 1) For motorcycles, three cycles and four cycles:
 - Up to 50 cm³ compensation of 20,00 denars.
 - From 50 cm³ – 100 cm³ compensation of 30,00 denars.
 - From 100 cm³ – 175 cm³ compensation of 40,00 denars.
 - From 175 cm³ – 250 cm³ compensation of 50,00 denars.
 - From 250 cm³ – 500 cm³ compensation of 80,00 denars.
 - From 500 cm³ – 750 cm³ compensation of 120,00 denars.
 - Above 750 cm³ compensation of 170,00 denars.
- 2) For passenger motor vehicles:
 - Up to 22 kW compensation of 70,00 denars.
 - From 22 kW – 33 kW compensation of 90,00 denars.
 - From 33 kW – 44 kW compensation of 100,00 denars.
 - From 44 kW – 55 kW compensation of 110,00 denars.
 - From 55 kW – 66 kW compensation of 130,00 denars.
 - From 66 kW – 84 kW compensation of 150,00 denars.
 - From 84 kW – 100 kW compensation of 170,00 denars.
 - From 100 kW – 150 kW compensation of 210,00 denars.
- 3) For freight motor vehicles:
 - Carriage capacity of up to ½ t., compensation of 130,00 denars.
 - Carriage capacity of up to 1 t, compensation of 140,00 denars.
 - Carriage capacity of up to 2 t, compensation of 230,00 denars.
 - Carriage capacity of up to 3 t, compensation of 250,00 denars.
 - Carriage capacity from 3-5 t, compensation of 280,00 denars.
 - Carriage capacity from 5-7 t, compensation of 330,00 denars.
 - Carriage capacity from 7-10 t, compensation of 500,00 denars.
 - Carriage capacity from 10-15 t, compensation of 590,00 denars.
 - Carriage capacity 15 t, compensation of 710,00 denars.
- 4) For trailers, compensation of 710,00 denars.
- 5) For buses:

- Buses intended for inter-city transport and busses of travel agencies, compensation of 550,00 denars.
 - Buses intended for urban and suburban transport and public transport of passengers, compensation of 380,00 denars.
- 6) For tractors, compensation of 200,00 denars.
- 7) For special vehicles, compensation of 200,00 denars.
- 8) For combined vehicles, compensation shall be based on the compensation calculated by the carriage capacity of the motor vehicle referred to in item 3 of this paragraph.

(2) The level of charges payable by national legal and natural persons polluting the environment by use of vessels at vessels registration for a period of one year shall be 3 % of the basic insurance.

(3) Person under obligation for payment of the charges referred to in paragraphs (1) and (2) of this Article shall be the national legal or natural person on whose name the motor vehicle or the vessel is registered.

(4) National legal or natural person on whose name the motor vehicle or the vessel is registered shall be exempted from payment of the charges referred to in paragraphs (1) and (2) of this Article if the motor vehicle or the vessel operates on hybrid or electric drive (ecological vehicles or vessels) .

(5) The charges referred to in paragraphs (1) and (2) of this Article for national legal or natural person shall be paid at the registration of motor vehicles, and shall be calculated and collected by the legal person authorized for technical check performance within the procedure for registration of the motor vehicle or the vessel or at the extension of the validity of the registration and it shall be paid once per month at the appropriate payment account under the safe deposit box account.

(6) Minister managing the body of the state administration responsible for the affairs of the environment shall conclude special agreements with the legal person referred to in paragraph (5) of this Article for the purpose of securing the collection of the charges.

Article 181

Level of charges payable for wood cutting

(1) The level of charges payable for wood cutting shall be specified in the Law on Forests.

(2) The charges referred to in paragraph (1) of this Article shall be paid to the appropriate account under the safe-deposit box account.

Article 182

Level of charges payable for waste management

(1) The level of charges payable for industrial non-hazardous waste generation shall be:

- 0.5% of the set price for the provided service of waste collection.

(2) The person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal or the natural person generating the waste referred to in paragraph (1) of this Article.

(3) The charges referred to in paragraph (1) of this Article shall be calculated by the waste collection service provider and shall be collected along with the collection of the charges for the provided waste collection service and shall be presented separately.

(4) The service provider referred to in paragraph (3) of this Article shall pay the collected charges once in a month to the appropriate account under the safe-deposit box account.

Article 183

Level of charges payable for tobacco products

(1) The level of charges payable at production and import of tobacco products:

- for one produced or imported cigarette containing tobacco shall be 0.05 den/piece; and

- for one produced or imported cigar or cigarillos containing tobacco shall be 0.0160 den/piece.

(2) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal person producing tobacco products.

(3) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal person importing tobacco products.

(4) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (2) of this Article shall be calculated by the producer under obligation that shall pay the charges to the appropriate account under the safe-deposit box account within 15 days at latest after the expiry of the current calendar month of releasing the tobacco products from excise storehouse for free legal trade.

(5) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (3) of this Article shall be calculated and collected by the customs authority along with the collection of customs import duties and shall be paid thereby to the appropriate account under the safe-deposit box account.

(6) The charges for tobacco products production shall not be paid if the quantity of invoiced products is exported.

(7) In the case referred to in paragraph (6) of this Article, the producer that has invoiced the product shall attach to the product an export customs declaration from the exporter as an evidence that the quantity of the product on which the charges have not been calculated has been exported from the Republic of Macedonia.

(8) In case of export of tobacco products, for which the charges referred to in paragraph (1) of this Article has been collected, person under obligation for payment of the charges shall be entitled to a reimbursement of the charges paid for the exported quantity of tobacco products in accordance with the regulation referred to in Article 165 paragraph (8) of this Law.

(9) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of finance shall prescribe the types of products related to the charges referred to in paragraph (1) of this Article.

Article 184

Level of charges payable for oil derivatives

(1) The level of charges payable at oil derivatives import or oil derivatives production:

1. for motor petrol:

- for motor petrol with lead content higher than 0.013 g/l and aircraft petrol, shall be 0.15 den/l, and

- for unleaded petrol with lead content higher than 0.013 g/l shall be 0.08 den/l.

2. Gas oil used as:

- for fuel oil for diesel engines shall be 0.03 den/l; and

- for extra light heating oil shall be 0.04 den/l; and

3. for burning oil M1, M2 (crude oil) shall be 0.05 den/kg;

(2) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal person producing oil derivatives.

(3) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal person importing oil derivatives.

(4) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (2) of this Article shall be calculated by the producer that shall pay it to the appropriate account under the safe-deposit box account within 15 days upon the expiry of each current month of releasing them for free legal trade in accordance with the Law on Excise and shall be presented separately in the invoice.

(5) The charges referred to in paragraph (1) of this Article for the person under obligation referred to in paragraph (3) of this Article shall be calculated by the

customs office when collecting customs duties and shall be paid thereby to the appropriate account under the safe-deposit box account.

(6) The charges referred to in paragraph (1) of this Article shall not be payable if the quantity of invoiced products has been exported.

(7) In the case referred to in paragraph (6) of this Article, the producer that has invoiced the product shall attach to the product an export customs declaration from the exporter as an evidence that the quantity of the product on which the charges have not been calculated has been exported from the Republic of Macedonia.

(8) In case of export of oil derivatives, for which the charges referred to in paragraph (1) of this Article has been collected, person under obligation for payment of the charges shall be entitled to a reimbursement of the charges paid for the exported quantity of tobacco products in accordance with the regulation referred to in Article 165 paragraph (8) of this Law.

(9) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment shall in consent with the Minister managing the body of the state administration responsible for the affairs of finance, prescribe the types of products related to the charges referred to in paragraph (1) of this Article.

Article 185

Level of charges payable for plastic products and packaging of plastic mass

(1) The level of charges payable for plastics products and packaging made of plastic mass shall be:

1. 0.80 den/kg weight for packaging made of all types of polymers (polyethylene teraphtelat, high thickness polyethylene, low thickness polyethylene, polypropylene, polyvinyl chloride and polystyrene) and other plastic materials (PVC and similar materials) in which products in liquid and solid state are packed; and
2. 0.80 den/kg weight for bags and sacks for transportation of goods.

(2) Person under obligation for payment of the charges referred to in paragraph (1) of this Article shall be:

1. domestic legal or the natural person producing the products packed in packaging made of the materials referred to in paragraph (1) of this Article;
2. legal or the natural person importing the products packed in packaging made of the materials referred to in paragraph (1) and in the regulation referred to in paragraph (14) of this Article;
3. domestic legal or the natural person producing the bags and sacks for transportation of goods as specified in the regulation referred to in paragraph (14) of this Article; and
4. legal or the natural person importing bags and sacks for transportation of goods as specified in the regulation referred to in paragraph (14) of this Article.

(3) The charges referred to in paragraph (2) items 1 and 2 of this Article shall be calculated on the basis of the average unit net weight of the packaging in which the products specified in the regulation referred to in paragraph (14) of this Article are packed.

(4) The charges referred to in paragraph (2) items 3 and 4 of this Article shall be calculated on the basis of the average unit net weight of the bags and sacks specified in the regulation referred to in paragraph (14) of this Article.

(5) The persons under obligation referred to in paragraph (2) item 1 of this Article shall present separately the net weight and the type of the packaging, as well as the level of the calculated charges in the invoice by which the products are released for the first time in the free legal trade and based on which the charges are collected.

(6) The persons under obligation referred to in paragraph (2) item 3 of this Article shall present separately the net weight and the level of the calculated charges in the invoice by which the products are released for the first time in the free legal trade and based on which the charges are collected.

(7) The importers of products for which the charges referred to in paragraph (1) item 2 of this Article are calculated shall present the net weight and the type of the packaging separately on the import invoice.

(8) The persons under obligation referred to in paragraph (2) items 1 and 3 of this Article shall pay the charges to the appropriate account under the safe-deposit box account on 15th day of each current month with reference to all charges calculated in the preceding month.

(9) The charges for the persons under obligation referred to in paragraph (2) items 2 and 4 paragraph (3) of this Article shall be calculated and collected by the customs office when collecting customs duties and shall be paid thereby to the appropriate account under the safe-deposit box account.

(10) The term packaging referred to in paragraph (1) of this Article shall mean the packaging in which the product is packed separately, as well as packaging in which more products are packed together for the purpose of transportation or sale.

(11) The charges referred to in paragraph (1) of this Article shall not be payable if the products, the bags and the sacks are exported.

(12) In the case referred to in paragraph (11) of this Article, the producer that has invoiced the product shall attach to the product an export customs declaration as an evidence that the products, the bags and the sacks on which the charges have not been calculated have been exported from the Republic of Macedonia.

(13) In case of export of the products, the bags and the sacks for which the charges are payable in accordance with the regulation referred to in paragraph (14) of this Article, for which the charges referred to in paragraph (1) of this Article has been collected, person under obligation for payment of the charges shall be entitled to a reimbursement of the charges paid for the exported quantity of products in accordance with the regulation referred to in Article 165 paragraph (8) of this Law.

(14) The Government of the Republic of Macedonia shall, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the body of the state administration responsible for the affairs of finance, and in consent with the Minister managing the body of the state administration responsible for the affairs of economy, prescribe in more detail the types of material of which the packaging for which the charges are payable are packed, the manner of the charges calculation and its presentation, the types of products packed in such packaging and the types of sacks and bags for which the charges referred to in paragraph (1) of this Article is calculated.

Article 185-a

Level of charges payable for energy production from fissile fuels

(1) The level of charges payable for production of energy produced through fissile fuels combustion shall be:

- 0,007 dears per one kWh produced energy.

(2) Persons under obligation for payment of the charges referred to in paragraph (1) of this Article shall be the legal and the natural persons that operate installations which produce energy produced through fissile fuels combustion.

(3) The Government of the Republic of Macedonia shall, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the energy and in consent with the Minister managing the body of the state administration responsible for the affairs of environment specify the type and the scale of the installations referred to in paragraph (2) of this Article.

(4) The charges referred to in paragraph (1) of this Article shall be revenue of the Budget of the Republic of Macedonia and shall be paid to the appropriate account under the safe-deposit box account.

(5) The persons under obligation referred to in paragraph (2) of this Article shall pay the charges referred to in paragraph (1) of this Article to the appropriate account under the safe-deposit box account on 15th day of each current month with reference to all charges calculated in the preceding month on energy produced.

(6) The funds collected as charges referred to in paragraph (1) of this Article shall be used to finance programmes and activities in the domain of environmental management with regard to impacts from the energy sectors in the areas of the Municipality proportionally to the revenue acquired through collection of this charges.

(7) The Minister managing the body of the state administration responsible for the affairs of finance shall prescribe in more detail the conditions on the manner and the procedure of setting, calculation and payment of the charges referred to in paragraph (1) of this Article.

(8) The Government of the Republic of Macedonia shall, at the proposal of the Minister managing the body of the state administration responsible for the affairs of the local self-government and in consent with the Minister managing the body of

the state administration responsible for the affairs of energy and in consent with the Minister managing the body of the state administration responsible for the affairs of environment adopt Decree on the methodology of allocation of the funds acquired as a revenue through the charges referred to in paragraph (1) of this Article.

XIX. SUSTAINABLE DEVELOPMENT AND GLOBAL ISSUES IN THE AREA OF ENVIRONMENT

Article 186

Sustainable development

(1) The body of the state administration responsible for the affairs of the environment shall, in cooperation with other bodies of the state administration and institutions, and with the municipalities and the City of Skopje and municipalities of the City of Skopje, be responsible for the implementation of the principles of sustainable development, as well as to promote and support sustainable development in the Republic of Macedonia.

(2) For the purpose of harmonizing economic development, social progress and environmental protection on national level, the Government of the Republic of Macedonia may develop National Strategy for Sustainable Development. The National Strategy for Sustainable Development shall be adopted by the Government of the Republic of Macedonia, which shall prior to adoption submit it to the Assembly of the Republic of Macedonia for review.

(3) For the purpose of harmonizing economic development, social progress and environmental protection on local level, at the proposal of the Mayor, the Council of the Municipality, the City of Skopje and municipalities of the City of Skopje may adopt Local Agenda 21, as local strategic, planning and programme document for sustainable development, in accordance with the principles of sustainable development referred to in paragraph (1) of this Article and Strategy for Sustainable Development referred to in paragraph (2) of this Article.

(4) For the purpose of harmonizing the contents and the manner of development of the Local Agenda referred to in paragraph (3) of this Article, the Minister managing the body of the state administration responsible for the affairs of the environment, in consent with the Minister managing the body of the state administration responsible for the affairs of the local self-government, shall adopt methodology for Local Agenda 21 development.

(5) The body of the state administration responsible for the affairs of the environment shall carry out environmental impact assessment procedure with regard

to the Local Agenda referred to in paragraph (3) of this Article, in accordance with the procedure under Chapter X of this Law.

Article 187

National plan for climate change

(1) For the purpose of stabilization of green house gases concentration on a level that would prevent dangerous anthropogenic impact on the climate system within a time frame sufficient to allow the ecosystems to naturally adapt to the climate change, in accordance with the principle of international cooperation and the goals of the national social and economic development, a National Plan for climate change shall be adopted (hereinafter: National Plan on Climate Change).

(2) The National Plan on Climate change referred to in paragraph (1) of this Article shall particularly contain:

- national inventory of green house gas emissions;
- analysis and projections of green house gas emissions on reduction of the emissions;
- assessment of vulnerability and measures of adaptation;
- information and cartographical presentation of monitoring, research and systematic observation of climate change;
- action plan and measures for mitigation of climate change;
- economic analysis of the proposal measures for climate change prevention and mitigation;
- bodies, institutions and other legal persons responsible for implementation of the national plan, action plan and measures for climate change prevention and mitigation;
- description of activities and results from the public participation during the plan development;
- description of activities and the results from public awareness raising, education and professional training of the scientific, technical and management staff;
- information on the realization of obligations arising from international agreements related to climate change ratified by the Republic of Macedonia;
- other issues identified by the Minister managing the body of the state administration responsible for the affairs of the environment.

(3) The National Plan on Climate Change referred to in paragraph (1) of this Article shall be adopted for a period of six years.

(4) The National Plan on Climate Change referred to in paragraph (1) of this Article shall be adopted by the Government of the Republic of Macedonia upon proposal of the body of the state administration responsible for the affairs of the environment.

(5) The body of the state administration responsible for the affairs of the environment in consent with: the body of the state administration responsible for the affairs of agriculture, forestry and water management; the body of the state administration responsible for the affairs of nature protection; the body of the state administration responsible for the affairs of economy; the body of the state administration responsible for the affairs of hydrometeorology; the body of the state administration responsible for the affairs of transport and communications; and the body of the state administration responsible for the affairs of health, shall be responsible for the preparation of the National Plan for Climate Change referred to in paragraph (1) of this Article and shall submit it to the Government of the Republic of Macedonia.

(6) The National Plan for climate change referred to in paragraph (1) of this Article shall be prepared in accordance with the documents adopted under the United Nations Framework Convention on Climate Change.

(7) The objectives of the National Plan on Climate Change referred to in paragraph (1) of this Article shall be taken into account in the preparation of other strategic documents which define the policy and goals of land use, the goals of economy development of the Republic of Macedonia, the exploitation of natural resources and the environment protection.

Article 188

National inventory of anthropogenic green house gas emissions by sources and sinks

(1) The Government of the Republic of Macedonia shall, at the proposal of the body of the state administration responsible for the affairs of the environment, adopt a National Inventory of anthropogenic green house gas emissions by sources and sinks (hereinafter: National Inventory).

(2) The National Inventory referred to in paragraph (1) of this Article shall be integral part of the National Plan on Climate Change referred to in Article 187 of this Law.

(3) The National Inventory of anthropogenic green house gas emissions by sources and sinks shall be prepared in accordance with the documents adopted under the United Nations Framework Convention on Climate Change.

(4) The National Inventory referred to in paragraph (1) of this Article shall be prepared once in three years.

Article 189

Action plan of measures and activities for prevention of the causes and mitigation of negative effects of climate change

(1) The Government of the Republic of Macedonia shall, upon proposal of the body of the state administration responsible for the affairs of the environment, adopt an Action Plan for prevention of the causes and mitigation of the negative effects of climate change (hereinafter: Action Plan for Climate Change).

(2) The Action Plan on Climate Changes referred to in paragraph (1) of this Article shall be integral part of the National Plan on Climate Change referred to in Article 187 of this Article.

(3) The Action Plan on Climate Change referred to in paragraph (1) of this Article shall contain in particular:

- institutional and legal measures
- preventive measures and activities for reduction of green house gas emissions,
- measures and activities for mitigation of negative effects of climate change;
- measures of education and public awareness raising;
- measures of professional training of the scientific, technical and management staff; and
- time frame and financial plan for implementation of anticipated measures and activities. In the preparation of the financial plan account shall be taken of the economic analysis prepared in accordance with Article 187 paragraph (2) item 8 of this Law.

(4) The Action Plan on Climate Change referred to in paragraph (1) of this Article shall be updated and supplemented, as required, every three years at minimum.

Article 190

Implementation of the National Plan and Reporting on the implementation

(1) The bodies, institutions and other legal entities referred to in Article 187 paragraph (2) item 9 of this Law shall, independently or in cooperation with other bodies, institutions and legal persons, undertake all necessary measures and activities set forth in the National Plan on Climate Change referred to in Article 187 of this Law.

(2) The bodies, institutions and other legal persons referred to in Article 187 paragraph (2) item 9 of this Law shall, at least once a year, submit a report on the implementation of the measures and activities set forth in the National Plan on Climate Change referred to in Article 187 of this Law to the body of the state administration responsible for the affairs of the environment.

(3) The body of the state administration responsible for the affairs of the environment shall, at least once in three years, report to the Government of the Republic of Macedonia on the implementation of the National Plan on Climate Change referred to in Article 187 of this Law.

Article 190-a

Clean Development Mechanism

(1) For the purpose of implementing the National Plan on Climate Change and in order to involve the Republic of Macedonia in the global efforts for climate change mitigation and implementation of obligations deriving from the United Nations Framework Convention on Climate Change and its Kyoto Protocol, the body of the state administration responsible for the affairs of the environment shall carry out assessment and approval of projects based on Clean Development Mechanism.

(2) For the purpose of exercising the responsibilities referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall perform the following activities:

- maintain a base of potential projects in accordance with the Clean Development Mechanism,
- establish the procedure, the manner, the form and the detailed conditions for determining the appropriateness, for submission and for approval of clean development projects,
- confirm the compliance of the project with the sustainable development criteria,
- carry out communication and cooperation with the project proponent,
- facilitate preparation and implementation of projects with the support by potential beneficiaries,
- perform promotional activities targeted to international investors and carbon funds, and
- perform other activities necessary for evaluation and approval of projects under the Clean Development Mechanism.

(3) The body of the state administration responsible for the affairs of the environment shall issue the letter of the project approval referred to in paragraph (2) indent 4 of this Article upon prior opinion obtained from the relevant bodies of the state administration and other scientific and professional institutions.

Article 191

National Plan on Combating Desertification and Mitigation of Drought Effects

(1) For the purpose of combating desertification and mitigation of drought effects, in accordance with the principle of international cooperation, the principle of integrity and in accordance with the goals of national social and economic development, a National Plan on Combating Desertification and Mitigation of Drought Effects (hereinafter: National Plan against Desertification) shall be adopted.

(2) The National Plan against Desertification referred to in paragraph (1) of this Article shall contain in particular:

- description and assessment of the state of desertification;
- priorities of combating desertification and mitigation of drought effects;
- action programme for combating desertification and mitigation of drought effects;
- economic analysis;
- bodies, institutions and other legal persons responsible for implementation of the national plan, action programme and measures for prevention of the land not yet degraded or slightly degraded against desertification and mitigation of effects from desertification and droughts;
- description of activities and results achieved by the public participation in the preparation of the plan;
- description of activities of public awareness raising, education and professional training of the scientific, technical staff and the results achieved;
- information on the implementation of obligations arising from international agreements related to combating desertification and mitigation of drought effects ratified by the Republic of Macedonia; and
- other issues identified by the Minister managing the body of the state administration responsible for the affairs of the environment;

(3) The National Plan against Desertification referred to in paragraph (1) of this Article shall be adopted for a period of six years.

(4) The National Plan against Desertification referred to in paragraph (1) of this Article shall be adopted by the Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment.

(5) The body of the state administration responsible for the affairs of the environment shall, in consent with the body of the state administration responsible for the affairs of agriculture, forestry and water management, and the body of the state administration responsible for the affairs of hydrometeorology, be responsible for the preparation of the National Plan against Desertification referred to in paragraph (1) of this Article and shall submit it to the Government of the Republic of Macedonia.

(6) Details on the content and manner of preparation of the National Plan on against Desertification referred to in paragraph (1) of this Article shall be determined by the methodology prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the

Minister managing the body of the state administration responsible for the affairs of agriculture, forestry and water management.

(7) The objectives of the National Plan against Desertification referred to in paragraph (1) of this Article shall be taken into account in the preparation of other strategic documents which define the policy and goals of land use, the goals of economy development of the Republic of Macedonia, the exploitation of natural resources and the environment protection.

Article 192

Action Programme for Combating Desertification and Mitigation of Drought Effects

(1) For the purpose of identification of factors contributing to desertification and necessary practical measures in the combat against desertification and mitigation of drought effects, the Government of the Republic of Macedonia shall, at the proposal of the body of the state administration responsible for the affairs of the environment and in cooperation with the body of the state administration responsible for the affairs of agriculture, forestry and water management, adopt an Action Programme for combat against desertification and mitigation of drought effects (hereinafter: Action Programme for Combat against Desertification).

(2) The Action Programme against Desertification referred to in paragraph (1) of this Article shall be integral part of the National Plan against Desertification referred to in Article 195 of this Law.

(3) The Action Programme against Desertification referred to in paragraph (1) of this Article shall contain in particular:

- institutional and legal measures;
- preventive measures and activities for forecasting, prevention and minimization of the causes of desertification, as well as preventive measures for lands not yet degraded or slightly degraded;
- measures for providing timely warning against droughts;
- measures and activities for mitigation of negative effects of desertification and droughts;
- measures of education and public awareness raising;
- measures of professional training of the scientific, technical and management staff;
- time frame and financial plan for implementation of anticipated measures and activities. In the preparation of the financial plan account shall be taken of the economic analysis prepared in accordance with Article 191 paragraph (2) item 4 of this Law; and

- other measures and activities identified by the Minister managing the body of the state administration responsible for the affairs of environment in consent with the Minister managing the body of the state administration responsible for the affairs of agriculture, forestry and water management.

(4) The Action Programme against Desertification referred to in paragraph (1) of this Article shall be updated every three years, at least.

(5) For the purpose of coping with the changes in the social-economic, biological and geo-physical circumstances, the Action Programme against Desertification referred to in paragraph (1) of this Article may be amended and supplemented in a time period shorter than that defined in paragraph (4) of this Article.

Article 193

Implementation of the National Plan and Reporting on the Implementation

(1) The bodies, institutions and other legal entities referred to in Article 191 paragraph (2) item 5 of this Law shall, independently or in cooperation with other bodies, institutions and legal persons, undertake all necessary measures and activities set forth in the National Plan against Desertification referred to in Article 191 of this Law.

(2) The bodies, institutions and other legal entities referred to in Article 191 paragraph (2) item 5 of this Law shall, at least once a year, submit a report on the implementation of the measures and activities set forth in the National Plan against Desertification referred to in Article 191 of this Law to the body of the state administration responsible for the affairs of the environment.

(3) The Minister managing the body of the state administration responsible for the affairs of environment shall, in consent with the Minister managing the body of the state administration responsible for the affairs of agriculture, forestry and water management, prescribe more precisely the criteria for monitoring and assessment of the implementation of the National Plan against Desertification referred to in Article 191 of this Law, as well as the content and procedure of reporting referred to in paragraph (2) of this Article.

(4) The body of the state administration responsible for the affairs of the environment shall, in consent with the body of the state administration responsible for the affairs of agriculture, forestry and water management, at least once in three years, report to the Government of the Republic of Macedonia on the implementation of the National Plan against Desertification referred to in Article 191 of this Law.

XX. SUPERVISION

Article 194

Responsible bodies

(1) The supervision over the enforcement of this Law and the regulations adopted on the basis of this Law shall be performed by the body of the state administration responsible for the affairs of the environment.

(2) Inspection supervision over the enforcement of this Law and the regulations adopted on the basis of this Law shall be performed by the State Inspectorate of Environment through the State Inspectors of Environment, and Inspectors of Nature Protection (hereinafter: State Inspectors).

(3) With respect to the affairs that are competence of the municipality, the City of Skopje and municipalities of the City of Skopje, inspection supervision over the enforcement of this Law and the regulations adopted on the basis of this Law shall be performed by Authorized Inspectors of Environment of the municipality and Authorized Inspectors of Environment of the City of Skopje and Authorized Inspectors of Environment of the municipalities of the City of Skopje (hereinafter: Authorized Inspectors).

(4) Inspection supervision over the enforcement of this Law regarding the trade in products, semi-finished products, raw material, chemical substances, waste materials intended for recovery or recycling and packaging, as well as the labeling of products and packaging containing information on the environment impacts, shall be performed by the State Market Inspectorate, through the State Market Inspectors, State Sanitary and Health Inspectorate through State Sanitary and Health Inspectors, Phytosanitary Administration through Phytosanitary Inspectors and State Inspectorate of Agriculture through State Inspectors of Agriculture.

(5) Inspection supervision over the enforcement of this Law regarding the trade in products, semi-products, and raw materials intended for use by man for feeding and drinking and their packaging, as well as the labeling of products and packaging containing information on the environment impacts, shall be performed by the Food Directorate through Food Inspectors.

(6) The State Environmental Inspectorate shall perform supervision over the work of authorized environmental inspectors while conducting the inspection supervision.

Article 195

(DELETED)

Article 196

State Inspectors of Environment, Inspectors of Nature Protection and Authorized Inspectors of Environment

(1) State Inspectors of Environment in the State Inspectorate of Environment may be persons having at least three years of experience and university education in the following areas: graduates in Environment Protection, Mechanical Engineering, Technology, Metallurgy, Mining, Chemistry, Meteorology, Medicine, Geography, Civil Engineering, Biology, Agronomy, Protection at Work, Forestry, Electrical Engineering, Physics, Biotechnology, Architecture and Horticulture and Geology.

(2) The Inspectors of Nature Protection in the State Inspectorate of Environment shall fulfill the conditions set forth in the Law on Nature Protection.

(3) A person may perform the activities under authorization of an inspector of environment and inspector of nature protection if he/she fulfils the conditions set forth for an inspector of environment specified by this Law and inspector of nature protection specified by the Law on Nature Protection, on the basis of decision issued by the Minister managing the body of the state administration responsible for the affairs of the environment.

(4) Authorized Inspectors of Environment may be persons with at least one year of work experience and completed university education in the areas referred to in paragraph (1) of this Article.

Article 197

Official identity card

(1) The official capacity of the State Inspector of Environment, Inspector of Nature Protection and Authorized Inspector of Environment shall be proved by an official identity card.

(2) When carrying out supervision, the Inspectors referred to in Article 194 of this Law shall present the identity card referred to in paragraph (1) of this Article.

(3) The identity card referred to in paragraph (1) of this Article of the Inspectors of Environment and Inspectors of Nature Protection shall be issued and withdrawn by the Minister managing the body of the state administration responsible for the affairs of the environment.

(4) The identity card referred to in paragraph (1) of this Article of the Authorized Inspectors of Environment shall be issued and withdrawn by the Mayor of the Municipality and the Mayor of the City of Skopje.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, format and contents of the identity card referred to in paragraph (1) of this Article, including the manner and procedure of issuance and withdrawal thereof.

Article 198

Scope of work of the State Inspector of Environment

(1) In carrying out supervision over his/her scope of activities, the State Inspector of Environment shall have the right to:

1. ascertain whether installations are constructed or reconstructed in compliance with the established norms and standards within the environmental protection system (Article 20);
2. ascertain whether pollutants have been released in the environment in that exceed the prescribed standards and whether such pollutants have been treated in the prescribed manner and order their withdrawal from legal trade (Article 20);
3. ascertain whether certain products and substances have been produced, released and used and certain services have been carried out contrary to the prohibition referred to in Article 21 of this Law, and order their withdrawal from legal trade;
4. ascertain whether import, export and transit of hazardous and harmful substances and products is performed in/from/through the Republic of Macedonia, contravening the limitation and control referred to in Article 22 of this Law; 4-a) ascertain whether legal and natural person performing import and/or export of ozone depleting substances and/or products containing ozone depleting substances, report on imported and/or exported ozone depleting substances and/or products containing ozone depleting substances, as well as ascertain whether those are in compliance with the regulation adopted on the basis of Article 22-a of this Law.
5. ascertain whether domestic or imported technology or technological line, product, semi-product and raw material not complying with the prescribed norms for environment protection is used (Article 23);
6. ascertain whether imported technologies, or technological lines, products, semi-products and raw materials are prohibited in the country of production or country of export, for the purpose of environment protection (Article 23, paragraph (2));
7. ascertain whether elaborate of project's environment impact has been prepared as prescribed in the Regulation referred to in Article 24 paragraphs (4) and (6) of this Law, as well as whether the elaborate has been submitted to the body competent for the project implementation approval and check whether the requirements contained in the elaborate have been met (Article 24);
8. order the implementation of a measure specified in the elaborate and specify the term for the measure completion (Article 24);
9. ascertain whether products, semi-products, raw materials, chemicals and their packaging have been released for trade without the label carrying information on the possible pollution or potential adverse environmental

- impact (Article 27, paragraph (1) of this Law) and notify thereon the State Market Inspectorate;
10. ascertain whether products, semi-products, raw materials, chemicals and their packaging that are not labeled in accordance with Article 27 paragraph (3) of this Law have been released for trade and notify thereon the State Market Inspectorate;
 11. ascertain whether the data is kept on the use of natural resources, raw materials and energy, emissions of pollutants, waste types, characteristics and quantity and other data provided for in this or other law (Article 28, paragraph (2));
 12. ascertain whether a product holding an eco-label is advertised, labeled and released for trade in a manner and according to criteria contravening Article 29 of this Law;
 13. carry out inspection and control over the status of fulfillment of the conditions specified in the voluntary agreement (Article 30);
 14. ascertain whether monitoring is performed on the sources of emission and technological process which pollute one or more environmental media, on emission or on the exploitation of natural resources (Article 36, paragraph (1)), as well as to ascertain whether duties provided for by Article 36 paragraph (5) of this Law are performed;
 15. ascertain whether the devices and instruments used in the monitoring are approved through the procedure of measurement devices verification and regularly maintained in proper functioning condition (Article 36, paragraph (2));
 16. ascertain whether the monitoring is performed in compliance with the conditions contained in the integrated environmental permit (Article 36, paragraphs (4) and (5));
 17. ascertain whether the data obtained from the monitoring is submitted in a manner and under the conditions prescribed by the body of the state administration responsible for the affairs of the environment (Article 37 paragraph (2));
 18. ascertain whether the developer of the Register of Pollutants and their Characteristics is submitted the necessary data required for the preparation and maintenance thereof (Article 41 paragraph (4));
 19. ascertain whether the legal and the natural persons submit environmental data and information in accordance with Article 40-a of this Law;
 20. ascertain whether the developer of the Cadastre of Environment is submitted the necessary data required for the preparation and maintenance thereof (Article 42 paragraph (4));
 21. ascertain whether the entities referred to in Article 52 paragraph (1) items 3 and 4 of this Law provide access to environmental information they hold and whether they have done it in a specified time limit and format (Article 52, Article 53 and Article 54);

22. ascertain whether the body of the state administration responsible for the affairs of the environment has been informed of the intention of carrying out a project (Article 80);
23. ascertain whether a study on the environment impact assessment of the project has been prepared and submitted to the body of the state administration responsible for the affairs of the environment (Article 83);
24. ascertain whether for a project that is under implementation a decision has been made on the approval of the project implementation (Article 87 paragraph (1), or decision has been taken in accordance with Article 81 paragraph (4) of this Law);
25. carry out inspection and control whether the project is carried out in compliance with the measures specified in the decision made to approve the implementation of the project (Article 87 paragraph (2));
26. ascertain whether emissions of substances specified in the permit are released in accordance with the specified limit values (Article 107);
27. ascertain whether A or B integrated environmental permit is obtained and inspect and control whether the operations of the installations are performed in compliance with the conditions contained in the integrated permits (Article 95, Article 123 and Article 127);
28. ascertain whether all documents and data related to the permit application and issuance, and the monitoring specified in the binding conditions of the integrated environmental permit are kept during the validity period of the A-integrated permit and five years after its expiry, and whether they are available upon request of the body of the state administration responsible for the affairs of the environment or the Inspectorate of Environment (Article 110);
29. ascertain whether reporting obligations provided for in Article 111 of this Law have been observed;
30. ascertain whether general environmental audit has been completed and a report on the completed environmental audit has been enclosed (Article 130);
31. ascertain whether the environmental audit is prepared by a person that has been registered and holding adequate certificate (Article 131);
32. ascertain whether an adjustment permit with adjustment plans for continuation or commencement of the operations of the installation until conditions for integrated environmental permit are achieved is obtained and inspect whether the activities of the installation are performed in accordance with the conditions specified in the permit and in the adjustment plan (Article 134);
33. ascertain whether an application for obtaining an adjustment permit with adjustment plan has been submitted in the specified term (Article 135 paragraph (5));

34. ascertain whether the emissions of substances specified in the adjustment permit have been released in accordance with the prescribed limit values (Article 134, Article 137, Article 138 and Article 139);
35. inspect and control the manner of implementation of particular phases of the adjustment plans and ascertain whether they have been implemented in the specified time limits for implementation (Articles 134, 137, 138 and 139);
36. ascertain whether a report on the implementation of adjustment plan and achievement of the obligations contained in the adjustment plan for the purpose of obtaining an integrated environmental permit has been submitted and whether it was done within the specified time limit (Article 138 and Article 139);
37. ascertain whether the operator has submitted the notifications in cases referred to in Article 141 paragraph (4) of this Law;
38. ascertain whether a notification on the presence of hazardous substances has been forwarded and whether it was done within the specified deadline (Article 147);
39. ascertain whether a report on the measures of security of appropriate contents is prepared, submitted within the specified time frame and adequately analyzed and updated within the specified terms (Article 148);
40. ascertain whether necessary measures for prevention of major accidents and mitigation of consequences over human life and health have been taken in the production, transport or storage systems where hazardous substances are present in amounts exceeding or equal to the prescribed ones (Article 148 paragraph (1) item 2);
41. carry out inspection and control and ascertain whether an analysis and revision of the measures of security and activities of major accident prevention have been carried out, as well as of the report on security measures as well as whether the competent body has been notified thereon (Article 149);
42. ascertain whether information on the measures of security are available in a manner prescribed in Article 150 of this Law;
43. carry out inspection and control and ascertain whether the responsible body has been notified immediately on the occurrence of a major accident, and whether the data on the circumstances in which the accident occurred were submitted, as soon as made available, including data on the hazardous substances present, data needed to assess the effects of the accident on human health and the environment, and the emergency measures taken (Article 151 paragraph (1) and (4));
44. ascertain whether the responsible body has been notified on the measures foreseen for mitigation of midterm and long-term effects of the accident and prevention of the accident and on the failure to supplement the foreseen measures and activities with additional facts found in the investigation (Article 151 paragraph (2));

45. carry out inspection and control and ascertain whether an internal plan for emergencies has been prepared and submitted to the responsible body in accordance with Article 154 of this Law;
46. ascertain whether internal plans for emergencies have been analyzed, tested, updated and revised in a period not longer than three years, taking into account the new technical developments in the field of major accidents (Article 154 paragraph (9));
47. ascertain whether the action undertaken in the event of environment damage caused by the operation of the installation was in accordance with Article 157 (Article 157);
48. temporarily take away equipment, products, devices and apparatuses which are sources of environment pollution or degradation or do not comply with the conditions and standards specified for environment protection up to the removal of deficiencies, or issuance of effective decision by the competent court or misdemeanor authority; and
49. ascertain other states for the purpose of enforcement of this and other laws.

(2) In performing inspection supervision, the Inspector of Environment may request presence of a person from the body performing expert activities in the area of environment.

(3) Regular supervision over the installation specified in the integrated environmental permit shall be performed by the State Inspectors, and if requested in presence of an official person from the body responsible for the performance of expert affairs in the area of environment.

(4) Upon a request of the Inspector of Environment, authorized person from the body of the state administration responsible for the internal affairs shall participate in the performance of activities referred to in paragraph (1) of this Article.

(5) With regard to certain issues that according to this or to another law have been established as responsibility of the body of the state administration responsible for the affairs of the environment, the State Inspector may also carry out supervision over installations with B integrated environmental permits, as well as over the facilities that perform other works and activities.

Article 199

Other competences of the State Inspector of Environment

(1) In performing supervision over activities under his/her scope, the State Inspector of Environment shall have the right to perform supervision over the application of measures for protection of soil against pollution, and land use change, in particular whether:

- all measures for pollution prevention have been undertaken and it has been minimized,
- prescribed projects for re-cultivation of soil are complied with;
- measures of protection of the soil against pollution have been undertaken;
- monitoring devices/units are in proper functioning state, and
- other states of his/her competence are ascertained.

(2) In performing supervision over the enforcement of measures for protection against non-ionizing radiation, the State Inspector of Environment shall have the right to perform supervision to ascertain whether:

- the placement of facilities that release non-ionising radiation degrade and/or disturb natural habitats and common movements, stay and distribution of species,
- the placement of facilities that release non-ionising radiation degrade the properties and aesthetic characteristics of landscape, and
- establish other states within the scope of their competence.

(3) In performing supervision over the implementation of measures of protection against unpleasant odor from installations with A-integrated environmental permit, and installations with B-integrated environmental permit within protected areas, the Inspector of Environment shall have the right to perform supervision whether:

- measures of protection against unpleasant odor in the premises and environment where the man stays and moves are undertaken;
- the activity is performed in a manner that prevents spreading of the unpleasant odor in the surrounding;
- objects are removed and activities causing unpleasant odor are prevented, and
- ascertains other states under his/her competence.

(4) In performing supervision of his/her competence, the Inspector of Environment shall have the right to perform supervision over all installations, systems and plants with regard to which he/she has gained knowledge that they release and/or discharge emissions into the environment, leading to reasonable doubt that the releases and/or discharges may cause environmental pollution or threaten human life.

Article 200

Making decisions by the State Inspector of Environment

(1) In performing inspection supervision, the State Inspector of Environment shall, by virtue of decision:

1. specify measures for elimination of the causes that have led to environmental pollution;
2. order to eliminate harmful consequences caused by the pollution or degradation of environment and nature and restore the environment to the original state
3. specify prevention measures and measures for elimination of the environment pollution and its restoration to a satisfactory state;
4. prohibit the construction or reconstruction of an installation if the prescribed norms and standards of environment protection are not complied with, for a period of 90 days within which the causes of the occurred state shall be eliminated;
5. restrict the operation of the facilities, plants and installations due to their harmful effects by which they pollute or degrade the environment and human life and health, regardless of whether conditions for their work and permits, approvals and consent have been provided, as prescribed by law, for a period of 90 days at the most within which the causes of the occurred state shall be eliminated;
6. prohibit the operation of facilities, plants and installations due to the harmful activities leading to environmental pollution or degradation and to human health and life, regardless of whether conditions for their work and permits, approvals and consent have been provided, as prescribed by law, for a period of 90 days at the most within which the causes of the occurred state shall be eliminated;
7. restrict and/or prohibit the operation and/or use of technology, technological line of products, semi-products, raw materials, equipment, devices and machines that have harmful effect and do not meet the prescribed conditions, up to the adoption of effective decision by the competent court or by the body responsible for minor offences;
8. temporarily withdraw the equipment, products, devices and machines which represent a source of pollution or degradation for the environment, or fail to meet the prescribed conditions, until the deficiencies are eliminated, i.e. until the decision of the competent court or of the body responsible for minor offences is in effect;
9. oblige legal and natural persons to prepare an elaborate on the environmental impacts of the project within 90 days, at the most, starting on the day when the it was ascertained that they failed to prepare an elaborate, i.e. the day on which they have received the decision;
10. oblige legal and natural person that failed to apply for issuance of integrated environmental permit to do so within 90 days at the most;
11. restrict or prohibit the operation of the legal or natural person that failed to apply for issuance of integrated environmental permit, for a period of 90 days at the most within which the causes of the occurred state shall be eliminated,

- i.e. until effective decision is made by the competent court or by the body responsible for minor offences;
12. restrict or prohibit the operation of a legal entity or natural person that failed to fulfill the conditions set forth in the integrated environmental permits, adjustment permit with adjustment plans, environment impact assessment elaborates, plans for protection against major accidents, until the conditions are fulfilled, but within 90 days at the most, within which the causes of the occurred state shall be eliminated;
 13. oblige legal and natural person that failed to prepare emergency plan to do so within a period of 90 days at the most;
 14. oblige legal and natural person to undertake measures required to meet the conditions specified in the integrated environmental permit, adjustment permits with adjustment plans, elaborates on environmental impact assessment of the project, studies on environmental impact assessment and plans on protection against major accidents;
 15. restrict or prohibit the operation of the legal or natural person that failed to meet the conditions specified in the integrated environmental permit, adjustment permits with adjustment plans, elaborates on environmental impact assessment of the project, studies on environmental impact assessment and plans on protection against major accidents, until conditions are met and not later than within 90 days during which causes of the occurred state shall be eliminated.
 16. temporarily confiscate the products, semi-products, raw materials and chemicals that have not been labeled on the possible pollution or possible negative impacts on the environment and have not provided data on their properties and effects;
 17. oblige legal and natural persons to submit the necessary data of the monitoring and other environmental information within 30 days at the most.
 18. oblige legal and natural persons to carry out environmental pollution monitoring within 90 days at the most in case of appearance of pollution in the vicinity of the facility of the legal or natural person where the activity assumed to cause the pollution is performed;
 19. restrict or prohibit the operation of legal and natural person that has failed to carry out the monitoring in accordance with the law for a period of 30 days at most, within which the causes that have led to that situation shall be eliminated;
 20. oblige legal and natural persons to report the monitoring data required for Register and for the Cadastre within 30 days at most as of the day on which the deficiency has been established;
 21. restrict or prohibit the implementation of the project for which no decision on the study on environmental impact assessment has been issued granting consent on the project implementation, regardless of whether the competent

- body has issued permit for the project implementation, within 90 days, within which the causes that have led to that situation shall be eliminated;
22. oblige legal and natural persons that have failed to apply for adjustment permit with adjustment plan to do so within a period of 90 days;
 23. restrict or prohibit the operation of legal and natural person that has not been granted integrated environmental permit and adjustment permit with adjustment plan for a period of 90 days, within which the causes that have led to that situation shall be eliminated;
 24. restrict or prohibit the operation of legal and natural persons that release emissions into the environment exceeding those prescribed by the law or by regulation adopted on the basis of the law and/or emissions specified in integrated environmental permits, within 90 days at most, within which the causes that have led to that situation shall be eliminated; and
 25. for the purpose of human health protection, restrict or prohibit the operation of legal or natural persons that release emissions into the environment or restrict their emissions in case when in the vicinity of the legal or the natural person the environmental quality standards have been violated within time period until the quality of the environment is brought within the frames of the prescribed quality standards.

(2) If the state inspector of environment, while performing inspection supervision, finds out that legal and natural persons do not comply with the laws and other regulations, technical regulations, standards and other general acts, he/she shall state the irregularities found in minutes and shall in a decision specify the term within which they shall be eliminated.

(3) The measures for elimination of harmful effects caused by environment or nature pollution or degradation, for the purpose of restoring the environment into its original state or to the satisfactory state referred to in paragraph (1) items 1, 2 and 3 of this Articles may be specified by the state inspector in cooperation with the body responsible for the performance of expert activities in the area of environment.

(4) In case the entities referred to in paragraphs (1) and (2) of this Article fail to act in accordance with the decision issued by the state inspector of environment, and fail to eliminate the causes that have lead to the situation occurred, the state inspector of environment shall rise minor or criminal charges before the competent body or court and shall initiate a procedure for revoking of the permits and authorizations obtained.

(5) If the state inspector of environment, while performing inspection supervision, finds out that legal and natural persons do not comply with the laws and other regulations, technical regulations, standards and other general acts despite of the specified term within which the established irregularities should be eliminated, he/she shall be entitled to rise minor or criminal charges before the competent body or court.

(6) In cases referred to in paragraph (5) of this Article, the state inspector shall act in accordance with the minor offence regulated by minor offence provisions of this Law.

(7) If the state inspector, while performing the inspection supervision, establishes that the deadline specified in the decision referred to in paragraph (1) of this Article is obviously not sufficient for legal and natural persons to undertake measures in order to comply with the laws and other regulations, technical regulations, standards and other general acts, the state inspector may specify additional deadline which shall be longer by additional 120 days at most compared to the deadline specified in paragraph (1) of this Article.

(8) In case of established direct danger for human life and health, the state inspector of environment shall issue an oral order for urgent and undelayed elimination of established deficiencies which shall be recorded in minutes in cooperation with the State Sanitary and Health Inspectorate, and shall inform other competent inspectors or other state bodies on the established irregularities and shall request their intervention.

(9) In case the established irregularities referred to in paragraph (7) of this Article pose danger to the environment, human life and health, the state inspector shall issue an oral order by which she/he shall immediately prohibit the operation of the installation, facility, plant, device, as well as the use of the means and equipment for the activity performance.

(10) In the cases referred to in paragraph (8) of this Article, the state inspector shall issue written decision within 48 hours from the issuance of the oral order.

(11) The costs for the keeping and storage of confiscated equipment, products, devices and appliances that are sources of pollution or degradation of the environment, shall be borne by the person from which they have been confiscated.

(12) The environmental inspector shall issue a certificate for temporary deprivation of the confiscated articles referred to in paragraph (1) item 8 of this Article.

(13) Deprivation of articles and their handling shall be carried out in accordance with the Law on Management of Confiscated Property, Property Gain and Deprived Articles in Criminal and Misdemeanour Proceedings.

Article 201

Scope of work of the authorized inspector of environment

(1) In carrying out supervision within his/her scope of activities, the authorized inspector of environment shall have the right to:

1. ascertain whether environmental impact elaborates have been developed for projects specified in the regulation referred to in Article 24

- paragraphs (4) and (5) of this Law and whether they have been submitted to the body responsible for the project implementation approval, as well as to establish whether conditions specified in the elaborate are complied with (Article 24);
2. order undertaking of the measures specified in the elaborate and establish the term for the measures completion (Article 24);
 3. establish whether the monitoring is performed in accordance with the conditions contained in the B integrated environmental permit (Article 36 paragraph (4));
 4. establish whether the developer is furnished with the data required for the development and maintenance of the Register of pollutants and their properties (Article 41 paragraph (3));
 5. ascertain whether application has been submitted and/or the installation has B integrated environmental permit has been obtained (Articles 122 paragraph (1) and 124 paragraph (1));
 6. carry out inspection and control whether the operations in the installation are performed in accordance with the conditions specified in the B integrated environmental permit (Article 127);
 7. ascertain whether adjustment permit with adjustment plan for continuation or initiation of the work in the installation has been obtained by the achievement of the conditions for issuance of B integrated environmental permit and to establish whether the activities in the installation are performed in accordance with the conditions specified in the permit and in the adjustment plan (Article 134);
 8. ascertain whether the application for issuance of adjustment permit with adjustment plan has been submitted within the prescribed term in the cases in which the installation is subject to B integrated environmental permit (Article 135 paragraph (5));
 9. establish whether emissions of substances specified in the adjustment permit are released in accordance with the set limit values (Articles 134, 137, 138 and 139);
 10. carry out inspection and control over the manner of implementation of individual phases of adjustment plans and ascertain whether those are implemented within the terms specified in the adjustment permits in the cases in which the installation is subject to B integrated environmental permit (Article 134, Article 137, Article 138 and Article 139);
 11. establish whether reports on the implementation of adjustment plans and on the fulfillment of the obligations under the adjustment plans have been submitted and whether this has been done within the specified period (Articles 138 and 139);
 12. establish whether notification to the competent body has been made within the specified term (Article 147 paragraph (4));

13. ascertain whether internal emergency plans have been developed and submitted to the municipality and to the City of Skopje (Article 154); and
14. ascertain other situations for the purpose of providing for the enforcement of this and other laws.

(2) Upon request of the authorized inspector of environment, the authorized person of the body of the state administration responsible for the internal affairs shall participate in the execution of the activities referred to in paragraph (1) of this Article.

Article 202

Other competences of the authorized inspector of environment

(1) In carrying out supervision within his/her scope of activities, the authorized inspector of environment shall have the right to supervise the implementation of the measures for protection of the soil against pollution and change of purpose, through ascertaining whether:

- all measures for prevention of the soil pollution through discharge of motor oils from vehicles and/or oil derivatives and/or oil derivatives containing liquids (car wash workshops, other vehicle services, etc.) have been undertaken;
- appropriate measures have been undertaken in cases of exceeded pollution; and
- ascertains other conditions under his/her responsibility.

(2) In carrying out supervision over the implementation of the measures for protection against odour, the authorized inspector of environment shall have the right to supervise the measures for protection against odour, through ascertaining whether:

- measures for protection against odour have been undertaken in the premises and the surrounding where people stay and move;
- catering and tourist activities are performed in a manner preventing odour spread in the environment;
- articles causing odour have been eliminated and activities causing odour have been prevented; and
- ascertains other conditions under his/her responsibility.

Article 203

Decision making by the authorized inspector of environment

(1) In carrying out inspection supervision, the authorized inspector of environment shall by decision:

1. specify measures aimed at elimination of causes that have led to the occurrence of environmental pollution;
2. order elimination of harmful effects occurred due to the pollution or degradation of the environment and determine measures for restoration of the environment in its former state;
3. specify measures for prevention and elimination of the pollution and for restoration of the environment in satisfactory state;
4. temporarily prohibit the operation of facilities, plants and installations due to the harmful activities leading to environment pollution or degradation and human life and health, regardless of whether conditions for their operation have been met and whether permits, approvals and consents as prescribed by the law have been issued, for a period of 30 days at most, during which the reasons that have caused the situation shall be eliminated;
5. temporarily confiscate equipment, devices, products and appliances that are sources of environment pollution or degradation until deficiencies are eliminated or the decision of the competent court or by the misdemeanor body becomes effective;
6. oblige the legal and the natural persons to develop environmental impact assessment for the project within 90 days at most as of the day when it has been established that they have not developed such elaborate;
7. oblige the legal and the natural persons that have not applied for B integrated environmental permit or for adjustment permit with an adjustment plan to do so within 90 days at most;
8. restrict or prohibit the operation of the legal or natural person that has not applied for B integrated environmental permit for a period of 30 days, within which the causes that have led to that situation shall be eliminated;
9. restrict or prohibit the operation of the legal or natural person that does not meet the conditions specified in the B integrated environmental permit and adjustment permit with adjustment plan for installations that are subject to B integrated environmental permitting, project environmental impact assessment elaborate, for a period of 30 days, within which the causes that led to that situation shall be eliminated; and
10. restrict or prohibit the operation of the legal or natural persons that release emissions into the environment exceeding the ones prescribed by law or regulation adopted on the basis of law, and/or emissions specified in the B integrated environmental permit, for a period of 30 days, within which the causes that led to that situation shall be eliminated.

(2) If the authorized inspector of environment, while carrying inspection supervision, establishes that legal and natural persons fail to comply with the laws and other regulations, standards, recommendations and other general acts, he/she shall record in minutes the established deficiencies and set term in the decision within which such deficiencies shall be eliminated.

(3) If entities referred to in paragraphs (1) and (2) of this Article fail to proceed in accordance with the decision of the Authorized Inspector of Environment and eliminate the causes specified in the decision, the Authorized Inspector of Environment shall raise minor offense charges before the competent body or criminal charges before the competent court or the competent body and shall initiate procedure for revocation of issued permits and authorizations.

(4) If the authorized inspector of environment, while carrying inspection supervision, establishes that legal and natural persons fail to comply with the laws and other regulations, standards, recommendations and other general acts, despite the specification of the term within which the deficiencies shall be eliminated, the authorized inspector of environment shall be entitled to file request for initiation of minor offence procedure or criminal offence procedure before the competent court or the competent body.

(5) In cases referred to in paragraph (4) of this Article, the authorized inspector of environment shall act in accordance with the type of the offence established in the offence related provisions of this Law.

(6) If the authorized inspector, while performing the inspection supervision, establishes that the deadline specified in the decision referred to in paragraph (1) of this Article is obviously not sufficient for legal and natural persons to undertake measures in order to comply with the laws and other regulations, technical regulations, standards and other general acts, the state inspector may specify additional deadline which shall be longer by additional 90 days at most compared to the deadline specified in paragraph (1) of this Article.

(7) In cases of established irregularities direct danger to human life and health, the authorized inspector of environment shall issue an oral order for urgent and undelayed elimination of identified deficiencies that shall be recorded in minutes in cooperation with the State Sanitary and Health Inspectorate and shall notify thereon the State Inspectorates of Environment, as well as other competent inspectorates and other state bodies on the established irregularities and shall request their intervention.

(8) If the established irregularities referred to in paragraph (6) of this Article pose threat to the environment and to human life and health, the authorized inspector of environment shall issue an oral order by means of which he/she shall prohibit the operation of the installation, facility, plant, device, and the use of the means and equipment for performance of the activity.

(9) In the cases referred to in paragraph (7) of this Article, the authorized inspector of environment shall made a written decision within 48 hours from the issuance of the oral order.

(10) The costs for the keeping and storage of confiscated equipment, products, devices and appliances that are source of the environment pollution or degradation shall be borne by the person from which they have been confiscated.

(11) The environmental inspector shall issue a certificate for temporary deprivation of the confiscated articles referred to in paragraph (1) item 5 of this Article.

(12) Deprivation of articles and their handling shall be carried out in accordance with the Law on Management of Confiscated Property, Property Gain and Deprived Articles in Criminal and Misdemeanour Proceedings.

Article 204

Scope of work of the State Market Inspector, State Sanitary and Health Inspectorate, Food Directorate, Phytosanitary Administration and State Agricultural Inspectorate

(1) In performing supervision of his/her scope, the State Market Inspector, the State Sanitary and Health Inspector, the Food Inspector and the State Inspector of Agriculture, shall have the right to:

1. ascertain whether production, trade and use of particular products, substances and particular activities and services are performed in accordance with the regulation referred to in Article 21 of this Law;
2. ascertain whether hazardous and harmful substances and products, as well as substances and products the import, export and transit of which in/from/through the Republic of Macedonia is prohibited or strictly controlled under Article 22 paragraph (1) of this Law, are released for trade;
3. ascertain whether the trade, the import, the export and the transit of hazardous substances and products, as well as certain products, raw materials and goods that fall under special regime for import, export and transit in/from/through the Republic of Macedonia are performed in accordance with the regulation referred to in Article 22 paragraph (2) of this Law;
4. ascertain whether products, semi-finished products, raw materials and chemicals, and their packaging not carrying a label warning to the possibility of pollution or likely impact on the environment and human health, are released for trade, in accordance with Article 27 paragraph (1) of this Law; and
5. ascertain whether products, semi-finished products, raw materials and chemicals are released for trade without the label specified in Article 27 paragraph (1) of this Law;
6. ascertain whether products and services carrying eco-label that was not obtained in the manner prescribed by Article 29 of this Law are released for trade;

7. ascertain whether product carrying eco-label is advertised, labeled and released for trade in the manners and in accordance with the criteria that are not in compliance with Article 29 of this Law.

(2) The State Market Inspectorate shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Market Inspection and with this Law.

(3) The State Sanitary and Health Inspectorate shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Sanitary and Health Inspection and with this Law.

(4) The Food Directorate shall perform the inspection supervision referred to in paragraph (1) items 1, 3 and 4 of this Article in accordance with the Law on Safety of Food, Food Stuffs and Substances in Contact with Food and with this Law.

(5) The Phytosanitary Administration shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Plants Health, Law on Plants Protection and with this Law.

(6) The State Inspectorate of Agriculture shall perform the inspection supervision referred to in paragraph (1) of this Article in accordance with the Law on Agricultural Inspection, other special laws in the area of agriculture and with this Law.

Article 204-a

Education procedure

(1) If the state environmental inspector or the other body that has performed the inspection supervision, while performing the inspection supervision has found irregularity referred to in Article 212 – f paragraph (1) items 1), 4), 5), 6), 7), 8), 9) and 12) and Article 212 – g paragraph (1) items 1), 8), 9) and 10) of this Law, she/he shall prepare minutes stating the irregularity committed with instruction concerning removal of the established irregularity within specified deadline and parallel handling of summon for carrying out education of the person or the entity where the irregularity has been found during the performance of the inspection supervision.

(2) If the authorized inspector, while performing the inspection supervision has found irregularity referred to in Article 212 – f paragraph (1) items 1), 4), 5), 6), 7), 8), 9) and 12) of this Law, she/he shall prepare minutes stating the irregularity committed with instruction concerning removal of the established irregularity within specified deadline and parallel handling of summon for carrying out education of the

person or the entity where the irregularity has been found during the performance of the inspection supervision.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format and the content of the summon for education.

(4) Education shall be organized and carried out by the State Environmental Inspectorate, authorized inspector or other body of the state administration that has performed the inspection supervision within deadline that shall not exceed eight days from the day of completion of the inspection supervision.

(5) Education may be carried out for several established same or same kind of irregularities for one or more entities.

(6) If the person or the entity on which the education is carried out fails to appear for education within the specified deadline, the education shall be deemed completed.

(7) If the person or the entity on which the education is carried out has appeared for education and completed it, it shall be deemed educated with regard to the established irregularity.

(8) If the state inspector, authorized inspector or the other body of the state administration that has performed the inspection supervision, while performing the control supervision has found that the irregularities referred to in paragraphs (1) and (2) of this Article have been removed, she/he shall issue a conclusion stopping the inspection supervision procedure.

(9) If the state inspector, authorized inspector or the other body of the state administration that has performed the inspection supervision, while performing the control supervision has found that the irregularities referred to in paragraphs (1) and (2) of this Article have not been removed, she/he shall file a request for initiation of misdemeanor procedure before the Misdemeanour Commission.

(10) The State Environmental Inspectorate, authorized inspector or the other body of the state administration that has performed the inspection supervision shall keep unique records of the performed education in a manner prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment.

Article 205

Right to access

(1) While performing supervision, state and authorized inspectors shall have the right to access where they maintain necessary, at any time, in areas and business premises in public and private ownership, locations and transport means and shall be entitled to review without any interruptions the overall required documentation of the legal or natural person.

(2) For the purpose of carrying out the activities referred to in paragraph (1) of this Article in residential premises, the state and authorized inspectors shall have prior court order.

(3) While performing inspection supervision, state and authorized inspectors shall have the right to access the technological, production and other processes that constitute part of the activities of the legal and/or the natural person being subject to inspection supervision.

(4) While performing supervision, state and authorized inspectors shall have the right to seal premises and/or objects during a period necessary to provide the evidence needed for the implementation of misdemeanor or criminal offence procedure.

(5) In case, while performing supervision, state and authorized inspectors are prevented the right to an access, they shall be entitled to request assistance by the body responsible for the performance of the affairs in the area of internal affairs.

Article 205-a
Obligations of legal and natural persons during inspection supervision performance

(1) Each natural person, that has found herself/himself at the spot of the inspection supervision, shall during the performance of the inspection supervision and upon request by the state and authorized inspector, identify herself/himself and provide the personal data.

(2) The persons referred to in paragraph (1) of this Article shall provide accurate data and make available to the state and authorized inspector all required information and documents necessary for the inspection supervision performance.

(3) The persons in charge, the authorized persons and the employees of the legal and natural persons over which the inspection supervision is carried out shall facilitate to the state and authorized inspectors the right to an access and inspection in the premises of the legal and natural persons in order to conduct the inspection supervision.

(4) The persons in charge and the authorized persons of the legal and natural persons over which the inspection supervision is carried out shall present to the state and authorized inspectors immediately, during the performance of the inspection supervision and not later than within 24 hours, all documents and information necessary for the establishment of the actual situation.

(5) The persons referred to in paragraphs (1) and (3) of this Article shall, upon request by the state and authorized inspectors, make statement of what they know in relation to facts and events related to the inspection supervision.

(6) The persons referred to in paragraph (3) of this Article shall facilitate the state and authorized inspectors to carry out measurements, sampling, observations, as well as to collect evidence and documents necessary for the performance of the inspection supervision.

(7) The legal person shall, upon request by the state and authorized inspector, assign a person to attend the measurement and the sampling, the observations, as well as the collection of evidence and documents.

Article 206

Measurement and sampling and evidence collection

(1) Upon request by the state inspector of environment and authorized inspector of environment, each natural or legal person shall make available all information, including economic data of relevance to the assessment of the pollution and determination of prevention and protection measures.

(2) In order to determine the impact on the environment, the state inspector of environment or authorized inspector of environment shall be entitled, from the persons referred to in paragraph (1) of this Article:

- to request that results from investigations, analyses and measurements conducted by the natural or the legal person are submitted to him/her;
- to take samples, analyze and measure the substances and matters released in the environment, as well as the noise and the energy;
- to take samples and analyze materials and products used or processed, as well as waste products, if there are such;
- to clarify reasons that lead to environmental pollution and degradation;
- to take statements from responsible, official, authorized persons and persons found on spot, as well as from other persons who are relevant for the establishment of the level and the type of pollution,
- to request performance of probational work or activity for the purpose of establishment of the level of past and future pollution,
- to request disassemblage of products or performance of test for the purpose of establishment of the pollution; and
- to undertake other measures and activities in order to provide evidence of relevance for the purpose of establishment of the level of pollution.

(3) In case the results from the investigations, analyses and measurements referred to in paragraph (2) items 2 and 3 of this Article fail to correspond with the data provided by the natural or the legal person, the costs for the investigations, analyses and measurements shall be borne by the operator.

(4) The measurements, samples, records, statements and evidence, as well as other activities carried out during the performance of inspection supervision shall be taken, recorded and kept in a manner and procedure prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment.

Article 207

Costs

(1) The costs for the activities carried out outside the administrative procedure at the request of the client shall be borne by the client.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the levels of the costs referred to in paragraph (1) of this Article and the manner of their payment.

(3) The funds referred to in paragraph (1) of this Article related to a completed supervision by the State Inspectorate of Environment shall be paid to the special account of the body of the state administration responsible for the affairs of the environment and shall be used to cover the costs of the completed supervision.

(4) The funds referred to in paragraph (1) of this Article related to a completed supervision by the authorized inspector of environment shall be paid to the special account of the municipality, City of Skopje and municipalities of the City of Skopje and shall be used to cover the costs of the completed supervision.

Article 208

Procedure for carrying out inspection supervision

(1) Inspection supervision over legal and natural persons that perform activity that makes or is likely to make impact on the environment shall be carried out as regular, extraordinary and control supervision, as well as upon reports and/or information received by other state bodies, organizations, institutions, legal and natural persons, as well as by the public information media.

(2) The Director of the State Inspectorate of Environment or the Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje shall adopt annual programmes on the performance of the regular inspection referred to in paragraph (1) of this Article by 31 December of the current year for the next year.

(3) The Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje shall submit the Programme referred to in paragraph (2) of this Article to the body of the state administration responsible for the affairs of the environment.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content, the form and the manner of adoption of the Programme for inspection supervision performance.

(5) The state inspector of environment and authorized inspector of environment shall be independent in the performance of the inspection supervision and in undertaking administrative and other measures specified in the law, within their competence stipulated by this and by other laws.

(6) The state inspector of environment shall be authorized to carry out inspection supervision over legal and natural persons, at any time and directly on the location, without prior announcement in business premises, installations, facilities, as

well as over means and equipment for performance of activities requiring A integrated environmental permit and legal and natural persons requiring B integrated environmental in accordance with Article 95 of this Law, as well as over legal and natural persons performing activities and works in accordance with the regulation adopted on the basis of Article 24 paragraph (4) of this Law.

(7) The authorized inspector of environment of the municipality and the authorized inspector of environment of the City of Skopje and the authorized inspector of environment of the municipality of the City of Skopje shall be authorized to carry out inspection supervision over legal and natural persons at any time and directly on the location, without prior announcement in business premises, installations, facilities, as well as over means and equipment for performance of activities requiring B integrated environmental permit.

(8) The authorized inspector of environment of the municipality and the authorized inspector of environment of the City of Skopje and the authorized inspector of environment of the municipality of the City of Skopje shall be authorized to carry out inspection supervision over legal and natural persons at any time and directly on the location, without prior announcement in business premises, installations, facilities, as well as over means and equipment for performance of activities which do not require integrated environmental permit.

(9) With regard to certain activities which under the provisions of this or another law have been specified as competences of the body of the state administration responsible for the affairs of the environment, the State Inspector of Environment shall be authorized to carry out inspection supervision over installations with B integrated environmental permits, as well as over facilities that perform other activities and works.

(10) The State Inspector of Environment shall be authorized to carry out inspection supervision at any time and directly on the location, without prior announcement in business premises, installations, facilities, as well as over means and equipment for performance of activities and works requiring B integrated environmental permit and other activities for which integrated environmental permit is not required in case he/she learns that the authorized inspector of environment has failed to act upon received report and/or information by other state bodies, organizations, institutions, legal and natural persons, as well as public information media.

(11) In case the authorized inspector of environment, while performing the inspection supervision finds out irregularities of major scale in installations with A integrated environmental permit or with other legal and natural person, he/she shall inform without any delay the State Inspectorate of Environment.

(12) An appeal against decisions of the state inspector shall be decided by the Second instance commission settling appeals upon decisions issued by the State Environmental Inspectorate composed of three members appointed by the Minister managing the body of the state administration responsible for the affairs of the environment.

(13) For a president of the Commission referred to in paragraph (12) of this Article shall be appointed a management level civil servant employed in the State Environmental Inspectorate who has not been involved in the performance of the inspection supervision.

(14) For members of the Commission referred to in paragraph (12) of this Article shall be appointed employees of the body of the state administration responsible for the affairs of the environment, one of whom shall be a lawyer.

(15) An appeal against decisions of the authorized inspector shall be decided by special commission composed of three members appointed by the Mayor of the municipality, municipalities of the City of Skopje and the City of Skopje.

(16) For a president of the Commission referred to in paragraph (15) of this Article shall be appointed a management level civil servant employed in the inspection offices of the municipality, municipalities of the City of Skopje and the City of Skopje who has not been involved in the performance of the inspection supervision.

(17) For members of the Commission referred to in paragraph (15) of this Article shall be appointed employees of the municipality, one of whom shall be a lawyer.

(18) The appeal referred to in paragraph (12) of this Article shall not postpone the enforcement of the decision if such postponement of the enforcement could lead to danger of affecting the environment and human life and health.

Article 208-a

Actions by the State Inspector upon report by natural or legal person

(1) State and authorized inspectors shall within seven days to act upon the initiative or report for initiation of inspection procedure.

(2) In the cases referred to in paragraph (1) of this Article, state and authorized inspectors shall inform the person submitting the initiative or report for initiation of inspection procedure within seven days from the day of completion of the inspection supervision.

(3) In case the body of the state administration responsible for the affairs of the environment receives a report by natural or by legal person on actions or activities in installations, systems, facilities, buildings or plants that pollute the environment, and for which the State Inspectorate of Environment is not responsible to perform supervision in the course of duty, the State Inspectorate of Environment shall submit it to the competent Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje for further proceedings within seven days from the day of receipt of the report.

(4) In the cases referred to in paragraph (1) of this Article, the State Inspector shall inform thereon the legal or the natural person.

(5) In case the body of the state administration responsible for the affairs of the environment receives a report by natural or by legal person referred to in paragraph (1) of this Article, that the bodies of the municipality and of the City of Skopje or of the municipality in the City of Skopje fail to act upon the report, in such case the State Inspectorate shall forward notification to the Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje for the purpose of undertaking measures upon the report and shall specify the term, that shall not be longer than 30 days, within which the Mayor shall undertake appropriate measures or supervision and shall inform the State Inspectorate of Environment on the results from the measures undertaken or supervision conducted within the specified period.

(6) In case the Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje fail to act in accordance with the notification referred to in paragraph (3) of this Article, the State Inspector shall undertake the necessary measures or to conduct the supervision by herself/himself and shall notify the Mayor thereon.

(7) The costs related to the measures undertaken and/or supervision conducted under paragraph (4) of this Article shall be borne by the Municipality and shall be determined in line with the costs specified in Article 207 of this Law.

(8) The costs referred to in paragraph (5) of this Article shall be paid by the Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje within 15 days from the day of receipt of the invoice, to the special account of the body of the state administration responsible for the affairs of the environment.

Article 209

Duties of state inspectors of environment and authorized inspectors of environment

(1) The state inspector of environment and authorized inspector of environment shall keep records on the conducted inspections and controls of legal and natural persons, on which she/he shall prepare periodical report and publish it on the web site of the body of the state administration responsible for the affairs of the environment or the web site of the municipality or the City of Skopje or the web site of the other body of the state administration that has performed the inspection supervision.

(2) The state inspector of environment and authorized inspector of environment shall keep as an official secret the data he/she has had access to while performing supervision or submitted by legal and natural persons in accordance with the law.

(3) The state inspector of environment and authorized inspector of environment shall once in a year, at the end of January in the current year, prepare

annual report on the conducted inspection supervision and findings thereof, on administrative measures, as well as on the reports submitted and results therefrom, on the preceding year and submit it to the body of the state administration responsible for the affairs of the environment for adoption.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the contents of the report referred to in paragraph (3) of this Article, as well as the manner and the term of its submission.

(5) Based on the reports referred to in paragraph (3) of this Article, the body of the state administration responsible for the affairs of the environment shall prepare an annual report on the conducted inspection supervision over the implementation of environmental protection measures on the preceding year and shall submit it to the Government of the Republic of Macedonia for information, not later than by March in the current year.

(6) The state inspectors and authorized inspectors shall cooperate in the performance of the activities in the scope of their responsibility.

(7) Authorized inspectors shall at the request of the State Environmental Inspectorate deliver all data and documents related to the performance of the inspection supervision.

(8) The Inspectorate and the authorized inspectors of environment shall publish the inspection acts on their web site within three days from the day of their issuance in accordance with the regulations on personal data protection.

Article 209-a

Responsibilities of official persons

(1) The official persons in the body of the state administration responsible for the affairs of the environment, including its constituent bodies, as well as the official persons in the bodies of the municipality and of the City of Skopje or of the municipality in the City of Skopje, as responsible persons, shall undertake all necessary measures and procedures, in a timely and efficient manner, for the purpose of enforcement of this Law.

(2) If during the performance of the procedures specified in this Law, breaches by legal or natural person are established, committed by action or failure to act and/or omission of due supervision over another person that has been authorized to act on behalf of the legal person, as well as by presentation of inaccurate or faulty data and documents, the official persons shall raise initiative or request for initiation of misdemeanor procedure in accordance with the provisions of this Law.

(3) If legal and natural persons with regard to which rights and obligations have been specified by this Law, establish breach or violation of the authorisations by the official persons referred to in paragraph (1) of this Article, committed by actions and/or failure to act, they shall inform thereon the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje.

(4) In case of established violations of the competences of official persons referred to in paragraph (1) of this Article, the Minister managing the body of the state administration responsible for the affairs of the environment or the Mayor of the municipality and the Mayor of the City of Skopje or the Mayor of the municipality in the City of Skopje shall initiate a procedure for establishment of the responsibility of the official person in accordance with this or another law.

XXI. MANNER AND PROCEDURE FOR SUPERVISION OVER THE WORK OF THE BODIES OF THE MUNICIPALITIES, THE CITY OF SKOPJE AND THE MUNICIPALITIES OF THE CITY OF SKOPJE

Article 210

Supervision over the legality of the work of the bodies of the Municipality, the City of Skopje and the municipalities of the City of Skopje

(1) The supervision over the legality of the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje shall be based on the principle of legality, responsibility and independence in the exercise of their responsibilities.

(2) The supervision referred to in paragraph (1) of this Article shall be performed by the body of the state administration responsible for the affairs of the environment. Within the performance of the supervision over the implementation of this Law, the body of the state administration responsible for the affairs of the environment shall also supervise the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje.

Article 211

Competencies of supervision performance

(1) The body of the state administration responsible for the affairs of the environment, while performing the supervision over the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje shall carry out the following activities:

1. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje pass measure of prohibition of activity performance and returning the environment in satisfactory condition on the basis of the regulation referred to in Article 20 paragraph (2) of this Law;

2. establishes whether the Mayor of the municipality, the Mayor of the City of Skopje and the Mayor of the municipalities of the City of Skopje inform the public on cases of exceeded permissible levels and in other cases of environmental pollution on their territory (Article 26);
3. performs supervision over the delegated monitoring (Article 35);
4. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje submit monitoring data (Article 37);
5. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje submit data required for the maintenance of the register of polluting matters and substances and their properties (Article 41);
6. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje submit data required for the maintenance of the respective cadastres (Article 42);
7. establishes whether the Mayor of the municipality, the Mayor of the City of Skopje and the Mayor of the municipalities of the City of Skopje submit within the specified term the report referred to in Article 45 of this Law to the body of the state administration responsible for the affairs of the environment;
8. establishes whether the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje enable access to environmental information possessed thereby and whether they have done so within the prescribed term and in the prescribed form (Article 53 and Article 54);
9. establishes whether the Council of the municipality, of the City of Skopje and of the municipality of the City of Skopje have adopted local environmental action plan in accordance with the methodology and submitted report on its implementation (Article 60);
10. establishes whether the Council of the municipality, of the City of Skopje and of the municipality of the City of Skopje have established a body to monitor the implementation of the local environmental action plan (Article 60 paragraph (5));
11. establishes whether the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje have prescribed the manner of public information with regard to the implementation of the local environmental action plan and whether they provide information to the public (Article 62);
12. establishes whether the local environmental action plan has been adopted in line with the content referred to in Article 64 of this Law;
13. establishes whether the strategies, the plans and the programmes of the municipality, the City of Skopje and the municipalities of the City of Skopje have been adopted in the manner and through the procedure prescribed in the provisions of Chapter X of this Law;

14. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have submitted data of relevance to the elaboration of the project environmental impact assessment study (Article 83);
15. establishes whether the municipalities and the City of Skopje have fulfilled the conditions for issuance of B integrated environmental permits and adjustment permits with adjustment plans (Article 123);
16. establishes whether the Mayor of the municipality, the Mayor of the City of Skopje and the Mayor of the municipalities of the City of Skopje maintain a register of B integrated environmental permits on their respective municipalities and whether they submit a copy to the body of the state administration responsible for the affairs of the environment (Article 126 paragraph (4));
17. establishes whether the conditions specified in the permit in accordance with Article 126 paragraph (8) of this Law have been checked;
18. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have announced the request for adjustment permit with adjustment plan in at least one daily newspaper available throughout the territory of the Republic of Macedonia (Article 136);
19. establishes whether the Mayor of the municipality, the Mayor of the City of Skopje and the Mayor of the municipalities of the City of Skopje maintain a register of adjustment permits with adjustment plan for the installations that have applied for B integrated environmental permits on their respective territories and whether they submit a copy to the body of the state administration responsible for the affairs of the environment (Article 140 paragraph (5));
20. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have announced that adjustment permit with adjustment plan has been published in at least one daily newspaper available throughout the territory of the Republic of Macedonia and whether the permit has been issued in the prescribed content (Article 140);
21. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje issue B integrated environmental permits and adjustment permits with adjustment plans in the manner, under the conditions and through the procedure stipulated in Chapter XII and Chapter XIV of this Law;
22. establishes whether the municipality, the City of Skopje and the municipalities of the City of Skopje have developed external emergency plans (Article 154);

23. establishes whether they analyze and test, and where necessary update and review the external emergency plans within the prescribed periods (Article 154 paragraph (9));
24. establishes whether they have adopted plan for inspection supervision performance and submit it to the body of the state administration responsible for the affairs of the environment (Article 208 paragraph (2));
25. establishes whether they have submitted annual report on the conducted inspection supervision and whether they have done this within the prescribed term (Article 209 paragraphs (3) and (4));
26. monitors the legality of the work of the bodies of the municipality, of the City of Skopje and of the municipalities of the City of Skopje and undertakes measures and activities and rises initiatives for fulfillment of the competences of the municipality, the City of Skopje and the municipalities of the City of Skopje in accordance with this Law and with other environmental laws;
27. establishes whether the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje provide for their competences fulfillment in accordance with the standards and procedures stipulated in this Law;
28. warns the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje if they act beyond their competences prescribed by this or other law or other regulations and suggests undertaking of appropriate measures in order to overcome the situation;
29. indicates certain substantive and procedural deficiencies in the work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje which could obstruct the conduct of the activities of public interest of local importance;
30. recommends on consistent implementation of the competences of the municipality, the City of Skopje and the municipalities of the City of Skopje upon their request as stipulated by this Law;
31. supervises the timely adoption of the regulations adopted by the municipality, the City of Skopje and the municipalities of the City of Skopje in accordance with this Law;
32. rises initiatives and proposals to the the municipality, the City of Skopje and the municipalities of the City of Skopje in case of established failure to enforce this Law;
33. rises initiatives and proposals to the the municipality, the City of Skopje and the municipalities of the City of Skopje in case of established failure to enforce this Law as a result of collision of competences between the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje;

34. supervises the legality of the decisions adopted by the Mayor of the municipality, the Mayor of the City of Skopje and the Mayors of the municipalities of the City of Skopje in the decision making on individual rights, obligations and interests of natural or legal persons;
35. provides an opinions and expert assistance on the proposals of regulations that should be adopted by the municipality, the City of Skopje and the municipalities of the City of Skopje upon their request;
36. supervises the transparency of work of the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje, especially with regard to regular, timely, accurate and full information of the citizens;
37. supervises the exercise of the prior informed supervision over the regulations of the municipality, the City of Skopje and the municipalities of the City of Skopje; and
38. informs the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje in a timely manner of the detected state in their work and on the measures undertaken during the supervision performance.
39. assess whether the municipality, the City of Skopje and municipalities in the City of Skopje enforce the provisions of Article 24 of this Law.

(2) With regard to the measures and activities undertaken in accordance with paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall inform the body of the state administration responsible for the affairs of the local self government.

(3) With regard to the measures and activities undertaken in accordance with paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall notify the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje and specify the term within which they shall remove the defficiencies found within the exercise of their competence.

Article 212

Revoking of the competencies performance

(1) If despite the warnings and undertaken measures and activities the bodies of the municipality, the City of Skopje and the municipalities of the City of Skopje fail to provide for the performance of the activities established as their competence by this Law and the execution of which is the responsibility of the municipality, the City of Skopje and the municipalities of the City of Skopje, the respective competence shall be revoked and the opeartion shall be carried out by the body of the state administration responsible for the affairs of the environment in duration of one year after the revoking of the competence.

(2) The body of the state administration responsible for the affairs of the environment shall carry out the activities that are the competence of the municipality, the City of Skopje and the municipalities of the City of Skopje referred to in paragraph (1) on behalf of and on the account of the municipality, the City of Skopje and the municipalities of the City of Skopje.

(3) With regard to the taking over of competencies referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the local self government and the body of the state administration responsible for the affairs of finance shall be informed.

XII. MISDEMEANOR PROVISIONS

Article 212-a

State administrative body competent for misdemeanors processing

(1) With regard to misdemeanors referred to in Article 212-f and Article 212-g, misdemeanor procedure shall be also processed by the body of the state administration responsible for the affairs of the environment (hereinafter: Body competent for misdemeanors processing).

(2) The misdemeanor procedure referred to in paragraph (1) of this Article, on behalf of the Body competent for misdemeanors processing, shall be managed by Commission for decision making on misdemeanor (hereinafter: Commission for misdemeanors).

(3) The Commission for misdemeanors shall be composed of authorized persons employed in the body of the state administration responsible for the affairs of the environment, one of whom shall perform the function of Chairman of the Commission for misdemeanors.

(4) The Commission for misdemeanors shall be composed of three members among whom:

- two graduated lawyers, one of whom shall have passed judicial examination and shall have five years working experience in the relevant field, and

- one person with higher education in the area of natural sciences and five years working experience in the relevant field.

(5) The Commission for misdemeanors shall be elected for a period of three years with a possibility for re-election of members.

(6) Only graduated lawyer can be elected for Chairman of the Commission for misdemeanors.

(7) The Commission for misdemeanors shall decide on behalf of the Body competent for misdemeanors processing on misdemeanors specified in this Law or in an other law and shall pass misdemeanor sanctions specified in this Law, in the Law on Misdemeanors and/or in another law.

(8) In addition to the members of the Commission for misdemeanors, the Minister managing body of the state administration responsible for the affairs of the environment may appoint a Secretary of the Commission for misdemeanors that shall perform administrative matters.

(9) The Commission for misdemeanors shall adopt rules of procedures for its work.

(10) An accusation can be filed against the decisions passing misdemeanor sanction taken by the Commission for misdemeanors for initiation of administrative dispute before the competent court.

Article 212-b

Work of the Commission for misdemeanors

(1) The Minister managing the body of the state administration responsible for the affairs of the environment may establish more than one Commissions for misdemeanors with competence to manage misdemeanor procedures for misdemeanors for individual areas and/or individual regions in the Republic of Macedonia.

(2) A Member of the Commission for misdemeanors may be released:

- 1) upon expiry of the period for which she/he has been appointed
- 2) upon her/his request;
- 3) upon fulfilment of the conditions for old age pension in accordance with the law;
- 4) in she/he has been sentenced by effective sentence for criminal act;
- 5) if she/he has been found to be permanently incapable;
- 6) if she/he has been found to have violated the regulations for misdemeanor procedure management by means of effective decision;
- 7) if she/he fails to fulfil the obligations deriving from the operation of the Commission for misdemeanors; and
- 8) if she/he has failed to report the existence of conflict of interests in a case decided by the Commission for misdemeanors.

(3) The proposal for releasing a member of the Commission in relation to cases referred to in paragraph (2) items 3 to 8 of this Article shall be submitted by the Chairman of the Commission for misdemeanors to the Minister managing the body of the state administration responsible for the affairs of the environment.

(4) The Commission for misdemeanors shall be entitled to draw evidence and collect data that are necessary for the establishment of the misdemeanor, as well as to perform other matters and to undertake actions as specified in this Law, in the Law on Misdemeanors and/or in another law.

(5) Members of the Commission for misdemeanors shall be neutral and independent in their work in the Commission for misdemeanors and shall decide on the basis of their expert knowledge and independent judgement.

(6) The Commission for misdemeanors shall work in a council and take decisions by majority votes of the total number of members.

(7) The Commission for misdemeanors shall maintain unique records of misdemeanors, passed sanctions and taken decisions in a manner prescribed by the Minister managing the body of the state administration responsible for the affairs of the environment in consent with the Minister managing the state administration responsible for the affairs of the justice.

(8) The act referred to in paragraph (7) of this Article shall also specify the manner of access to information contained in the records.

(9) The members of the Commission for misdemeanors shall be entitled to a compensation for their work in the Commission for misdemeanors to be determined by the Minister managing the state administration responsible for the affairs of the environment which shall be rationale and proportional to the significance, scale of work of the members and complexity of misdemeanors.

Article 212-c

Settlement

(1) With regard to misdemeanors referred to in Articles 212-f and 212-g of this Law, state and authorized inspectors of environment shall propose to the misdemeanor perpetrator a settlement procedure before they initiate charges for misdemeanor procedure.

(2) Where the perpetrator of the misdemeanor has agreed to initiate misdemeanor procedure, the state/authorized inspector shall make minutes recording the important elements of the misdemeanor, the time, the place and the manner of the misdemeanor perpetration, description of the activity of the misdemeanor and the persons found on the spot.

(3) The minutes shall specify the manner in which harmful effects of the misdemeanor shall be eliminated, as well as the manner of overcoming the consequences from the perpetration of the misdemeanor.

(4) The state and the authorized inspector may propose the perpetrator that the overcoming of the consequences from the perpetration of the misdemeanor is accomplished through performance or conduct of socially beneficial work or through allocation of funds for performance of socially beneficial work.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall specify the type of the socially beneficial work, the manner of selection of beneficiaries, the manner of its awarding, performance and control. The level of the funds allocated for generally beneficial work shall not be higher than the level of the prescribed fine for the misdemeanor.

(6) The state and the authorized inspector may issue a payment order to the perpetrator through settlement procedure.

(7) If the perpetrator receives the payment order, she/he shall sign it. The receipt of the payment order by the perpetrator of the misdemeanor shall be recorded in the minutes.

(8) When the perpetrator of the misdemeanor is a legal person, the minutes and the payment order shall be signed by the official or responsible person that has been present on the spot during inspection supervision or another official or responsible person that has declared to have the right to sign the minutes and to receive the payment order.

(9) The statement referred to in paragraph (8) of this Article shall be recorded in the minutes.

(10) The state and the authorized inspector shall keep records of initiated settlement procedures and of the outcomes therefrom.

Article 212-d

Intermediation

(1) With regard to misdemeanors referred to in Article 212-h of this Law, state and authorized inspectors of environment may offer to the misdemeanor perpetrator intermediation and reaching an agreement by which the perpetrator of the misdemeanor shall pay the fine, other charges or to eliminate the consequences of the misdemeanor.

(2) In cases referred to in paragraph (1) of this Article, the state/authorized inspector shall make minutes stating the agreement of both parties for initiation of intermediation procedure which shall be signed by the perpetrator of the misdemeanor, too.

(3) The intermediation procedure shall be initiated by way of request by the state or the authorized inspector within eight days from the day on which the conduct of the misdemeanor has been established.

(4) The agreement on intermediation should be achieved within eight days from the day on which the intermediation procedure has been initiated.

(5) The intermediation procedure shall be managed before intermediation commission established by the Minister managing the state administration responsible for the affairs of the environment.

(6) The Commission shall be composed of three members one among whom shall perform the function of Chairman. The members of the Commission shall be elected from among civil servants employed in the body of the state administration responsible for the affairs of the environment, one of whom shall be graduated lawyer.

(7) The Chairman shall be obliged to initiate the procedure of the Commission within 24 hours from the day on which the request referred to in paragraph (3) of this Article has arrived.

(8) The Commission shall work on session attended by representatives of the perpetrator of the misdemeanor and the state or the authorized inspector.

(9) With regard to achieved agreement upon mediation, an agreement shall be made stating the agreement of both parties.

(10) The agreement shall specify the obligations of the perpetrator of the misdemeanor, especially

- the level and the manner of fine payment,
- the level and the manner of payment of their charges, and
- the measures to be undertaken by the perpetrator in order to eliminate the consequences from the misdemeanor.

(11) In cases in which agreement for intermediation has been achieved, the fine for the perpetrator of the misdemeanor may be reduced by no more than a half of the maximum prescribed fine for the misdemeanor.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment shall issue rules of procedure and a price list for the work of the Commission.

(13) The members of the Commission for intermediation shall be entitled to a compensation for their work in the Commission, which shall be rationale and proportional to the significance, scale of the work of the members and complexity of the misdemeanor.

(14) The level and the type of the costs specified in the price list referred to in paragraph (12) of this Article shall be determined on the basis of the real costs born by the body for the enabling of the work of the Commission for intermediation.

(15) The Commission for intermediation shall keep records of initiated procedures for intermediation and the outcome therefrom.

(16) The agreement referred to in paragraph (9) of this Article shall have the power of executive document.

Article 212-e

Socially beneficial work

(1) State bodies, bodies of the units of the local self-government, non-governmental organizations, public enterprises, public institution (health care and social welfare institutions) and other humanitarian organizations with which the body of the state administration responsible for the affairs of the environment has concluded agreement for socially beneficial work receipt may be determined as beneficiaries of the socially beneficial work in accordance with Article 212-c paragraph (4) of this Law.

(2) The selection of the beneficiaries of the socially beneficial work for non-governmental organizations, public enterprises, public institution (health care and social welfare institutions) and other humanitarian organizations shall be carried out by way of public competition managed by the body of the state administration responsible for the affairs of the environment.

(3) The entities referred to in paragraph (2) of this Article selected as beneficiaries of the socially beneficial work shall conclude an agreement for receipt of socially beneficial work with the body of the state administration responsible for the affairs of the environment for a period of three years with a right for repeated selection.

(4) The state and authorized inspectors shall perform the awarding of the socially beneficial work in accordance with the principle of proximity of the seat of the entity closest to the place where the misdemeanor has been committed or to the place of residence of the perpetrator of the misdemeanor and the principle of equality between the receivers of socially beneficial work.

(5) The Ministry of Environment and Physical Planning shall keep records of concluded agreements for socially beneficial work receiving.

(6) The fine passed by way of decision of the Misdemeanour Commission or specified in the Agreement issued by the Commission for intermediation may be replaced with socially beneficial work.

(7) The replacement of the fine with socially beneficial work shall be carried out by decision of the Misdemeanour Commission deciding on the misdemeanor based on the application by the perpetrator.

(8) The socially beneficial work may consist of:

- performance or doing a socially beneficial work as real work, and
- granting of funds for performance of socially beneficial work.

(9) Where the socially beneficial work is performed through real work, the value of the fine for the misdemeanor determined in the proceedings for settlement or intermediation shall be calculated in the range between 10 EUR and 20 EUR for 3 hours real work depending on the complexity of the real work. Performance of the real work shall not be determined for more than 90 days within a period of 270 days.

(10) The Minister managing the body of the state administration responsible for the affairs of the environment shall determine the type of the socially beneficial work, its value, the manner of its awarding, performance and control, and shall prescribe the manner of publication and implementation of the public competition referred to in paragraph (2) of this Article and detailed conditions to be fulfilled by the legal entities referred to in paragraph (2) of this Article.

(11) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the format and the content of the form certifying that the socially beneficial work has been completed.

(12) The performance of the real work shall be done in accordance with the regulations on employment with regard to duration of a working day and protection at work.

Article 212-f

Misdemeanors of I category

(1) A fine in an amount of 3.000 Euro in denar countervalue shall be pronounced for a misdemeanor to a legal person if:

- 1) it fails to develop the elaborate for environment protection specified in Article 24 paragraphs (4) and (6) of this Law, and to submit it to the competent body for approval, or fails to comply with the conditions specified in the elaborate (Article 24);
- 2) products, semi-finished products, raw materials, chemicals in packaging that does not bear the label for the possible pollution or possible harmful impact on the environment are released for trade (Article 27 paragraph (1));
- 3) semi-finished products, raw materials, chemicals and their packaging that do not bear the label in accordance with Article 27 paragraph (3) of this Law have been released for trade;
- 4) a product marked by eco-label is advertised, labelled and released for trade in manners and under criteria that do not comply with Article 29 of this Law;
- 5) in the procedure for verification of measuring devices, no devices and instruments are used or they are not maintained in proper functioning condition (Article 36 paragraph (2));
- 6) the developer has not been supplied with the data required for the development and maintenance of the Register of polluting matters and substances and their characteristics (Article 41 paragraph (4));
- 7) the developer has not been supplied with the data required for the development and maintenance of the Cadastre of environment (Article 42 paragraph (4));
- 8) the entities referred to in Article 52 paragraph (1) items 3 and 4 of this Law fail to provide access to environmental information they possess or have failed to do so in the prescribed form and term (Articles 52, 53 and 54);
- 9) the entities do not update the environmental information they possess and do not maintain information in accordance with Article 56-a of this Law;
- 10) application for adjustment permit with adjustment plan has not been submitted within the prescribed deadline (Article 135 paragraph (5));
- 11) adjustment permit with adjustment plan for extension or commencement of operations in the installation have not been obtained;

12) report on the implementation of adjustment plans and fulfilment of obligations under the adjustment plan for the purpose of obtaining integrated environmental permit has not been submitted or it has not been done within the prescribed deadline (Articles 138 and 139), and

13) the operator has failed to submit a report in cases referred to in Article 141 paragraph (4) of this Law.

(2) A fine in an amount of 700 Euro in denar countervalue shall be pronounced for the responsible person in the legal person for the actions referred to in paragraph (1) of this Article.

(3) A fine in an amount of 500 Euro in denar countervalue shall be pronounced for the official person in the legal person for the actions referred to in paragraph (1) of this Article.

(4) A fine in an amount of 500 Euro in denar countervalue shall be pronounced for the natural person for the actions referred to in paragraph (1) of this Article.

(5) A fine in an amount of 500 Euro in denar countervalue shall be pronounced for the natural person if:

1) they fail to provide the right to inspection of state and authorized inspectors of environment;

2) they fail to provide all required information necessary for the implementation of the supervision within the determined term;

3) they provide false statement and incorrect data; and

4) they fail to identify themselves on the spot of the inspection supervision and fail to present their personal data at the request of the state and authorized inspectors.

(6) The competent body for pronouncing the misdemeanors referred to in paragraphs (1) to (5) of this Article shall be the Commission for misdemeanor.

(7) If the activities referred to in paragraph (1) items 2, 3 and 5 of this Article cause major damage to environment and to human health, sanction proportionate to the level of the caused damage shall be pronounced, but no more than three times the amount specified in paragraph (1) of this Article.

(8) When the misdemeanor referred to in paragraph (1) of this Article is committed in order the perpetrator to acquire gain for him/herself or for a third person or the misdemeanor is committed by an organized group of persons consisting of at least three persons, the Commission for misdemeanors may pronounce a fine up to 15.000 Euro in denar countervalue.

(9) If there is a danger for the legal person referred to in paragraph (1) items 1, 2 and 4 of this Article to commit repeated misdemeanor dangerous to human life or health, it may be pronounced a sanction of temporary prohibition to perform certain activity for a duration of not more than 30 days.

(10) With regard to misdemeanors referred to in paragraph (5) of this Article, the state and the authorized inspector may pronounce misdemeanor sanction on the

spot by way of handling an invitation for payment of fine which shall be paid by the perpetrator within eight days.

(11) If the fine referred to in paragraph (10) of this Article is not paid within the specified period, the state and the authorized inspectors shall submit request for initiation of misdemeanor procedure before the Commission for misdemeanors.

Article 212-g

Misdemeanors of II category

(1) A fine in an amount of 6.000 Euro in denar countervalue shall be pronounced for a misdemeanor to a legal person if:

- 1) it constructs or reconstructs installations without prior obtained permits and without reaching compliance with the specified norms and standards under the system of environment protection (Article 20);
- 2) produces and imports transportation means that do not meet the conditions prescribed for emissions for mobile sources of pollution and for noise (Article 20);
- 3) produces, releases for trade and uses individual products, substances and performs certain activities and works despite of the ban prescribed in Article 21 of this Law;
- 4) fails to report on imported and/or exported ozone depleting substances and/or products containing ozone depleting substances or fails to handle the substances and/or products depleting the ozone layer in accordance with Article 22-a of this Law.
- 5) uses domestic or imported technologies or technological lines, products, semi-finished products and raw materials that are banned in the country producer or country importer, for environmental protection reasons (Article 23);
- 6) imports technologies or technological lines, products, semi-finished products and raw materials that are banned in the country producer or country importer, for environmental protection reasons (Article 23 (2));
- 7) no data is kept on the use of natural resources, raw materials and energy, emissions of polluting matters and substances, types, characteristics and quantities of waste and other data specified in this or another law (Article 28 paragraph (2));
- 8) conditions specified in the voluntary agreement have not been met (Article 30);
- 9) monitoring is not performed in accordance with the integrated environmental permit (Article 36 paragraphs (4) and (5));

- 10) monitoring data is not reported to or is not reported in the manner and under conditions specified by the body of the state administration responsible for the affairs of the environment (Article 37 paragraph (2));
- 11) legal and natural persons fail to report environmental data and information in accordance with Article 46 of this Law;
- 12) fails to inform the body of the state administration responsible for the affairs of the environment of the intention to carry out a project (Article 80);
- 13) study on environmental impact assessment has not been developed and submitted to the body of the state administration responsible for the affairs of the environment (Article 83);
- 14) decision has not been taken providing consent to the implementation of the project (Article 87 paragraph (1)) or decision has not been taken in accordance with Article 81 paragraph (4) of this Law;
- 15) A or B integrated environmental permit has not been obtained (Articles 95 and 123);
- 16) it has been found that during the validity of the A integrated environmental permit and five years thereafter, documents and data are not kept with reference to the application, issuance and monitoring as prescribed by the binding conditions in the integrated environmental permit and whether those have been made available upon request by the body of the state administration responsible for the affairs of the environment or by the inspector of environment (Article 110);
- 17) implementation of individual stages of the adjustment plans are is not carried out within the specified terms for their implementation (Articles 134, 137 and 139);
- 18) failed to act in accordance with the decisions issued by the state or authorized inspector;
- 19) activities for implementation of the project have been initiated without prior decision obtained to implement the project;
- 20) has failed to calculate and / or has calculated incorrectly the compensation or the compensation has not been paid within the specified terms in accordance with Chapter XVIII of this Law;
- 21) has failed to submit report on the implementation of the resources defined in the agreement for funds allocation (Article 178);

(2) Fine in an amount of 800 Euro in denar countervalue shall be pronounced for the responsible person for activities referred to in paragraph (1) of this Article.

(3) Fine in an amount of 700 Euro in denar countervalue shall be pronounced for the official person for activities referred to in paragraph (1) of this Article.

(4) Fine in an amount of 500 Euro in denar countervalue shall be pronounced for the natural person for activities referred to in paragraph (1) of this Article.

(5) Fine in an amount of 600 Euro in denar countervalue shall be pronounced for the official person in the legal person holding responsibility for the implementation of the activities specified in this Law if:

1) she/he has failed to keep data on the use of natural resources, raw materials and energy, emissions of polluting matters and substances, types, characteristics and quantities of waste and other data specified in this or another law (Article 28 paragraph (2));

2) she/he has failed to report the monitoring data to or in the manner and under conditions specified by the body of the state administration responsible for the affairs of the environment (Article 37 paragraph (2));

3) the person authorized to intermediate environmental information has failed to act in accordance with the provisions of this Law;

4) the official person has failed to keep records in accordance with the provisions of this Law;

5) the official person has failed to keep data as official secret where this has been specified by this Law;

6) provides false statement or incorrect data during inspection supervision;

7) fails to provide all required information necessary to perform the supervision at the request of the state and authorized inspector of environment;

8) fails to provide for the right of state and authorized inspectors of environment to carry out inspection;

9) reporting obligations referred to in Article 111 of this Law have not been met;

10) general environmental audit has not been carried out and report from the environmental audit completed has not been attached (Article 130);

11) environmental audit has been developed by a person that has not been registered and does not hold appropriate certificate (Article 131);

12) activities in the installation are not performed in accordance with the conditions specified in the permit and adjustment plan (Article 134);

13) information on the safety measures are not accessible in a manner specified in Article 150 of this Law;

14) the responsible person fails to appoint a person to attend the the supervision;

15) fails to provide all necessary information required for the supervision performance, and

16) fails to enable the right to an inspection to state and authorized inspectors of environment.

(6) Fine in an amount of 600 Euro in denar countervalue shall be pronounced for the official person in the the bodies holding responsibility for the implementation of this Law, as well as for the person authorized for the implementation of activities specified in this Law if:

1) the official person in the body of the state administration responsible for the affairs of the environment, including the constituent bodies, as well as the official persons in the bodies of the municipalities, the bodies in the City of Skopje and in the Municipalities of the City of Skopje, have failed to undertake all necessary measures and procedures, in a timely and efficient manner, for the implementation of this Law;

2) the official person in the body of the state administration responsible for the affairs of the environment, including the constituent bodies, as well as the official persons in the bodies of the municipalities, the bodies in the City of Skopje and in the Municipalities of the City of Skopje, have failed to inform the Minister managing the body of the state administration responsible for the affairs of the environment that no agreement has been reached with regard to the content and the term of implementation of the adjustment plan;

3) person authorized for intermediation in environmental information has failed to act in accordance with the provisions of this Law;

4) the official person has failed to keep official records in accordance with the provisions of this Law;

5) the official person has failed to keep the data as official secret if that has been provided for by this Law;

6) has failed to provide all necessary information for the implementation of the supervision at the request of the state and authorized inspector of environment;

7) prevents the right to an inspection to state and authorized inspectors of environment;

8) during the preparation of planning documents, the expert has provided inaccurate data (Article 67 and Article 68);

9) during the preparation of environmental impacts assessment documents, the environmental impacts assessment expert has provided inaccurate data;

10) she/he has signed as responsible person the environmental impacts assessment study without being enrolled on the list of environmental impacts assessment experts (Article 83 paragraph (2));

11) she/he has developed environmental review and has not been registered and does not possess the relevant certificate (Article 131);

12) has failed to submit request for initiation of misdemeanor procedure when the conditions for that have been fulfilled or it has been

found that the fine prescribed by Article 212-f paragraph (11) of this Law has not been paid; and

13) has issued certificate or report on completed socially beneficial work without such work being completed by the person referred to socially beneficial work performance.

(7) The request for initiation of misdemeanor procedure referred to in paragraph (6) of this Article may be submitted by the head of the bodies responsible for the implementation of this Law, the direct superior of the responsible person, as well as by the civil servant involved in the implementation of the provisions of Chapters XI, XII and XIV of this Law.

(8) The competent body for passing the misdemeanors referred to paragraphs (1) to (6) of this Article shall be the Commission for misdemeanors.

(9) In case, due to the misdemeanor referred to in paragraph (1) and/or paragraph (5) of this Article, major damage to the environment and to human health occurs, sanction proportionate to the damage caused shall be passed, but not higher than five times the amount specified in paragraphs (1) and (5) of this Article.

(10) In case the misdemeanor referred to in paragraph (1) of this Article has been committed exclusively by the perpetrator in order to gain property advantage to the benefit of her/himself or for another person or the misdemeanor has been committed by an organized group of persons composed of at least three persons, the Commission for Misdemeanors may pronounce a fine in an amount of 22.000 Euro in denar countervalue.

(11) With regard to the misdemeanor referred to in paragraph (1) of this Article, the legal person referred to in paragraph (1) items 17 and 18 of this Article shall be subject to additional sanction prohibition to perform the activity for a duration of 30 days utmost.

(12) In case there is a danger that the legal person referred to in paragraph (1) items 1, 2 and 3 of this Article commits repeated misdemeanor hazardous to human life and health, it shall be subject to additional sanction prohibition to perform the activity for a duration of 30 days utmost.

Article 212-h

Misdemeanors of III category

(1) A fine in an amount of 70.000 to 100.000 Euro in denar countervalue shall be pronounced for a misdemeanor to a legal person if:

- 1) it produces and releases polluting matters and substances into the environment in excess of the specified norms and fails to treat them in the prescribed manner (Article 20);
- 2) carries out import/export and transit of hazardous substances, harmful matters and products in/from/through the Republic of Macedonia contrary to the prohibition, restriction or control as prescribed by Article 22 of this Law;
- 3) the emissions of substances determined in the permit are not released in accordance with the specified limit values (Article 107);
- 4) the project is not carried out in accordance with the measures defined in the decision granting consent for the project implementation (Article 87 paragraph (2));
- 5) A or B integrated environmental permit has not been obtained in accordance with the law and/or operations in the installation are not performed in accordance with the conditions specified in the integrated permits (Articles 95, 123 and 127);
- 6) the emissions of substances determined in the adjustment permit are not released in accordance with the set limit values (Articles 134, 137, 138 and 139);
- 7) the emissions released or discharged into the environment are not within the limit values set by this or by another law or regulation adopted on the basis of law;
- 8) report on the presence of hazardous chemicals has not been submitted and/or it has not been done within the set deadline (Article 147);
- 9) report on the safety measures with appropriate contents has not been prepared and/or it has not been submitted within the prescribed period and/or it has not been properly analyzed and updated within the prescribed term (Article 148);
- 10) the necessary measures for prevention of major accidents and limitation of the consequences on the environment and human health have not been undertaken in production, transportation and storage systems involving dangerous substances in quantities higher than or equal to the prescribed ones (Article 148 paragraph (1) item 2);
- 11) analysis and review of safety measures and activities for prevention of major accidents, as well as of the report on safety measures have not been performed and the competent body has not been informed thereof (Article 149);
- 12) the competent body has not been informed immediately on the occurred major accident and supplied with the data on the circumstances under which the accident has occurred, on dangerous substances involved, data required to assess the consequences from the accident on human health and on the environment, as well as on the emergency measures undertaken (Article 151 paragraphs (1) and (4));

13) the competent body has not been informed on the measures envisaged for mitigation of medium and long term consequences from the major accident and on the prevention of the accident and/or has not updated the envisaged measures and activities with additional facts found during the investigation (Article 151 paragraph (2));

14) internal emergency plan has not been developed and submitted to the competent body in accordance with Article 154 of this Law;

15) internal emergency plans have not been analyzed and tested, updated and reviewed, taking account of the new technological developments in the area of coping with major accidents for a period not longer than three years (Article 154 paragraph (9));

16) it has not acted in compliance with Article 157 of this Law in case of environmental damage caused by the operation of the installations (Article 157), and

17) despite of the restriction or prohibition to operate passed by the state inspector, the legal or the natural person has continued with its activities or has failed to restrict its emissions until the quality of the environment has been brought within the limits of the determined quality standards.

(2) A fine in an amount of 8.000 to 13.000 Euro in denar countervalue shall be pronounced to the responsible person of the legal person for the acts referred to in paragraph (1) of this Article.

(3) A fine in an amount of 5.000 Euro in denar countervalue shall be pronounced to the official person of the legal person for the acts referred to in paragraph (1) items 3, 6, 8, 9, 10, 11, 12, 13 and 15 of this Article.

(4) The competent body to pronounce misdemeanour sanctions referred to in paragraphs (1), (2) and (3) of this Article shall be the competent court.

(5) In case the misdemeanour referred to in paragraphs (1) of this Article results in major damage on human life and health, sanction pronounced shall be proportionate to the damage caused, but shall not exceede seven times the amount specified in paragraph (1) of this Article.

(6) For the misdemeanour referred to in paragraph (1) of this Article, additional sanction of prohibition to perform activity shall be pronounced to the legal person referred to in paragraph (1) item of this Article.

(7) Where the misdemeanour referred to in paragraph (1) of this Article is a sole responsibility of the perpetrator in order to acquire a property gain for himself/herself or for another person, the competent court shall pronounce a fine at the level of 130. 000 Euro in denar countervalue.

(8) In case it is established that the misdemeanour referred to in paragraph (1) of this Article has been committed by an organized group of people composed of at least three persons, the competent court may pronounce a fine at the level of 150. 000 Euro in denar countervalue.

Article 213 (DELETED)

Article 214 (DELETED)

XXIII. TRANSITIONAL AND FINAL PROVISIONS

Article 215

Data and information for the Register of pollutants and their characteristics and for the Environmental Cadastre

(1) Legal and natural persons shall, within a period of six months from the day of adoption of regulations referred to in Article 41 paragraph (2) and Article 40 paragraph (5) of this Law, submit the required data and information for the Register of pollutants and substances.

(2) Legal and natural persons performing activities that pose threat or may pose threat to environment shall, within a period of six months from the day of adoption of regulations referred to in Article 40 paragraph (5) and Article 42 paragraph (3) of this Law, submit the required data and information for the Environmental Cadastre.

Article 216

Environmental protection elaborate

Existing legal and natural persons performing activities specified in the regulation adopted under Article 24 paragraphs (4) and (5) of this Law, except those under obligation to obtain adjustment permit with adjustment plan shall prepare it and submit it for approval to the competent body within one year from the day of adoption of the regulation referred to in Article 24 of this Law and shall adjust their operations with the prescribed environmental quality standards within five years from the day of entry into force of this Law.

Article 217

Environmental impact assessment

Administrative procedures for projects implementation approval initiated under the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02) shall be completed in accordance with the provisions of that law.

Article 218

Information system for data management

The Information System for data management concerning the state of the environmental media and areas, established by the body of the state administration responsible for the affairs of the environment in accordance with the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02) shall be harmonized with the provisions of this Law by not later than 01 June 2006.

Article 219

National Environmental Action Plan and Local Environmental Action Plan

Until the adoption of the National Environmental Action Plan of the Republic of Macedonia and the Local Environmental Action Plans, as referred to in Article 61 of this Law, the current National Environmental Action Plan and the current Local Environmental Action Plans shall be applied accordingly, until the expiry of the validity term for which they have been adopted.

Article 220

Financing of the activities in the area of environment

(1) On the day of this Law entry into force, the Fund of Environment and Nature Protection and Improvement established under the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02) shall cease its operations.

(2) On the day of the commencement of the application of this Law, the body of the state administration responsible for the affairs of the environment shall take over the resources, the equipment, the personnel and the rights and the obligations of the Fund of Environment and Nature Protection and Improvement.

(3) The employees of the Fund of Environment and Nature Protection and Improvement shall be assigned in accordance with the Act on Jobs Systematization of the body of the state administration responsible for the affairs of the environment.

(4) The programme referred to in Article 172 of this Law for 2005 shall be adopted within 45 days from the day of the publication of the first rebalance of the Budget of the Republic of Macedonia following the day of this Law entry into force.

(5) Provisions of Articles 182, 184 and 185 of this Law shall be applied as of 1 January 2006.

Article 221

Regulations for the Law enforcement

(1) More detailed regulations concerning the enforcement of this Law shall be passed within three years from this Law entry into force.

(2) Until the adoption of the regulations referred to in paragraph (1) of this Article, the existing regulations shall apply.

Article 222

The initial State of the Environment Report

The initial Report on the state of the environment, as referred to in Article 45 of this Law, shall be developed within one year from this Law entry into force and then the Report on the state of the environment shall be prepared subsequently every fourth year, in accordance with Article 45 of this Law.

Article 223

The Administration of Environment

(1) When established the Administration of Environment shall take over the equipment, archives, documentation and other belongings of the Office of Environment.

(2) The employees of the Office of Environment shall be assigned in accordance with the Act on Jobs Systematization of the body of the state administration responsible for the affairs of the environment.

(3) The Administration shall execute the competences referred to in Article 161 of this Law in a gradual manner with the adoption of the regulations for this Law enforcement.

Article 224

Repealing of certain provisions in the area of environment

On the date of the commencement of the application of this Law, the effectiveness of the Law on Environment and Nature Protection and Improvement (Official Gazette of the Republic of Macedonia Nos. 66/96, 13/99, 41/00, 96/00 and 45/02), as well as provisions of Article 4 paragraph (1), item 4 and item 10, of the Law on Hydro-Meteorological Matters Performance (Official Gazette of the Republic of Macedonia Nos. 19/92 and 5/03) shall be abolished.

Article 225

Application of the provisions of the Chapter on integrated environmental permits for the operation of installations with environmental impact

The provisions of the Chapter XII: Integrated environmental permits for installations with environmental impact of this Law shall commence to apply as of 1 January 2006.

Article 226

Application of the provisions of the Chapter on prevention and control of major accidents

The provisions of the Chapter XV: Prevention and control of major accidents involving hazardous substances of this Law shall commence to apply within six months from the day of adoption of the regulations referred to in Article 154 of this Law.

Article 227

Application of the provisions of the Chapter on liability for environmental damage

The provisions of the Chapter XVI: Liability for environmental damage of this Law shall commence to apply on the day of entry into force of the regulations adopted under Article 157 paragraphs (3) and (10) of this Law.

Article 228

Application of the provisions of this Law

The provisions of Articles 212-a, 212-b, 212-c, 212-d, 212-e, 212-f, 212-g, and 212-h of this Law shall commence to apply as of 8 May 2007.

By the day of the commencement of the application of the provisions referred to in paragraph (1) of this Article, the provisions of Chapter XXII PENALTY PROVISIONS of the Law on Environment (Official Gazette of the Republic of Macedonia Nos. 53/2005 and 81/2005) shall apply.

The provisions of Article 66 of this Law, amending Article 185 of the main text of the Law, shall commence to apply within one month after the adoption of the regulation referred to in Article 185 paragraph (14) of this Law.

By the day of the commencement of the application of paragraph (3) of this Law, the provisions of Article 185 paragraph (14) of the Law on Environment (Official Gazette of the Republic of Macedonia Nos. 53/2005 and 81/2005) shall apply.

The provisions of Article 185-a of this Law shall commence to apply as of 1 May 2007.

The provisions of Article 180 of this Law shall commence to apply as of 1 April 2010, and provisions of Article 179 paragraph (2) item 3 shall commence to apply as of 1 January 2010.

The procedures for strategic assessment initiated prior to the entry of this Law into force shall be subject to the provisions of this Law. The initiated procedures for integrated environmental permitting initiated before the entry of this Law into force shall be subject to the provisions of the Law on Environment (Official Gazette of the Republic of Macedonia Nos. 53/2005, 81/2005, 24/2007, 159/2008, 83/2009, 48/10 and 124/10).

Detailed regulations specified in this Law shall be adopted within six months from the day of entry of this Law into force.

The provisions of Articles 43, 44 and 45 of this Law shall commence to apply on the day of application of the Law on Inspection Supervision.

The provisions of Articles 7 paragraphs (11) and (17), 14, 16, 17 paragraph (2), 21, 22 paragraph (3), 24 paragraph (2), 26 paragraph (2), 27, 29 paragraph (1), 30, 36 paragraph (4), 37, 38 and 39 of this Law shall commence to apply on the day of application of the Law on the Establishment of the State Commission deciding in administrative procedure and employment at second instance.

Article 229

The Legislation and Legal Affairs Commission of the Assembly of the Republic of Macedonia shall be authorized to establish the amended text of the Law on Environment.

Article 230

Entry into force

This Law shall enter into force on the eighth day from its publication in the Official Gazette of the Republic of Macedonia.