Ministry of Environment and Physical Planning

Draft Law for Inspection on Environment

Skopje - October 2015

**INTRODUCTION**

1. **ASSESSMENT OF THE CONDITIONS THAT SHOULD BE REGULATED BY THIS LAW AND REASONS FOR ADOPTION OF THE LAW**

The organization and implementation of inspections in the field of environment in the Republic of Macedonia is regulated by the regulations of the environment in the Environmental Law. According to the existing regulations the competent authority for inspection in the field of environment, the State Environmental Inspectorate where the supervision is performed by state environmental inspectors, state inspectors for nature protection and water management inspectors. The conditions that must meet the state inspectors for nature protection and water management inspector are stipulated in the Law on Water and the Law on Protection of Nature. At the local level the inspection is performed by authorized inspectors of environment. Additionally the general rights and obligations for inspection and the conditions that need to fulfill state inspectors are regulated in the Law on Inspection.

At European Union level, the organization and implementation of inspection in the environment is regulated by the Recommendation of the European Parliament and of the Council providing minimum criteria for environmental inspections in the Member States by April 4, 2001. Some of these directions given in the recommendation are properly embedded in the law on environment in the area of ​​inspection. Besides the mentioned recommendation where is given the guidance on how to organize and conduct environmental inspections in the Member States of the European Union, specific criteria and guidelines on how to be conducted inspection in the environment in certain areas is regulated by EU law in the field of the environment. In particular, the Directive 2010/75/EU of the European Parliament and the Council of 24 November 2010 on industrial emissions, the Directive 2012/18/EU of the European Parliament and the Council from 4 July 2012 to control accidents of accidents including dangerous substances and the Regulation of the European Parliament and of the Council of 14 June 2006 on shipments of waste, regulates the establishment of a system of inspection based on the inspection plan. Planning is based on a risk assessment of the operation of the installation on the environment in accordance with established criteria and guidelines prepared by the European Commission.

In order to organize the inspection in the environment of the Republic of Macedonia with the requirements stemming from EU law, and at the same time to provide better and more effective enforcement of environmental inspection we designed the new Law on Inspection environment.

1. **OBJECTIVES, PRINCIPLES AND GENERAL SOLUTIONS**

The main purpose of the adoption of this law is the establishment of an inspection supervision that will be carried out based on prior multi-year planning of the inspection in the environment at the central and local level, which is based on established criteria for assessing the risk that have the subjects of the inspection in the environment. The planning of inspections in the environment will enable inspection supervision according to the priorities and real needs that will allow better implementation of environmental legislation by the entities, while also affect the provision of rational and objective use of the material and human resources in the implementation of inspection which aimed at fulfilling the ultimate and only goal, which is improuva the quality of the environment.

Basic principles underlying this Law are:

- The principle of objectivity;

- Principle of prevention;

- The principle of an integrated approach in the performance of the inspection and

- The principle of transparency and public participation.

Multiannual planning of the environmental inspection at central and local level will be done through the adoption of a Plan of inspection in the environment that will define the priorities for inspection or defining the areas in which they supervise and the necessary human and financial resources implementation of the plan. Implementation of the plan will be carried out by adopting a single annual inspection programs in environmental programs consisting of inspection of the State Environmental Inspectorate and the inspection programs of the local government.

According to the current Law on Inspection there is an obligation to prepare a program for inspection, whose form and content is defined in a separate policy that is mandatory and the same for all inspection services in the country. The current content of the program which is prepared under the Law on inspection supervision is not in accordance with the requests and needs for planning inspections in environmental management because that program for inspections in the environment should be in accordance and to follow the National Plan. For these reasons the law according to the principle of subsidiarity provided the legal basis for the adoption of a special by-law that will enable prescribing the form and content of the program for inspection in accordance with environmental requirements for inspection in the environment, while meeting the requirements arising from EU law. In addition by prescribing a single inspection program in the environment will facilitate planning and harmonization of environmental inspection at central and local level and that is particularly important to fulfill the purpose for which they bear this law.

Also, in this direction it is necessary to mention that in order to ensure the implementation of the said planning documents it is planned a professional development and training of inspectors.

1. **ASSESSMENT OF THE FINANCIAL CONSEQUENCES OF THE PROPOSAL OF THE LAW ON THE BUDGET AND OTHER PUBLIC FINANCIAL ASSETS**

The adoption of the Law has no financial implications for the budget and other public funds.

1. **ASSESSMENT OF FINANCIAL RESOURCES NEEDED FOR THE IMPLEMENTATION OF THE LAW, THE MANNER OF THEIR SECURITY, DATA ABOUT WETHER THE IMPLEMENTATION OF THE LAW IMPOSE FINANCIAL OBLIGATIONS FOR CERTAIN ENTITIES**

For the implementation of the law is not necessary to secure funding or financial obligations for certain entities.

The adoption of the Law does not cause additional costs in terms of administration and stakeholders.

1. **REVIEW OF REGULATIONS TO BE ADOPTED FOR THE IMPLEMENTATION OF THE LAW**

Regulations envisaged by this law are:

- Regulation on the template, the form and contents of the professional identity card of paragraph (1) of this Article, and the manner and procedure of issuance and withdrawal thereof;

- Regulation on the form and content of the Program referred to in paragraph (1) of this Article, the procedure, method and deadlines for the preparation prescribed by the Minister managing the state administration responsible for the affairs of the environment;

- Regulation on the form and content of the State Environmental Inspectorate, the procedure, method and deadlines for the preparation prescribed by the Minister managing the state administration responsible for the affairs of the environment;

- Regulations on the form and content of the inspection program in the environment of the local government units, the procedure, method and deadlines for the preparation prescribed by the Minister managing the state administration responsible for the affairs of the environment;

- The form and content of the annual inspection report in the environment, procedure, manner and terms of training prescribed by the Minister managing the state administration responsible for the affairs of the environment;

- Guidelines for conducting risk assessment on the environment;

- Guidelines for performing inspection supervision

- Guidelines on the form and content, method of keeping and maintaining a database of inspection activities, as well as the submission of data for inspection activities.

**LAW ON INSPECTION IN THE ENVIRONMENT**

**I. GENERAL PROVISIONS**

**Article** **1**

**Subject of regulation**

This law regulates the competence, the organization and the work of the inspection in the media and the areas of the environment (hereinafter inspection in the environment) the conditions that inspectors need to meet while performing inspections in the environment, the rights, the duties and the powers of inspectors, the manner and procedure for carrying out inspections in the environment as well as the planning of the environmental inspections.

**Article** **2**

**Application of the Law**

(1) In the procedure for inspection in the environment, in addition to the provisions of this Act are applied the provisions of the Law on inspection supervision and the Law on Administrative Procedure, unless this or another law stipulates otherwise.

(2) In determining the type of offense and the amount of the fine, in addition to the provisions of this Law are applied the provisions of the Law on inspection supervision and the provisions of laws relating to environmental or other laws where the jurisdiction is determined for performing inspection supervision by inspectors.

**Article** **3**

**Purpose of the Law**

(1) The objectives of this law:

- Establishing an effective system of inspection in the environment on the territory of the Republic of Macedonia;

- Planning the inspection in the environment;

- Implementation of environmental legislation by the entities of supervision and meeting environmental standards and

- Risk assessment which the subjects of the inspection have on the environment.

**Article 4**

**Definitions**

Certain terms used in this Law shall have the following meanings:    
1.   The inspection in the environment is planning and implementation of the inspection supervision to subjects that are performing activities and / or work that have the potential to cause an impact on the media and environmental areas, no matter whether the subjects or entities have or have not provided adequate acts or documents that regulate the performance of the activity and / or work.

2. Subject to an inspection is:

- National or foreign legal person or sole proprietor as well as natural person which during his/hers performing of the work or activity in the territory of the Republic of Macedonia might provoke a negative impact on the environment which is determined as such by the regulations on the environment;

3. Regulations in the field of environmental laws and regulations adopted on the basis of laws and regulating the media and areas of the environment.

4. Performers of inspections in the environment are: state inspectors of the State Inspectorate of Environment and authorized local inspectors of environment in the municipalities, the municipalities in Skopje and the City of Skopje (hereinafter: inspectors).

5. Expert authority is the Department of Environment, an authority of the Ministry of Environment and Physical Planning.

**II.** **PRINCIPLES**

**Article 5**

**Principle of objectivity**

The inspector is obliged to provide equal, impartial and objective application of laws and other regulations during the inspection.

**Article 6**

**Principle of prevention**

Environmental inspection is carried out primarily in order to prevent the occurrence of negative environmental impacts for that purpose the inspector requires of the subject of surveillance to take the required measures and actions necessary to protect the environment before reaching the occurrence of harmful consequences .

**Article 7**

**Principle of an integrated approach during the inspection**

Environmental inspection is carried out in a way that the inspector notes and determines impacts that can cause the subject of surveillance on all media and environmental areas

**Article 8**

**Principle of transparency and public participation**

For the planning and implementation of the environmental inspection, the inspectors shall provide the right of access to information relating to the inspection environment in accordance with the provisions of this or any other law.

**III.** **COMPETENCE AND ORGANIZATION**

**Article 9**

**Scope of the** **Environmental inspection**

The inspection supervision is carried out by the inspectors to ensure the implementation of regulations on the environment by operators/subjects of inspection supervision (hereinafter subjects) in accordance with the responsibilities determined for the inspectors in this law and in other regulations concerning the environment.

**Article 10**

**Organization of inspections in the environment**

Environmental inspections are exercised at central and local level.

**Article 11**

**Environmental Inspection at central level**

(1)      The competent authority for environmental inspection at central level is the State Environmental Inspectorate (hereinafter the Inspectorate).

(2)      In the Inspectorate the inspections in the environment are held by state environmental inspectors, state inspectors for nature protection and water management inspectors (hereinafter: state inspectors) under the established powers and authorities stipulated in the regulations regarding the environment.

(3)      The Inspectorate performs inspection supervisions also regarding other regulations where such jurisdiction is stated.

**Article 12**

**Environmental Inspection at local level**

(1)      The environmental inspection at local level is exercised through the authorized environmental inspectors of the municipalities, the City of Skopje and the municipalities of the City of Skopje (hereinafter: authorized inspectors) that are deployed in the organizational units established within the municipalities, the City of Skopje and the municipalities in the City of Skopje.

(2)      Authorized inspectors perform inspection according to the established powers and authorizations in the regulations regarding the environment.

(3)      Authorized inspectors perform supervision also regarding other regulations where such jurisdiction is stated.

**Article 13**

**State Environmental Inspectorate**

(1) The State Environmental Inspectorate is a legal entity with its own budget account as a budget user of first line, with independent recruitment procedures conducted in accordance with the law and decide on the rights and obligations of employment.

(2) For the performance of certain technical, administrative and support tasks within the competences of the State Environmental Inspectorate are established adequate internal organizational units.

**Article 14**

**Management of the State Environmental Inspectorate**

(1) The State Environmental Inspectorate is managed by a Director which, by a public announcement/notice, is appointed by the Government of the Republic of Macedonia.

(2) The public notice for the election of a director shall be published in at least three daily newspapers issued on the territory of the Republic of Macedonia, one of the newspapers in the language at least 20% of the citizens who speak an official language other than Macedonian.

(3) For his work and the work of the State Environmental Inspectorate the Director reports to the Government of the Republic of Macedonia.

(4) The mandate of the director of the State Environmental Inspectorate is four years.

**Article 15**

**Terms of appointment of the Director**

For Director of the State Environmental Inspectorate can be appointed a person who fulfills the following conditions, namely:

1) a citizen of the Republic of Macedonia;

2) at the time of the appointment, with a final court decision, is not punished or has sanction for prohibition of his profession, activity or duty;

3) has at least 300 ECTS credits or completed VII / 1 University Degree:

4) has a minimum of five years work experience in the field of environment;

5) has one of the following internationally recognized certificates of active knowledge of the English language which is not older than five years

TOEFEL IBT at least 74 points, IELTS at least 6 points ILEC (Cambridge English: Legal) at least B2 level, FCE (Cambridge English: First) passed, BULATS at least 60 points and APTIS at least level B2 and

6) has passed the psychological test and the test for integrity.

**Article 16**

**Responsibilities of the Director**

(1) The Director of the Inspectorate:

- Organizes and coordinates the work of the Inspectorate;

- Represents the Inspectorate;

- Take care of the management of human resources of the Inspectorate;

- Supervises the work of the inspectors;

- Manage the finance resources of the inspectorate;

- Give job duties and operating instructions to the inspectors and other employees in the Inspectorate;

- Provides expert assistance to inspectors and other employees of the Inspectorate and

- Perform other duties prescribed by this or other law.

(2) The Director of the Inspectorate shall issue guidelines for conducting inspection that the inspector is obliged to respect during the implementation of the inspection.

**Article 17**

**State inspectors**

(1) State Inspector in the State Inspectorate for Environment, could be a person with education   in the field of natural and mathematic sciences (biology, physics, geography, geology, chemistry and biochemistry), technical and technological sciences (energy, construction and water management, chemical engineering, chemical technology, industrial engineering and management, quality control, mechanical engineering, materials , metallurgy, applied geology and geophysics, regulation and management of technological processes, mining, environment), biotechnical sciences (science of soil and hydrology, plant protection, horticulture, orchards, viticulture, livestock production (livestock), fisheries, forestry and horticulture, wood processing, biotechnology and food technology and humanities (security), all of this has to be confirmed and evidenced by a certificate,    
(2) State inspector on Nature Protection in the State Environmental Inspectorate could be a person with a completed degree in natural and mathematic sciences (biology, biochemistry and biology), forestry, agronomy ,veterinary medicine medicine.

(3) Water management inspector of the State Environmental Inspectorate could be a person with a completed degree in civil engineering.

(4) Notwithstanding the requirements of paragraphs (1), (2) and (3) the inspector should meet the general conditions stipulated in the Low on inspection supervision and specific conditions set out in the act on internal organization of the Inspectorate.

(5) With the act on organization and systematization of the Inspectorate an inspector could be determined to perform inspection only for a particular area and / or medium and / or for certain specialized activities.

(6) In order to efficiently implement the regulations on the environment, the Director of the Inspectorate may appoint an inspector to conduct for a certain period, inspection only for a specific area and / or media and / or certain specialized activities.

**Article 18**

**Authorized environmental inspectors**

(1)      To implement the inspection supervision in the area of the municipality or the City of Skopje, the mayor of the municipality, the municipalities within the City of Skopje and the City of Skopje are obliged to employ at least one person in the local administration, which solely performs activities of an authorized inspector of environment.

(2)      Authorized inspector could be a person with education in the areas specified in Article 17 paragraph (1), (2) and (3) of this Act.

(3)      For performing inspection supervision in the field of environment in the municipalities and / or the municipalities in the City of Skopje and / or the City of Skopje may form a joint administration or authorize a person employed in the local administration of a municipality to perform the activities of authorized inspector of the areas of several municipalities.

(4)      The mayors of the municipalities in the City and / or City of Skopje may under all regulations for cooperation between municipalities to designate a single community through its authorized inspectors to carry out inspection only in certain areas or environmental medium or an activity on the territory of all municipalities for which is signed an agreement for inter-municipal cooperation.

(5)      If the municipality, the City of Skopje and the municipalities in the City of Skopje do not have employed at least one authorized inspector of environment or do not form a joint administration for carrying out an inspection, the inspections in the environment of its area will be carried out by the Inspectorate in accordance with Article 46 of this law

(6)      In the case of paragraph (5) of this article, the cost of carrying out the inspection shall be borne by the municipality for which the inspection is done.

**Article 19**

**Official identification card**

(1) The official capacity of state environmental inspector, state inspector for nature protection, water management inspector and authorized inspector of environment is proved with possession of official identification card.

(2) While conducting inspection supervision, inspectors are required to present the identification card referred to in paragraph (1) of this article.

(3) The official identification card referred to in paragraph (1) of this Article, for the state inspectors is issued and revoked by the Director of the Inspectorate.

(4) The official identification card referred to in paragraph (1) of this Article shall be issued and revoked to the authorized inspectors by the Mayor, the Mayor of the City of Skopje and the Mayor of the municipality in the City.

(5) The Minister managing the state administration responsible for the affairs of the environment shall prescribe the form and contents of paragraph (1) of this Article, and the manner and procedure of issuance and withdrawal thereof.

**IV. RIGHTS, DUTIES AND AUTHORIZATIONS OF THE INSPECTORS**

**Article 20**

**Special conditions for the work of the inspectors**

(1) To perform inspection supervision, in addition to general working conditions determined in the regulations regarding the work and administrative relations, the inspectors should be provided with special working conditions that would ensure correspondent level of protection including:

- providing appropriate equipment and facilities for carrying out inspections according to the type of supervision;

- use of the equipment for personal safety during the inspection supervision if there is danger to the health and safety of the inspector , and

- insurance against risks incurred at work regarding the law.

(2) If during the inspection, the inspector who in the performance of the works is at high risk for life and health, is entitled to a salary supplement, depending on the type of risk of 10% to 30% of the basic salary.

(3) The work activities and the amount of the supplement on the salary referred to in paragraph (2) of this Article shall be determined by the Inspection Council on the proposal of the Director of the Inspectorate.

(4) The work activities and the amount of the supplement on the salary referred to in paragraph (2) of this Article shall be determined for the authorized inspectors by the mayor of the municipality, the mayor of the municipality in the City of Skopje or the Mayor of the City of Skopje.

(5) Where there is a need to prevent a negative impact on the environment the inspector can be responsible to conduct active and passive duty, which is entitled to a supplement.

(6) As a passive duty will count all the time spent after regular working hours of the inspector which he must not leave the place of living and should be on call, and be able to leave immediately and go to the spot and conduct inspection.

(7) Active duty will count all the time spent by the inspector after his/hers regular time of work in the place in which he resides where the inspection is conducted in order to immediately propose or implement measures ordered by the subject of surveillance.

(8) In the cases of paragraph (5) of this Article, the amount and the manner of calculation of the allowance for state inspectors is determined by the Director, and for the authorized inspectors is determined by the mayor of the municipality, the mayor of the municipality in the City and the Mayor of the City of Skopje.

(9) The funds for the payment referred to in paragraph (9) of this Article shall be paid to the state inspectors from the budget of the Inspectorate, and for the authorized inspectors from the municipal budget, the municipality in Skopje and Skopje.

**Article 21**

**Right to professional training of inspectors**

(1) The inspector has the right and duty of continuous professional development and training for performing the inspection in the environment.

(2) In order to ensure constant professional development and training of inspectors, the state inspectors and the mayor of the municipality, the mayors of the municipalities in the City of Skopje, the Mayor of the City of Skopje are obliged to submit to the Director of the Inspectorate a proposal for professional training and development for at least three years.

(3) The proposal in paragraph (2) of this Article shall contain:

- Analysis of the needs for professional development and training for inspection in the environment of the central and local level;

- Areas of vocational training and preparation

- Short and long term trainings for professional development and training for inspection in the environment and

- Necessary human and financial resources and timeline for implementation of the proposal.

(4) The Director of the Inspectorate shall incorporate the proposal under paragraph (2) of this Article in the National Plan from the Article 25 of this Law.

(5) For the implementation of the National Plan of Article 25 of this law in the area of ​​vocational training and development, the Director of the Inspectorate and the mayor of the municipalities in the City of Skopje and the City of Skopje shall, not later than 31 November in the current year, are obliged to bring an Annual Program for professional training of inspectors for the following year.

(6) The annual programs referred to in paragraph (5) of this Article shall be in accordance with the National Plan of Article 25 of this Law.

(7) The programs of paragraph (5) of this Article, the mayor of the municipality, the City of Skopje and the municipalities in Skopje submit to the State Environmental Inspectorate

(8) For monitoring the implementation of the National Plan of Article 25 of this law in the area of ​​vocational training and development in the Inspectorate shall be created a separate organizational unit that is responsible for:

- Vocational training and development of the inspectors;

- Monitoring the implementation of planned trainings for professional development and training for inspection in the environment and

- Organizing and conducting trainings for the equal application of rules in the field of environment.

.

**Article 22**

**Duties of the inspectors**

(1) The inspector shall keep records of the inspections carried out over the subjects and publish it on the website of the Inspectorate or the website of the municipality, the municipality of the City of Skopje or the City of Skopje.

(2) During the inspection, the inspector is obliged to implement a program of inspection supervision in the environment described in Article 25 of this Law and to act on the initiative for initiating an inspection procedure and to inform the petitioner.

(3) During the inspection, the inspector must be identified to the subject of supervision or prior charge or authorized person of the subject of supervision and inform about the legal basis for supervision.

(4) The inspector shall keep as a business secret data which will come in course of the inspection, and that by the subject of the supervision is known that they constitute confidential information set out under the Law on Environment or other law.

(5) The inspector shall once a year, at the end of January of the current year, prepare an annual report of the inspection and the findings thereof, on administrative measures, as well as reports submitted and the results therefrom, for the previous year.

**Article 23**

**Authorizations of the inspector**

(1) The inspectors shall, promptly and efficiently take all necessary measures and procedures for inspection regulated by law.

(2) The inspector during the performance of the inspection, for the purposes of the inspection, could :

- Supervise the premises, equipment and an object to work on that possession has the subject of surveillance, which are important for the implementation of the inspection;

- Inspected the documents, files and other data on the subject of surveillance that are of importance for the implementation of the inspection;

- Order taking appropriate measures and activities under the law to set a deadline for their implementation;

- Prohibit the use of installations, facilities, tools and equipment to remove the disadvantages that affecting the lives and health of people and the environment;

- Prohibit, within stipulated by law, use of equipment, facilities, devices and equipment subject to supervision for the protection of the environment and human health;

- Prohibit the operation of the devices or emit harmful substances exceed the limit values ​​for emissions into the environment to protect the environment and human health;

- Ask for a statement from the responsible and employees subject to supervision, and to ask and take statements from witnesses who were present during the inspection or witnessed an event that is subject to supervision;

- Take personally or ask for sampling and sample analysis, and require or perform measurements in the environment;

- Ask for help from employees in the state administration responsible for the interior when expecting or face obstruction in conducting the inspection;

- Requested, expert from the state administration responsible for the execution of expert works in the field of environment, to be present at the inspection supervision;

- Prohibit, within prescribed by law, performing a certain activity and / or activity of the subject of supervision;

- Suspend objects and tools from the subject of surveillance, which were used in violation of the regulations relating to the environment;

- To conduct the education according to law;

- Impose mandatory penalties under the law;

- Submit a request to initiate criminal proceedings or file criminal charges in accordance with law;

- Initiate a procedure for settlement or settlement in accordance with the law and

- Take other measures and perform other activities that are authorized by law and other regulations.

**Article 24**

**Database of inspection activities**

(1) The Inspectorate shall establish and maintain an electronic database of the inspection in the environment.

(2) The database of paragraph (1) shall contain information taken from the inspection activities.

(3) The inspector, in the database of paragraph (1) of this article shall enter the necessary data for the inspection activities.

(4) The Director of the Inspectorate issues an instruction on the form and content, the method of keeping and maintaining a database of inspection activities, as well as the submission of data for inspection activities.

1. **PLANNING THE ENVIRONMENTAL INSPECTION**

**Article 24**

**Planning**

The Planning of the environmental inspection is performed by adopting:

-           National Plan for inspection in the Environment and

-           Inspection Program in the environment.

**Article 25**

**National Plan for Environmental Inspection**

(1)   In accordance with the policies and environmental objectives set in the strategic and planning documents for the environment as well as the objectives set out in the regulations on the environment, the Government of the Republic of Macedonia upon proposal of the Director of the Inspectorate adopts a National Plan for Environmental Inspection (hereinafter: National Plan).

(2)     The National Plan of paragraph (1) of this Article shall be for a period not less than three years.

(3)      National Plan in particular includes:

-           General overview of the state of implementation of regulations in the field of environment;

-           Objectives and measures to improve the situation with the implementation of regulations in the field of environment;

-           Priority areas for environmental inspection in the period adopted National plan;

-           Provisions for vocational training;

-           Goals, measures and guidelines for the preparation of the inspection into the environment;

-           Cooperation and ways to enhance cooperation between the state and authorized inspectors and other inspection services at both central and local levels;

-           The authorities involved in the implementation of the plan and

-           Financial and human resources required for the implementation of the National Plan.

(4)      Responsible for the preparation of the National Plan is the Inspectorate.

(5)      The National plan could be amended and / or supplemented at least once every two years, and if it is necessary also earlier depending on the new conditions and shall be adopted by the new expiry date.

(6)      The changes or amendments on the National Plan must be carried out in the following cases:

-           Policy change / environmental law that significantly affect the implementation of the National Plan;

-           A significant change in activity in certain industrial sectors and environmental areas subject to the National Plan and affect the completion and

-           based on the results of monitoring the implementation of the National Plan is set forth that the objectives set in the plan are met or targets set in the plan did not contribute to improving the state of the environment and the expected results.

(7)      The National Plan is prepared in accordance with the procedure for the adoption of planning documents for public participation laid down in the Law on Environment.

(8)      The right of access to information contained in the National Plan are exercised under the conditions and in the manner determined in the Law on Environment.

**Article** **26**

**Following the implementation of the National Plan for Environmental Inspection**

(1)      The implementation of the National Plan is followed by the Inspectorate.

(2)      For the implementation of the National Plan, the Inspectorate shall submit a report to the Government at least every two years.

(3) The report referred to in paragraph (2) of this Article, Inspectorate prepares it on the basis of:

- Reports of the environmental inspection

- The implementation of regulations in the field of environment;

- The degree of accomplishment of the objectives and measures set out in the National Plan;

- The data for the implementation of the programs of work of the inspectors, and

- And on the basis of other information available to the Inspectorate.

**Article 27**

**Inspection program in the environment**

(1) Regarding the implementation of the National Plan, the Director of the Inspectorate brings a yearly Program for the inspection in the environment (hereinafter the program) which is in accordance with the objectives and priorities of the National Plan and is comprised of:

- Inspection program in the environment of the State Inspectorate of Environment and

- Inspection program in the environment of the local government.

(2) The program referred to in paragraph (1) of this Article for the following year shall be adopted no later than December 15 of the current year.

(3) The program referred to in paragraph (1) of this Article particularly contains:

-           The objectives of the program to be realized in the current year;

-           Planned ordinary and extraordinary inspections in the environment on the territory of the Republic of Macedonia;

-           Performance indicators;

-           Other important data for inspection in the environment and

-           Human and financial resources needed to implement the program.

(4) The program referred to in paragraph (1) of this Article shall also include regular inspections that will be conducted over the subjects that perform certain works and / or activities in accordance with the assessed risk made pursuant to Article 32 paragraph (4) of this Act.

(5) The form and content of the Program referred to in paragraph (1) of this Article, the procedure, manner and terms of training are prescribed by the Minister managing the state administration responsible for the affairs of the environment.

**Article 28**

**Inspection program in the environment of the State Environmental Inspectorate**

(1)      The program of inspection in the environment of the State Environmental Inspectorate (hereinafter the Program of the Inspectorate) is prepared on the basis of the working programs of state inspectors which they are obliged to prepare for the following year until November 10 of the current year.

(2)      On the basis of the programs submitted by state inspectors, the Director of the Inspectorate is obliged to bring the program under paragraph (1) of this Article for the following year no later than November 30 of the current year.

(3) The form and content of the program referred to in paragraph (1) of this Article, the procedure, manner and terms of training are prescribed by the Minister managing the state administration responsible for the affairs of the environment.

**Article 29**

**Inspection program in the environment of Local Self-Government**

(1) The Organizational Unit for inspection in the environment created within the municipality or the authorized inspector of environment if it is not established such organizational unit prepares a yearly program of the municipality, the municipalities within the City of Skopje and the City of Skopje for inspection in the environment that is adopted by the Mayor of the municipality, the mayors of the municipalities in the City of Skopje and the Mayor of the City of Skopje.

(2) The program referred to in paragraph (1) of this Article, for the following year is adopted no later than November 10 of the current year.

(2) The program referred to in paragraph (1) of this Article, the mayor of the municipality, the mayor of the municipalities in the City of Skopje and the City of Skopje shall be submitted by November 15 to the Inspectorate in order to be considered and to be appropriately included in the Inspection program in the environment from Article 27 (1) of this Law.

(3) Where there is a common administration for carrying out inspections in the environment of two or more municipalities, they are preparing a joint program of inspections in the environment of the municipalities that have a common administration.

(4) The Inspectorate if considers that there are certain omissions in the programs referred to in paragraph (1) of this Article may request the municipality or the municipalities to complete the program with the obligation of indicating the omissions and deficiencies in the program.

(5) The mayor of the municipality, the municipalities in Skopje and the City of Skopje shall, within 15 days of receipt of the comments in paragraph (5) of this Article, answer or submit a revised program to the Inspectorate.

(6) The form and content of the program referred to in paragraph (1) of this Article, the procedure, the manner and terms of training are prescribed by the Minister managing the state administration responsible for the affairs of the environment.

**Article** **30**

**Annual report on the environmental inspection**

(1) For the realization of the Program for Environmental Inspection of Article 27 of this Law, the Director of the Inspectorate prepares an annual report on inspection in the environment which is composed of:

- Report on the environmental inspection of the State Environmental Inspectorate and

- Report on the environmental inspection of local self-government.

(2) The report referred to in paragraph (1) of this Article for the previous year, the Director shall submit to the Government by 30 April of the current year.

(3) The mayor of the municipality, the municipality in Skopje and the City of Skopje shall submit the report of the environmental inspection for the previous year to the Inspectorate by 31 January of the current year.

(4) The form and content of the report under paragraph (1) of this Article, the procedure, the manner and terms of training are prescribed by the Minister managing the state administration responsible for the affairs of the environment.

**VI. TYPES OF INSPECTION SUPERVISION**

**Article 31**

**Types of inspection**

The Inspection supervision can be performed by the environmental inspectors as:

-           Regular inspection

-           Associate/extraordinary inspection and

-           Controlled inspection.

**Article 31**

**Regular inspection**

(1) Regular inspection is announced inspection that is planned in advance and is provided in the programs referred to in Article 27 of this Law.

(2) Regular inspection is performed on all subjects in the Republic of Macedonia performing work or activities for which the relevant regulations stipulate performance of the work and / or activity and the conditions are prescribed under which they may be performed because of their impact on the environment.

(3) The planning of regular inspection SUPERVISION and determining the time period between two inspections depends on the type of installation or work or activity carried out by the subject and its impact on the environment.

(4) The time period between two regular inspections is determined based on the impact of the work or activity on the environment based on risk assessment conducted on the environment.

(5) The criteria and the methodology that will be assessed for risk to the environment under paragraph (4) of this Article shall be determined according to the methodology, criteria and guidelines for the inspection of the environment provided within the European Union and they vary depending on the type of work or relevant activity of the installation or entity.

(6) As a basic minimum criteria according to which the assessment of risk to the environment under paragraph (4) of this Article, for all installations or entities are:

- Potential or possible impact which the performance of the work and / or activity has on health and the environment;

- The level and type of emissions in the media and the environment;

- Environmental sensitivity of the area in which it is performed (work and / or activity);

- The risk of incidents and / or accidents;

- Fulfillment of the conditions in acts that regulate the exercise of the work and / or activity and the terms and conditions under which the work and / or activities may be carried out;

- Fulfillment of environmental standards and

- Other aspects which are important for the work and / or activity.

(7) The Director of the Inspectorate may adopt guidelines for the implementation of risk assessment in paragraph (4) of this Article for certain work and / or activities.

**Article 32**

**Associate/extraordinary inspection**

(1) Extraordinary inspection is unannounced supervision carried out based on an initiative presented by government authorities, natural or legal persons as well as ex officio of the inspector in cases of:

- Complaints and initiatives that indicate the existence of danger to human health and the environment;

- Accident or incident occurred or where there is danger of an accident or incident that has or may have a significant impact on human health and the environment;

- Obtaining the knowledge that it was a violation of the conditions laid down in the acts which regulate the performance of the work and / or activity and lay down the conditions under which they can be carried out because of their impact on the environment, and

- Changes that have occurred in the regulations for protection of environment when also are changes the conditions regarding the work and / or activity.

**Article 33**

**Control inspection**

Control inspection is carried out after the expiry of the period in which the subject of supervision was obliged by an act of inspector to take measures for correcting the situation.

**VII. IMPLEMENTATION OF THE INSPECTION**

**Article 34**

**Procedure for carrying out inspection**

(1) During the inspection, the inspector within his authorization determined by this and other laws is independent in performing the inspection and the taking of administrative and other measures determined by law.

(2) State inspector is authorized to conduct inspection of natural and legal persons, at any time and on the spot, without prior announcement in business premises, installations, facilities, as well as the means and equipment for the work and / or the activity for which an appropriate statement issued by the state administration responsible for the affairs of the environment or the professional body is regulated for performing the work and / or activity and lay down the conditions under which they can perform their due environmental impact, and by an act issued by another state body when the law prescribes such obligation.

(3) The authorized inspector is authorized to carry out inspection over natural and legal persons, at any time and on the spot, without prior announcement in business premises, installations, facilities, as well as the means and equipment for the work and / or activity for which an appropriate statement issued by the municipality, the municipality in the City or the City of Skopje is regulated for performing the work and / or activity and lay down the conditions under which they can be carried out because of their impact on the environment.

(4) For certain things that in accordance with the provisions of this or any other law are prescribed as the competence of the state administration responsible for the affairs of the environment, the inspector can supervise installations and facilities that are carrying out other works and activities that are responsibility of the municipality.

(5) The state inspector is authorized to carry out inspection at any time and on the spot, without prior announcement in business premises, installations, facilities, as well as the means and equipment for the work and / or activity, if finds out that the authorized inspector of environment has not acted on the basis of reports and / or information received by other state bodies, organizations, institutions, legal entities and individuals, as well as the media.

(6) If the authorized inspector of environment, while performing the inspection finds irregularities to a greater extent in the subject under responsibility of state inspector is obliged to promptly inform the State Environmental Inspectorate.

(7) During the inspection, if necessary and upon the request of the inspector, may be needed a presence of an official of the professional body, or the organizational unit for environment of the municipalities, the municipalities within the City of Skopje and the City of Skopje and other professional institutions and legal entities, if for determining the relevant facts and circumstances is necessary an expertise.

(8) At the request of the inspector, the authorized official of the state administration responsible for internal affairs shall participate in the implementation of the inspection.

**Article 35**

**Acting procedures of the inspector upon complaints of natural and legal persons**

(1) The inspector performs inspection based on the complaints of natural or legal persons.

(2) Upon submission of the application, the inspector shall, within seven days act on the complaint for initiation of an inspection procedure.

(3) In the case of paragraph (2) of this Article the inspector shall notify the applicant within seven days from the day of the inspection.

(4) Where at the State Environmental Inspectorate arrive a complaint of legal or natural person for the actions or activities for which is competent an authorized inspector, the state inspector is obliged to submit the application to the competent authorized inspector for further treatment within seven days starting from the day of receipt of the complaint.

(5) In the cases referred to in paragraph (4) of this Article, the State Inspectorate is obliged to inform the applicant.

(6) If the Inspector receives notification of legal or natural person who has filed an application for complaint to the authorized inspector, as in the cases of paragraph (4) of this article, that the Inspector has not acted on the application, in this case, the Director of the Inspectorate shall indicate to the Mayor of the municipality, the Mayors of the municipalities of the City of Skopje and/or the Mayor of the City of Skopje in order to undertake measures for the application, which will determine a deadline, which cannot be longer than 30 days, within which the mayor is obliged to take appropriate measures or supervision, as well as to inform the Inspectorate about the results of the measures undertaken or conducted inspection on time.

(7) When the mayor of the municipality, the municipalities of the City of Skopje and the City of Skopje acts contrary to the implication of paragraph (6) of this Article, the Director of the Inspectorate is obliged to appoint a state inspector who shall take the necessary measures or conduct the inspection, informing for that the mayor.

(8) The state inspector in the cases referred to in paragraphs (6) and (7) shall file an application to the State Administrative Inspectorate.

(9) The costs of the measures implemented and / or inspection conducted under paragraph (7) of this Article shall be borne by the municipality and shall be determined according to the costs specified in Article 42 of this Law.

(10) The costs referred to in paragraph (9) of this Article, the mayor of the municipality, the mayor of the municipalities of the City of Skopje and the City of Skopje are obliged to pay within 15 days of the receipt of the invoice, at the special account of the Inspectorate.

**Article 36**

**Responsibility of natural and legal persons during the performance of the inspection**

(1) Any natural person that was found at the site of the inspection is due while the implementation of the inspection, at the request of the inspector to legitimize himself and give his personal data.

(2) The persons from paragraph (1) of this Article shall give accurate data and make them available to the inspector of all necessary information and documents necessary for conducting the inspection.

(3) The responsible persons and authorized employees of the subjects upon which is conducted the inspection are obliged to enable the inspector to access and inspect the premises over which they have possession in order to conduct the inspection.

(4) The responsible persons and authorized persons in the subject where is conducted the inspection shall submit to the inspector during the inspection, but no later than 24 hours, all the documents and information necessary to establish the actual situation .

(5) The persons referred to in paragraphs (1) and (3) of this article at the request of the inspector are obliged to make statements about what they know about facts and events related to inspection.

(6) The persons referred to in paragraph (3) of this Article shall at the request of the inspector make it possible to perform measurements, sampling, making records and collecting evidence and documents necessary for conducting the inspection.

(7) The entity is obliged upon request of the inspector to appoint a person who will be present whilw conducting the inspection.

**Article 37**

**Right of access**

(1) While conducting the inspection, the inspector has the right to access - where he deem it necessary and at any time, in space and business premises in public and private ownership, locations and vehicles, and without obstacles to review overall required documentation of the legal entity or natural person that is to be implemented inspection.

(2) For the performance of activities under paragraph (1) of this Article in residential premises, the state and authorized inspectors have to provide a court order.

(3) During the inspection, the inspector has the right to access to the technology, production and other processes that are part of the work and / or activities of the subject of inspection.

(4) During the inspection, the inspector has the right to seal premises and / or items in the time period required for providing evidence needed to implement the misdemeanor or criminal proceedings.

(5) If during the course of the inspection the inspector has been denied the right of access, he has the right to seek help from the officer of the body responsible for the interior affairs.

**Article** **38**

**Measurement and sampling and evidence collection**

(1) Any natural or legal person, at the request of the inspector, makes available all the information, including material and economic data which are important for assessing the situation and determining the measures for prevention and protection.

(2) The inspector, in order to determine the impact on the environment, has the right to ask the subject of inspection for the following:

- request to submit the results of the completed investigations, analyzes and measurements    
- ask to take samples to analyze them and to measures substances and materials discharged into the environment as well as noise and vibration    
- ask to take samples and analyze materials and products used or processed as waste products if any,

- to take photos or recording of the actual state,

- to clarify the reasons that cause pollution and degradation of the environment    
- take statements from responsible, official, and authorized persons present and the others, which are relevant for determining the level and type of pollution    
- to request a measurement, testing and analysis of emissions,   and    
- take other actions or activities in order to provide evidence relevant to establishing the facts.

(3) The investigations, the analyzes and measurements referred to in paragraph (2) paragraphs 2, 3 and 7 of this Article shall be performed by accredited entities under separate regulations to meet the prescribed conditions for performing specified activities.

**Article 39**

**Seizure of items**

(1) The inspector may temporarily seize documents or other objects of animate and inanimate nature when they deems necessary to serve as evidence in the misdemeanor or criminal procedure, or when necessary to prevent a serious effect on the health and environment.

(2) For the seized items the inspector must issue a certificate to the subject of supervision when seized documents and / or objects were taken and in the certificate it is mandatory that the inspector enters all relevant information such as: name of the subject of supervision, by whom were taken the documents and / or objects, when the subject of surveillance is a natural person, the name of the subject of surveillance of a legal person, time and place of the seizure of documents and / or objects, precise indication of the seized documents and / or objects by type, quantity , signature of the person who handed over the documents and / or objects and other data depending on the case and eventually write on the certificate the name of the inspector and his signature.

(3) The temporarily seized documents and / or objects must be stored in appropriate premises of the body or other entities that meet the conditions for storage of seized documents and / or objects that fit these documents and / or objects in order to, until the day of handing over to the body responsible for maintaining the appropriate misdemeanor or criminal proceedings, remain undamaged and intact and safe from alienation.

(4) The costs of keeping and storage of confiscated s documents and / or objects is borne by the subject from which they were seized.

(5) The seizure of objects and their treatment is done in accordance with the Law on Management of Confiscated Property, property benefits and items seized in criminal proceedings.

**Article** **40**

**Compilation of minutes**

(1) For the inspection, when is finalized, the inspector shall make minutes on the site of the inspection, the minutes shall be signed by the inspector and a representative of the subject of supervision and a copy of the report has to be given to the subject of the supervision.

(2) If, due to the volume and complexity of the inspection and other circumstances is not possible to compile a record in the implementation of the inspection report may be compiled in the offices of the inspector within three days of completion of the inspection supervision and in the minutes must be cited the reasons why the minutes is made in the offices of the inspector.

(3) In the case of paragraph (2) of this Article, the inspector calls for a representative of the subject of the supervision to come in the offices of the inspector and sign the minutes, within no more than three days of drafting the minutes. Where possible, the inspector may submit the prepared minutes at the subject of surveillance.

(4) If the subject of the supervision refuses to sign the minutes, the inspector will indicate that in the minutes.

(5) The inspector during the performance of the inspection shall by letter immediately notify the Director of the Inspectorate or the mayor of the municipality, the municipality in Skopje and the City of Skopje if it finds:

-           Violation of law or other regulation on which application a supervision is carried out by other body of the state or local government,

-           notes that there are deficiencies or violations of law acts issued by the competent authority and which defines the work of the subject of supervision; and

-           that the subject of supervision does not meet the legal requirements on the grounds that the competent authority has not issued the required act in spite of meeting the legal obligations of the entity.

(4) In the case of paragraph (5) of this Article, the Director of the Inspectorate or the Mayor of the municipality, the municipality in Skopje and Skopje is obliged within 7 days to inform the head of the authorized body for undertaking of the activities from the findings

**Acts of the inspection supervision**

**Article 41**

(1) If, during the inspection, the inspector determines that the subject of surveillance does not abide by the laws and other regulations, technical regulations, standards and other regulations, in addition to the minutes in which they find irregularities, inspector issues a decision in which it determines the period within which they should be removed and the measures to remove irregularities and harmful consequences.

(2) The measures aimed to eliminate irregularities and harmful consequences incurred as a result of non-compliance of the regulations, the inspector may determine in collaboration with the professional body or organizational unit responsible for the environment in the municipality, the municipalities within the City of Skopje and the City of Skopje.

(3) If, during the inspection, the inspector determines that the deadline set in the decision of paragraph (1) of this article is obviously not sufficient for the subject to take measures stipulated in the decision, the inspector may determine an additional period not to exceed 120 days from the deadline specified in the applicable law.

(4) If the subject of supervision does not comply with the decision of the inspector under paragraph (1) of this Article and eliminate the causes of the situation determined in the decision, the inspector shall submit a request for initiation of infringement proceedings before the competent authority or court or criminal proceedings before a competent authority or court and initiate a procedure for revoking of the acts.

(5) If, during the inspection, the inspector determines that the subject of supervision does not abide by the laws and other regulations, technical regulations, standards and other regulations despite the determination of the period in which irregularities have to be eliminated, the inspector has the right to filed a request for misdemeanor or criminal proceedings before the competent court or authority.

(6) In case of established direct danger for human life and health, the inspector may issue an oral decision for urgent and pressing elimination of the deficiencies that were discovered in the minutes.

(7) If the irregularities referred to in paragraph (14) of this Article pose danger to the environment, life and health, the inspector can immediately issue an oral decision that prohibits the performance of the activity and / or activities, and prohibit the means and equipment for the activity and / or activity.

(8) In the cases referred to in paragraphs (12) and (13) of this article, the inspector issues a written decision within eight days of presentation of the oral decision.

(9) The inspector's decision can be appealed within eight days of receipt of the complaint.

(10) Upon the appeal against the inspector's decision decides the State Commission for Supervision and infringement proceedings in the second instance.

**Article 42**

**Costs of the inspection procedure**

(1)      The costs incurred for the activities carried out during the regular inspection shall be borne by the Inspectorate or the municipality, the municipalities within the City of Skopje and the City of Skopje.

(2)      The cost of the activities carried out as a special inspection shall be borne by the entity under supervision if the inspection procedure ended with the imposition of inspection measures.

(3)      The cost of operating activities through control inspection shall be borne by the entity under supervision.

(4)      If during the inspection supervision is required sampling and analyzes and measurements conducted in accordance with Article 38 of this Law, the costs will bear the subject of surveillance if the analyzes and measurements found that he has violated the regulations on environment. If the analyzes and measurements show that the subject did not breach environmental law, the cost of the inspection shall be borne by the Inspectorate or municipality, the municipality in Skopje and Skopje.

(5)      The costs of inspections carried out at the request of a natural or legal person shall be borne by the person who reported if the results of the inspection show that the reported subject on which the surveillance was carried out has done violation of the regulations made ​​in the field of environment.

(6)      The costs of inspection oversight by the inspector shall be paid to the special account of the Inspectorate and will be used to cover the costs of the completed supervision, and to cover the cost of the performed analysis and measurements.

(7)      The cost of an inspection conducted by the Inspector shall be paid to the special account of the municipality, the municipalities of the City of Skopje and the City of Skopje and will be used to cover the costs of the completed supervision, and to cover the cost of performed analyzes and measurements.

(8)      The criteria for determination of the height of the cost of implementing the supervision are the actual costs incurred in the course of the inspection, and the actual costs incurred for the analysis and measurements.

(9)      The costs of the procedure that are known at the time of the decision by the inspector are decided in the same decision itself, and if the costs are not known in the moment when the decision is decided, then it is regulated by a special conclusion.

(10)   The type and amount of the costs of inspections are prescribed by the Minister managing the state administration responsible for the affairs of the environment.

**VIII. COOPERATION IN THE INSPECTION IN THE ENVIRONMENT**

**Article 43**

**International Cooperation of the State Environmental Inspectorate**

(1)     The Inspectorate accomplishes international cooperation through membership in international organizations and networks acting in the field of implementation of inspection in the environment.

(2)     The Inspectorate conducts international cooperation with the authorities of the state governments of other countries that operate in the implementation of the inspection in the environment.

(3)     The Inspectorate with the aim of preventing adverse transboundary environmental impacts, as well as for the implementation of international agreements in the field of environment, collaborates with other states that are competent to carry out inspection in the environment and may conduct a joint inspection environment.

**Article 44**

**Cooperation between central and local level in the area of ​​environmental inspection**

(1) For the purposes of this Act, it is created a Council for environmental inspection in the territory of the Republic of Macedonia.

(2) The Council of paragraph (1) of this Article shall consist of:

- Two representatives of the Inspectorate;

- Two certified environmental inspectors, proposed by of the Association of the units of local self-government ZELS;

- A representative of the state administration responsible for the affairs of local self-government and

- A representative of the state administration responsible for the affairs of the environment. .

(3) The Council of paragraph (1) of this Article is managed by the Director of Inspectorate.

(4) In the work of the Council, if necessary, can also participate representatives from other state and local authorities if necessary.

(5) The administrative and professional work of the working body are performed by Inspectorate.

(6) The Council of paragraph (1) of this Article executes the following duties:

- Proposes measures and activities to increase cooperation at central and local level in the field of inspection for the environment;

- Encourages the exchange of best practices by developing documents for conducting inspection;

- Make proposals to improve implementation of environmental inspection;

- Monitor the implementation of inspection in the environment, and make suggestions for improvement;

- Monitors the human resources in the field of inspection for the environment and makes suggestions for improvement;

- Proposes measures to strengthen administrative capacity for the implementation of environmental inspection;

- Establish a network of investigators and experts who have contributed to strengthening the capacity to implement the inspection environment;

- Propose measures for the establishment and improvement of the register of entities over which conducts inspection in the environment;

- Review strategic and planning documents for inspection in the environment before their adoption;

- Proposes achieving international cooperation in the inspection of the environment;

- Take positions regarding the application of regulations on the environment and

- Monitors the obligations arising from the EU Environment and associated with the implementation of inspection and proposing appropriate concepts for their incorporation into national legislation.

(7) The Council of paragraph (1) of this Article shall be created by the director of the Inspectorate.

(8) The Council of paragraph (1) of this Article adoptes rules of procedure.

**IX. SUPERVISION**

**Article 45**

**Supervision over the legality of the work of the municipality, the municipalities of the City of Skopje and the City of Skopje**

(1) The supervision over the legality of the work of the municipalities, the City of Skopje and the municipalities in the City to implement the inspection in the environment at the local level, is based on the principle of legality, accountability and independence in the exercise of their powers.

(2) The inspection under paragraph (1) of this Article shall be performed by the Inspectorate Committee for Supervision established by the Director of the Inspectorate.

(3) The Commission of paragraph (2) of this Article shall be composed of three members, of which at least one is a state inspector.

(4) To implement the supervision of paragraph (1) of this Article, the Director of the Inspectorate adopts an annual program of inspection supervision in the environment on local level for the next year no later than 1 of March of the current year.

(5) The program referred to in paragraph (4) of this Article shall be published on the website of the Inspectorate within 5 days of its adoption.

**Article 46**

**Competences in the performance of the inspection supervision**

(1) In exercising the supervision over the legality of the work of the municipalities, the City of Skopje and the municipalities in the City of Skopje for implementation of the inspection in the environment at the local level, the Inspectorate shall perform the following:

1) verify whether the municipality, the City of Skopje and the municipalities in the City of Skopje have employed an authorized environmental inspector or has formed a joint administration for conducting inspection in the environment;

2)   assess whether the municipality, the City of Skopje and the municipalities of the City of Skopje have developed inspection program in the environment of the local government units ;

3) establish whether the municipality, the City of Skopje and the municipalities of the City of Skopje have developed inspection report in the environment of the local government;

4) assess whether the municipality, the City of Skopje and the municipalities in Skopje act in accordance with the submitted applications for inspection supervision;

5) assess whether the authorized inspectors enforce the inspection supervision in accordance with the adopted guidance for conducting inspection in the environment;

6) assess whether the authorized inspectors deliver the data needed to maintain electronic database of inspection activities;

7) point out to the bodies of the municipality, the City of Skopje and the municipalities in the City of overstepping their powers defined by this Law and other regulations and suggests appropriate measures to overcome the situation;

8) indicates certain substantive and procedural deficiencies in the work of the municipality, the City of Skopje and the municipalities of the City of Skopje which could obstruct the conduct of the inspection;

9) gives recommendations for the consistent implementation of the responsibilities of the inspection supervision of the municipality, the City of Skopje and the municipalities in the city;

10) submit initiatives and proposals to the municipality, the City of Skopje and the municipalities in Skopje in case of established failure in the enforcement of this law;

1 1) provides opinions and expert assistance in the implementation of environmental inspection of the municipality, the City of Skopje and municipalities of the City of Skopje upon their request and

1 2) informs on time the bodies of the municipality, the City of Skopje and the municipalities in Skopje about the conclusions of their work and the measures taken under supervision.

(2) For the supervision conducted under paragraph (1) of this Article, the Commission of Article 45 of this Law shall prepare a report published on its website.

(3) The report referred to in paragraph (2) of this Article, the Inspectorate is obliged by the municipality, the City of Skopje and the municipalities in the City to provide an indication to them with a deadline in which to eliminate the shortcomings or act according to the directions given in the exercise of their jurisdiction in the inspection environment.

(4) The municipality, the municipalities in Skopje and Skopje is obliged to take the measures set out in the report of paragraph (2) of this Article, within the period specified in the report and notifies the inspectorate.

(5) If despite the warnings and undertaken measures and activities, the municipalities, the City of Skopje and municipalities of the City of Skopje does not ensure implementation of the inspection in the environment at the local level, the appropriate authority is taken from them and the inspection in the environmental is undertaken by the Inspectorate, but up to one year from the date of their taking.

(6) The Inspectorate, the things related to the inspection and its implementation in the environment in the municipality, the City of Skopje and the municipalities in the City of paragraph (5) of this Article shall be performed on behalf of the municipality, the City of Skopje and the municipalities in Skopje.

(7) for taking over the described in the paragraph (5) of this Article shall inform the state administration responsible for the affairs of the local government and the state administration responsible for the affairs of finance.

**X. PENAL PROVISIONS**

**Article 47**

(1) A fine of 4,000 euros in denars will be imposed on the legal entity or sole proprietor for a misdemeanor If:

 1) fails to act in accordance with the decision of the inspector (Article 41, paragraph 4) and

2) fails to act upon an oral decision adopted by the minutes (article 41, paragraph 8).

(2) A fine of 2,000 euros in denars will be imposed on the legal entity or sole proprietor if he disables the inspector in carrying out inspections in accordance with Articles 36, 37, 38 and 39 of this Law.

(3) A fine in the amount of 30% of the imposed fine on the legal entity or the sole proprietor shall be imposed on the responsible person of the entity or the sole proprietor of the actions referred to in paragraph (1) and (2) of this article.

(4) A fine of 600 to 800 euros in denars shall be imposed on the authorized person / officer at the legal entity if:

- Refuse to provide data in accordance with legal regulations or give incorrect data;

- Does not provide the right to inspect to the inspector and hinders the inspector in performing the supervision;

- Does not provide all the necessary data and information necessary for conducting the supervision at the request of the inspector,

- Other things that are contrary to the provisions of this law.

(5) A fine of EUR 600 shall be imposed on the inspector or officer if:

- Are not kept as an official secret the data which came during the inspection supervision, and had such a duty under the regulations (Article 22 paragraph (4));

- Do not enter the required data into the database of Article 24 of this Law;

- Does not act on the application of a natural or legal person under Article 35 of this Law;

- Does not deliver a program of work under the terms of Article 28 and 29 of this Act;

- Failure to submit a report on the inspection in accordance with Article 30 of this Law

- Does not act in accordance with Article 35 of this Law;

(6) A fine of 1,000 euros will be imposed if the mayor:

- Brought no inspection program in the environment of the local government unit in accordance with Article 29 of this Law;

- Failure to submit a report on the inspection in accordance with Article 30 of this Law;

- Fails to conduct inspections in accordance with this law.

(7) A fine of 600 to 800 euros will be imposed on the natural person for the actions referred to in paragraph (1), (2) and (4) of this article.

(8) The request for initiation of legal proceedings under paragraph (5) of this Article may submit the head of the enforcement of this law and the immediate superior officer.

(9) Competent authority for misdemeanor sanctions under paragraph (1) to (7) of this Article is the Misdemeanor Commission established pursuant the Law on the environment.

(10) The inspector or officer is obliged to keep records of payment orders issued for misdemeanor for the outcome of the proceedings initiated.

(11) The records referred to in paragraph (10) of this Article shall be collected, processed and stored containing the following information: name and surname or name of the perpetrator resides, address, type of violation, the number of misdemeanor paid account shall be issued and the procedure.

(12) The personal data referred to in paragraph (12) of this Article shall be kept for five years from the date of entry into the records.

(13) The Minister managing the state administration is responsible for the affairs of the environment and shall prescribe the form and content of the misdemeanor payment order

**Article 48**

Determining the amount of the fine on the legal entity or the sole proprietor shall be made in accordance with the Law on Misdemeanors

**XI. TRANSITIONAL AND FINAL PROVISIONS**

**Article 49**

(1)    The mayor of the municipality, the municipality in Skopje and the City of Skopje shall employ at least one authorized inspector in the local administration no later than September 2016..

(2)    The first inspection plan will be adopted no later than December 2017.

(3) The first inspection program in the environment shall be adopted no later than December 2017

(4)   The first inspection programs in the environment of the State Environmental Inspectorate   shall be adopted no later than December 2017.

(5)     The first inspection program in the environment of the local government units, the mayor of the municipality, the municipalities in Skopje and the City of Skopje shall adopt no later than December 2017.

**Article 50**

The bylaws stipulated in this Law shall be passed within one year from the entry into force of this law.

**Article 51**

With the entry into force of this law, the Articles 194 paragraph (7) and (6), 194-a, 194-b, 196, 197, 205, and 205, 206, 207, and 207, 208, 208 -A, 209, 209 and 211, paragraph (1) items 24) and 25) of the Law on the environment ("Official Gazette" of RM no. 53/05, 81/05, 24/07, 159/08 , 83/09, 48/10, 124/10, 51/11, 123/12, 93/13, 187/13, 42/14, 44/15 and 129/15) and Article 170 of the Law on Protection of nature ("Official Gazette" of the RM no. 67/04, 14/06, 84/07, 35/10, 47/11, 148/11, 59/12, 13/13, 163/13, 41/14 and 146/15) and Article 231 of the Law on Waters ("Official Gazette" of the RM no. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163 / 13, 180/14 and 146/15) cease to apply and to be valid.

**Article 52**

This law comes into force eight days after its publication in the Official Gazette of the Republic of Macedonia.

1. **EXPLANATION ON THE PROPOSAL OF THE LAW FOR INSPECTION ON ENVIRONMENT**

With the Law for Inspection on Environment it is determined the jurisdiction, operation and organization of inspection in the media and areas of the environment, the conditions that should be met by the inspectors, the rights, duty and authorizations of the inspectors, the manner and procedure for carrying out the inspection supervision, as well as planning the inspection in the environment.

The law regulates and contains the following chapters:

I. General provisions

II. Principles

III. Jurisdiction and organization

IV. The rights, duties, and the authorizations of the inspectors

V. Planning of the inspections in the environment

VI. Types of inspection supervision

VII. Implementation of the inspection supervision

VIII. Cooperation in inspections in the field of environment

IX. Supervision

X. Misdemeanour provisions

XI. Transitional and final provisions

**In Chapter I** General provisions of the Law determines the subject of regulation of this law, the application of the law, the objective of the law and definitions that are used in the law.

The objective of the adoption of this law is the establishment of a system of inspection on the basis of previously conducted assessment of the risk that the subjects of the supervision shall have on the environment and it unanimously planning the supervision in accordance with the needs and priorities.

**In Chapter II** of the Law are prescribed the principles on which this Law is based and they are:

- Principle of objectivity according to which the inspector while performing the inspection will need to provide equal, impartial and objective implementation of laws and other regulations in the course of the inspection.

- Principle of prevention according to which the inspection in the environment is done primarily in order to prevent the appearance of the negative impacts on the environment, so the inspector shall order the subject of supervision taking over the correspondent measures and activities necessary for the protection of the environment before it comes to harmful consequences.

- Principle of an integrated approach in carrying out the inspection when it is carried out in a manner through which the inspector notes and determine the impacts on all media and areas of the environment that can be caused by the subject of the supervision.

- Principle on Transparency and Participation allows the public the right to access to information pertaining to the performance of the inspection in the environment in accordance with the provisions of this or other laws.

**In Chapter III** of the Law regulates the scope of competence of the supervision in the field of the environment, as well as the competence and organization of the environmental inspection. The inspection in the environment is organized at central and local level.

The inspection in the environment at central level is done by the State Environmental Inspectorate through the state inspectors of Environment, state inspectors for nature protection and water management inspectors. The scope of jurisdiction of the state inspectors is determined in the regulations on the environment as well as other regulations that exist in such jurisdiction.

The environmental inspection at local level is carried out through authorized inspectors of environment of the municipalities, the City of Skopje and the municipalities in Skopje according to the jurisdiction laid down in the regulations on the environment as well as other regulations that exist in such jurisdiction.

In the Articles 13, 14, 15 and 16 is prescribed the legal status of the State Environmental Inspectorate, the managing of the State Inspectorate, the terms of appointment of the Director of the Inspectorate and its competencies.

In Article 17 of the Law are prescribed the conditions that should be met by state inspectors and are prescribed the areas of education, and in comparison with the general conditions that should be met by the inspector refers to the Law for inspection supervision. In this article is given the option with the act on organization and systematization of State Inspectorate to perform specialization of the inspectors on the field and / or media temporarily or permanently, depending on the needs of the Inspectorate.

In Article 18 of the Law are defined the conditions that should be met by authorized inspectors for the environment. For the purpose of implementation of the inspection supervision at the local level in all municipalities on the entire territory of the Republic of Macedonia is given the possibility of the municipalities to choose the way which will organize the supervision at the local level and the first way is through employment of a person who will carry solely the work of an authorized inspector of environment, or if they are not in the possibility to employ a person an already employed person should carry out the tasks of the inspection supervision through an inter-municipal agreement for cooperation with one or several municipalities. Also in the law is given the possibility of more municipalities to divide or specialize in carrying out the inspection supervision by the media field or to the environment. In the cases where will not be fulfilled none of the two options in this case the obligation to take over the supervision in in the hands of the State Environmental Inspectorate in the name and for the account of the municipality.

In Article 19 e prescribed that their official capacity of an inspector is proved with professional identity card.

**In Chapter IV** of the law are defined The rights, obligations and authorizations of the inspectors. According to the law, the inspectors in carrying out the inspection supervision are entitled to special working conditions due protection of the life and health of the inspector as: equipment, tools and insurance of the risk allowance to pay in case if during the performance of the inspection supervision, the inspector is exposed to high risk.

One of the rights but at the same time an obligation of the inspector is the right of permanent expert training and education of the inspectors. The law envisages several years professional education and training there for, the state inspectors and the mayors of the municipalities have to submit to the Director of the State Environmental a proposal for professional education and training for at least three years. The proposal for professional education and training is part of the National Plan for inspections in the environment. The realization of a part of the plan for professional education and training has to be done through the adoption of annual programs for professional and education and training.

The inspector is obliged, during the exercise of the supervision, to keep as an official secret the data to which it will come while performing the supervision, if such data according to the Law for the environment or other law is defined as data of confidential character. Other obligations arising from the performance of the inspection supervision is the implementation of the program for inspections in the environment as the preparation of the report for the performed inspection supervision and findings of the same.

In the law in a separate article are defined the authorizations that shall have the inspector in performing the inspection supervision as the inspection of the premises of the entity subject to the supervision, inspection in the documents, the prohibition of use of installations, orientation of the limits within which the facilities must not be used, prohibition for work, to demand and give a statement of responsible persons of the entity, subject of the supervision, taking samples etc. Also, an inspector may during the performance of the supervision to ask the representative of the employees in the Ministry of Interior to supervise and attend in the realization of the inspection supervision.

For the purpose of keeping the records of the activities related to the inspection supervision, the State Environmental Inspectorate establishes and maintains a database of inspections in the environment. Each inspector will need to present data from his working in the database.

**In Chapter V** of the Law is prescribed planning of inspections in the environment. The introduction of the multiyear plan of the inspection in the environment is a new obligation which is introduced in the law and at the same time an obligation of EU law. Several year planning is done with the adoption of a National Plan for inspections in the environment with which is carried out several year planning for the whole territory of the Republic of Macedonia. Responsible for preparation and monitoring of the plan is the State Environmental Inspectorate. In preparation of the plan are taken into account the compulsory previously adopted planning documents in the field of the environment as well as all relevant documents in the field of inspection supervision, obligations arising from legislation on the environment and EU law in the field of the environment. The plan is proposed for the period not less than three years in which to define the priority areas of inspection supervision, objectives and measures for improvement of the situation with the implementation of the regulations in the field of environment and accordingly it is necessary to define and expert training and education and material and human resources required for the implementation of the plan. The plan can be amended or supplemented every two years in cases when amendments to the policy / regulation for the environment significantly affect the implementation of the National Plan;

For the realization of the plan is enacted a yearly program for inspections in the environment that is adopted by the Director of the State Environmental Inspectorate, and which consists of a program of inspections in the environment of the State Environmental Inspectorate and inspection program for the environment of the units of local government.

The program for inspections in the environment of the State Environmental Inspectorate is brought by the Director of the Inspectorate, while a program of inspections in the environment at local level are brought by the mayor of the municipalities, the City of Skopje and municipalities in Skopje.

The format and contents of the program will be prescribed with the bylaw. The deadline for the adoption of the program is 10 December 2015.

For monitoring the realization of the program is prepared an annual report on inspections in the environment. The report is composed of the report for inspection of the State Environmental Inspectorate and the report of inspections in the environment in the local government units.

**In Chapter VI -** Types of inspection supervision are listed the types of inspection supervisions and they are: regular, extraordinary and controlled inspection supervision.

In Article 31 is prescribed the regular inspection as supervision that is planned in advance and scheduled in the Program for inspections in the environment, and the same is done to all entities that in the territory of the Republic of Macedonia are doing works and / or activities for which they need to obtain appropriate documents that regulate the performance of the work / activities relative to its influence on the environment. The time schedule of the plan at the regular inspection as well as the time period between two inspections shall be determined depending on the type of activity that is depending on its influence on the environment. The impact is determined on the basis of the assessment carried out on the risk on the Environment. The methodology and criteria for the risk assessment in the Republic of Macedonia will be regulated by special guidelines which will be in accordance with the methodology, criteria and guidelines for inspections in the environment that exist in the European Union.

In Article 32 it is stipulated in which cases shall be performed extraordinary inspection and that the same is done only when there are complaints or initiatives that are pointing out the danger to the life and health of the humans and the environment, incurred in cases of incidents and crashes, when there are findings that the violation is committed to the conditions prescribed in the acts which allow the performance of the work or the activity, due to changes in the regulations on the environment and thus the influence on changes to the conditions for performing the work and / or activity.

In Article 33 is prescribed that the inspector can perform controlled inspection to check whether the corrective measures are taken by the entity of the supervision previously given by an act of the inspector.

**In Chapter VII -** Implementation of the inspection supervision, is regulated the procedure for inspection supervision, namely in which cases the inspector is obliged to perform inspection, the inspector acts to a complaint of a natural or legal person, then the liabilities of legal and natural persons in the exercise of inspection supervision, the right to the access of inspector, measurements and taking samples and the gathering of evidence, seizure of items, making a minutes- record and the adoption of acts by the inspector and the costs of the inspection procedure.

**In Chapter VIII** - Cooperation in inspections in the field of environment is scoped cooperation in the field of inspections in the environment on internal level and as cooperation between central and local level.

In Article 43 is prescribed that the Inspectorate realize International Cooperation as well as to be member in organizations and network that operate in the implementation of the inspections in the environment, as well as to establish cooperation with authorities in another country in cases of trans border impact on the environment.

Due to the establishment of cooperation between the central and local level in the implementation of the inspections in the environment is created the Council for inspection in the environment which will be an advisory body with which will be managed by the Director of the Inspectorate. The aim of this body is to monitor the cooperation between central and local government in the field of inspection in the environment as a timely and identify all the problems that exist in the implementation of the provisions of this law. The Council consists of seven members out of which two were representatives of the Inspectorate, two are authorized inspectors for environment, one representative of the MoEPP and the representative of the Ministry of Local Government.

**In Chapter IX**. - Supervision over the lawfulness of the work of the organs of the municipality, the City of Skopje and the municipalities of the City of Skopje is a new chapter which is establishes with the aim of monitoring and better cooperation in the field of inspection in the environment, which will enable an integrated approach to the performance of the inspection supervision in the field of environment. Such cooperation and coordination is required foremost due to monitoring of the fulfilment of the obligations of the Law and timely implementation of any activities for resolution of the problems that exist. This particularly refers to the accomplishment of the liabilities of the implementation of the planning document for environmental inspection.

**In Chapter X,** - Misdemeanours provisions - are the prescribed misdemeanour provisions for the subject of the inspection, the inspector and the responsible persons of the subjects of the supervision if the provisions of the law are not respected.

**In Chapter XI.** - Transitional and final provisions define the deadlines by which it is necessary to be developed by-laws arising from this law as well as the deadlines by which they have to prepare the first planning documents.

1. **MUTUAL CONNECTION OF THE SOLUTIONS STATED IN THE PROPOSED PROVISIONS**

The proposed decisions to this Draft law are interrelated and complementary.

1. **CONSEQUENCES ARISING OUT OF THE PROPOSED SOLUTIONS**

The adoption of this law will contribute to the integral protection of the environment through the implementation of inspection at central and local level, multi-year planning of the inspection in accordance with the priorities and needs depending on the impact that the work of the subjects of supervision have on the environment and thus establishing priorities for inspection. This type of inspection would enable planning and time between the two inspections based on criteria that will identify and assess the risk that the work of the subjects of supervision have on the environment which will affect the improvement of implementing the legislation on the environment and thus improve the quality of the environment on the one hand and on the other hand will affect the proper and rational utilization of human and material resources in the conduct of inspections in the environment as a whole.