**Articles of the Law on Environment (LoE) to be assessed in the light of the**

**Law on Inspection Supervision (LoIS) on conflicting/overlapping language**

**before being transposed to the new ‘Law for Inspection on Environment’**

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| **Subject covered** | | **Law on Environment** | **Law on Inspection Supervision** | **Comments** | |
| **Article 194**  **Responsible bodies** | | |  |  | |
| Enforcement of LoE | | 194(1) | 13(1) | No conflict. Article 194 regulates the organization of inspection units related to the environment, as described in article 13 LoIS | |
| SEI and State inspectors | | 194(2) | 13(1), 13(2) | ,, | |
| Authorized inspectors | | 194(3) | 13(1), 13(2) | ,, | |
| State Market Inspectorate and -inspectors | | 194(4) | 13(1), 13(2) | ,, | |
| Food Directorate and inspectors | | 194(5) | 13(1), 13(2) | ,, | |
| SEI supervises authorized inspectors | | 194(6) | / | No equivalent in LoIS. Very important provision, which confirms SEI’s superiority over the authorized inspectors. Should also be included in the new law for Inspection on Environment | |
| Legal status SEI, own budget | | 194(7) | 13(3) | Overlap. When it is clear from LoIS that State Inspectorates are independent legal entities, does it need repetition in the LoE? A mere statement confirming that SEI is an official State Inspectorate would perhaps suffice.  Difference in language --> LoIS: ‘by capacity of legal person’; LoE: ‘legal entity’. Advice would be to align this. | |
| **Article 194(a)**  **Management of the State Environmental Inspectorate** | | |  |  | |
| Appointment director | | 194(a)(1) | 14(1) | No direct conflict, but difference in language and scope: “*is appointed by the Government of the R.M upon a public announcement” v. “appointed and relieved from position by the Government of the Republic of Macedonia in accordance to the Law*”. Why not merge/align the language? | |
| Public notice appointment director | | 194(a)(2) | / | No equivalent in LoIS | |
| Responsibility director to Macedonia | | 194(a)(3) | / | ,, | |
| Term director (4 years) | | 194(a)(4) | / | ,, | |
| **Article 194(b)**  **Terms of appointment of director** | | |  |  | |
| Nationality | | 194(b)(1) | / | No equivalent  General comment: The terms of appointment of the director of SEI are not dealt with in LoIS. However, the terms of appointment of the President and members of the Inspection Council are discussed. The requirements are almost similar to those of the Director. In this context, advice would be to align the recognition of English certificates or simply include ‘*any other certificate at the level B2 from CEFR*’ | |
| Not under penalty | | 194(b)(2) | / | ,, | |
| ECTS | | 194(b)(3) | / | ,, | |
| 5 years work experience | | 194(b)(4) | / | ,, | |
| Level of English | | 194(b)(5) | / | ,, | |
| **Article 196**  **State Inspectors of Environment, Inspectors of Nature Protection and Authorized Inspectors of Environment** | | |  |  | |
| Requirements and experience State Inspectors | | 196(1) | 18(4), 19(2) | 18(4) regulates that requirements for inspectors can be laid down in ‘another law’, in this case the ‘Law of Environment’  Conflicting provision with 19(2) LoIS:  LoE: ‘*having at least* ***three years*** *of experience and university education in the following areas’*  19 LoIS: ‘*The condition for the candidate for presenting at the exam is to have had at least* ***5 (five) years*** *of experience after the graduation, in the corresponding area/field of inspection service’*  The LoE requires 3 years of relevant experience, whereas the LoIS requires 5 years of experience in order to be able to partake in the exam. | |
| Requirements inspectors of nature protection | | 196(2) | 18(4) | Law on Environment refers to Law on Nature protection. Where is the added value? | |
| Person acting under authorization of inspectors of environment/  nature | | 196(3) | / | No equivalent | |
| ,, water management inspector” | | 196(4) | / | ,, | |
| Requirements authorized inspectors | | 196(5) | / | Authorized inspectors must have 1 year of work experience to be eligible. Considering the problems that are present regarding the quality of enforcement of environmental law at the local level, it should be considered to create stricter requirements for local inspectors. Alignment of the requirements of State and Authorized inspectors was also envisaged in the MoU concluded between the IC and ZELS. Another solution would be to apply the requirements of LoIS (i.e. 5 years of experience) to the application procedure of authorized inspectors also. | |
| **Article 197**  **Official identity card** | | |  | | |
| Official ID inspectors | | 197(1) | 45(1) | No conflict | |
| Present ID | | 197(2) | 45(2) | “Prove his purpose, identity and authority” (LoIS) v. “shall present the identity card” (LoE). LoE is more elaborate on this matter | |
| Issuing authority ID Inspectors of Env.& Inspectors of Nature Protection | | 197(3) | 45(3) | LoIS: “*For the inspectors in inspection services organized as organizational units within the state administration bodies, the official identification from paragraph (1) of this article is issued by the* ***official responsible for the state administration body”*** (Cesar: this is an umbrella term)    in LoE: “*issued and withdrawn by the* ***Minister******managing the body of the state administration*** *responsible for the affairs of the environment* | |
| ,, Authorized Inspectors | | 197(4) | 45(8) | LoE*: “****issued*** *and* ***withdrawn*** *by the* ***Mayor*** *of the Municipality and the Mayor of the City of Skopje*”  45(3) LoIS: ‘*the* ***prescribing*** *is done by the official responsible for the state administration body, i.e. the* ***mayor*’**.  Maintaining two separate procedures for the licensing of, on the one hand, the State Inspectors, and on the other hand Authorized inspectors seems not to be the most efficient way of enforcing national environmental law. The streamlining of the process of licensing, i.e. clustering the power to prescribe the procedures in 1 organ while at the same time allowing the mayors to retain the power to issue and revoke the licenses of Authorized Inspectors could benefit overall the enforcement. | |
| Competence over format ID | | 197(5) | 45(8) | LoE*: The* ***Minister managing the body of the state administration responsible for the affairs of the environment*** *shall prescribe the form, format and contents of the identity card referred to in paragraph (1) of this Article, including the manner and procedure of issuance and withdrawal thereof*  LoIS*: The form and content of the forms for the identification, the means of its issuing and revoking and the design of the badge* ***according to the director’s suggestion*** *are prescribed by the* ***minister responsible for the ministry that encompasses the inspectorate […]*** *for the inspector of the organizational unit organized as an inspection service the prescribing is done by the official responsible for the state administration body, i.e.* ***the mayor.’****’*  LoE seems to provide for full competence for the Minister, whereas under the LoIS, suggestions of the Director need to be taken into account plus the competence for prescribing format of ID for inspector of an organizational unit, i.e. environmental/waste/water/etc. this is done by the official responsible for that unit.  See also previous comment, why provide the mayor with the competence to decide on matters which could better be unified nationwide and which would otherwise only create diversity in implementation of national law? | |
| **Article 198**  **Scope of work of the State Inspector of Environment** | | |  | | |
| Rights of State Inspector | | 198(1) |  | Article 198(1)(sub 1 t/m sub 48) describe in full detail what can be required of the State inspector in the performance of his duties. Reference is made to other articles of the LoE containing obligations for the permit holder. The question rises whether it would not suffice to simply include a provision stating: ‘*the State Inspector is required to check compliance of the permit holder with the obligations imposed on him by this law’*. Doing so would remove the necessity of repetition of all obligations of the permit holder in this article.  Under sub (4) and others, the State Inspector is granted competence regarding the checking of compliance with import/export regulations. Could this not be better achieved through ensuring this is done by the Macedonian Custom Services, while retaining the focus of the work of the inspector on compliance with the permit? | |
| Request present of expert | | 198(2) | 24(6), 36 | Overlap. The right to request expertise advice is covered in both instruments. | |
| Supervision of paid compensation | | 198(3) | / | No equivalent | |
| SEI adopts decision obliging to pay | | 198(4) | / | No equivalent | |
| Submission decision to CRC | | 198(5) | / | No equivalent | |
| Participation of person internal affairs | | 198(6) | 35(1) | Overlap | |
| Competence over IPPC-B installations | | 198(7) | / | Article 198(7) LoE provides for competence of State Inspectors to inspect IPPC-B installations when this or another law establishes that certain issues fall within the competence of those inspectors, whereas generally speaking competence over IPPC-B is granted to Authorized Inspectors. The article does not mention when these special competences rise.  Protected areas holding B-permit installations reside under the competence of the State Inspector. | |
| **Article 199**  **Application of measures for protection of soil against pollution, and land use change** | | |  | | |
| Other competences of the State Inspector of Environment | | 199(1) | 24(1)/(2) | It seems that this article is dealing with similar competences for the State Inspector, only in a different context. When the LoE has stated that SEI has competence over soil pollution and land use change, it can be assumed that the State Inspector is competent in one way or another to enforce compliance. | |
| enforcement of measures for protection against non-ionizing radiation | | 199(2) | 24(1)/(2) | ,, | |
| implementation of measures of protection against unpleasant odor from installations | | 199(3) | 24(1)/(2) | ,, | |
| right to perform supervision over all installations with potentially harmful discharges | | 199(4) | 24(1)/(2) | ,, | |
| **Article 200**  **Making decisions by the State Inspector of Environment** | | |  | | |
| Competences during performance of inspection | | 200(1)(1) | 25 | All ‘prohibit/restrict’ competences of the inspector can be captured by shorter provisions, for example as formulated in LoIS art. *25(2) to order him to take correspondent measures and activities in a certain period of time given by the inspector; and (3) to prohibit temporary performance of his activities, profession or duties; and (5) ‘For the elimination of the found irregularities, the inspector could perform also other authorizations and responsibilities according to the law’.*  **Example Croatia:**  *Article 143 Sustainable Waste Management Act*  (1) In carrying out an inspection, the inspector shall directly examine general and individual  acts, check working conditions and work methods applied by legal and natural persons  involved in the waste management system, and **take other measures aimed at bringing them in line with the present Act and regulations** adopted on the basis thereof, as well as other regulations in cases that such regulations have been violated.  (2) In carrying out inspections the inspector shall examine in particular / … / … / … / …  **Example NL:**  *Article 5.2 General provisions Environmental Law*  (1) The competent authority is charged with:  (a) ensuring administrative enforcement, vis-à-vis the operator, of those provisions governing the execution of a project;  (b) collect data with the purpose of the execution of the tasks as envisaged under (a)  (c) collect complaints filed in relation to adherence to the provisions governing the execution of a project | |
| Drafting of minutes and decision on elimination of irregularities | | 200(2) | 23(6), 25(1) | LoIS: 23(6) write a minute for the performed inspection supervision; 25(1) to inform him about the found irregularities and to give him a time limit for their elimination and rectification;  LoE: ‘shall state the irregularities found in minutes and shall in a decision specify the term within which they shall be eliminated’.  Furthermore, there is overlap between 200(2) and 200(1) sub(1): In performing inspection supervision, the State Inspector of Environment shall, by virtue of decision: 1.specify measures for elimination of the causes that have led to environmental pollution; 2.order to eliminate harmful consequences caused by the pollution or degradation of environment and nature and restore the environment to the original state | |
| Specification of measures in cooperation with expert body | | 200(3) | 24(6) | Overlap. Article 24(6) is broader in scope. | |
| Filing minor/criminal charges in case of failure to comply | | 200(4) | 25(5) | It is advised to align the language with the LoIS | |
| ,, while performing inspection | | 200(5) | 25(5) | ,, | |
| Act in accordance with minor offence provisions | | 200(6) | / | Reference to misdemeanor provisions of LoE.  Question: does every material law (environment, nature, water, etc) have separate misdemeanor provisions? If so, could these not be better transposed and aligned in LoIS? For example, not complying with the request of an inspector can be considered the same in every context, be it water, nature, etc. | |
| Additional deadline 120d | | 200(7) | 25(2) | Overlap. 25(2) is broader in scope. | |
| Oral order in case of direct danger | | 200(8) | 25(2) | Overlap (if it is asserted that ‘order’ implies also ‘oral order’), 25(2) is broader in scope | |
| Oral order in case of direct danger jo. 200(7) | | 200(9) | 25(2) | ,, | |
| Written decision within 48h jo. 200(8) | | 200(10) | 23(6) | Overlap, 23(6) is broader in scope. | |
| Costs of confiscation born by the ‘confiscated’ | | 200(11) | 60(2) | Overlap, 60(2) is broader in scope. | |
| Certificate of temporary deprivation | | 200(12) | / | No equivalent | |
| Law of management of Confiscated Property | | 200(13) | / | ,, | |
| **Article 201**  **Scope of work of the authorized inspector of environment** | | |  | | |
| Rights of authorized Inspectors | | 201(1) | / | Question: since LoIS was intended to apply also to authorized inspectors, can it be assumed that the provisions on the authorizations of the Inspector in LoIS similarly apply to Authorized Inspectors? If so, the following analysis of articles 201-203 applies.  Article 201(1)(sub 1 t/m sub 14) describe in full detail what can be required of the Authorized inspector in the performance of his duties. Reference is made to other articles of the LoE containing obligations for the permit holder. The question rises whether it would not suffice to simply include a provision stating: ‘*the Authorized Inspector is required to check compliance of the integrated environmental permit/elaborate holder and the obligations imposed on him by this law’*. Doing so would remove the necessity of repetition of all obligations of the permit holder in this article. | |
| Participation of person internal affairs | | 201(2) | 35(1) | Assuming that LoIS applies to authorized inspectors, there is overlap, with LoIS being broader in scope. | |
| **Article 202**  **Other competences of the authorized inspector of environment** | | |  | |  |
| Prevention of soil pollution | | 202(1) | 24(1)/(2) | Assuming that LoIS applies to authorized inspectors, there is overlap, with LoIS being broader in scope. | |
| Protection against odors | | 202(2) | 24(1)/(2) | ,, | |
| **Article 203**  **Decision making by the authorized inspector of environment** | | |  | | |
| Competences during performance of inspection | | 203(1) | 25 | There seems to be a great overlap between the competences of the State Inspector (article 200 LoE) and the Authorized Inspector (article 203 LoE). Why not merge these articles and only provide for some specified articles to reflect differences between the two types of inspectors? | |
| Drafting of minutes and decision on elimination of irregularities | | 203(2) | 23(6), 25(1) | ,, | |
| Filing minor/criminal charges in case of failure to comply | | 203(3) | 25(5) | Minor criminal = misdemeanor? In that case, it is advised to align the language with the LoIS | |
| ,, while performing inspection | | 203(4) | 25(5) | ,, | |
| Act in accordance with minor/criminal offence provisions | | 203(5) | / | No equivalent | |
| Additional deadline 90d | | 203(6) | 25(2) | Overlap. 25(2) is broader in scope. | |
| Oral order in case of direct danger | | 203(7) | 25(2) | Overlap (if it is asserted that ‘order’ implies also ‘oral order’), 25(2) is broader in scope. | |
| Oral order in case of direct danger jo. 203(6) | | 203(8) | 25(2) | ,, | |
| Written decision within 48h jo. 203(7) | | 203(9) | 23(6) | LoIS does not contain a time limit, is broader in scope. | |
| Costs of confiscation born by the ‘confiscated’ | | 203(10) | 60(2) | Overlap, 60(2) is broader in scope. | |
| Certificate of temporary deprivation | | 203(11) | / | No equivalent | |
| Law of management of Confiscated Property | | 203(12) | / | ,, | |
| **Article 205**  **Right to access** | | |  | | |
| Right to access of Inspectors | | 205(1) | 28(3) | LoIS: *The subject of the supervision is obliged to provide to the inspector,* ***within the specified period****, access to the premises, the products, the documents or any other mean which is object of the inspection supervision.*  LoE: ***While performing supervision****, state and authorized inspectors shall have the right to access where they maintain necessary,* ***at any time****, in areas and business premises in public and private ownership, locations and transport means and shall be entitled to review without any interruptions the overall required documentation of the legal or natural person.*  Potential conflict in the timeframe in which access is granted. | |
| Prior court order | | 205(2) | 23(9) | LoIS does not require a court order, but refers to inspectors having to inform the subject of the inspection on the ‘legal basis for the performance of the supervision’, which is broader in scope than requiring a court order. | |
| Right to access to all processes and activities | | 205(3) | 24(2) | Overlap. Different terminology, but in essence reflect the same competence.  LoE: ‘access the technological, production and other processes that constitute part of the activities’  LoIS: ‘supervise the official premises and other facilities that are not used for living as well as transportation means and products’ | |
| Seal premises | | 205(4) | 57(1) | The LoE is broader in scope. Under the LoIS, the right to ‘seal’ premises only rises in case of large scale irregularities which create immediate danger. Under LoE, this is not required and the emphasis is put more on the collection of evidence for future legal action. Advice would be to keep both elements in force (i.e. seal in case of imminent danger, and seal for purposes of collecting evidence).  Question: It is assumed here that ‘sealing’ differs from, for example, shutting down production, in the sense that sealing premises requires a judiciary order, stating that the premises cannot be entered under any circumstances, whereas merely closing down a factory for a specified period of time might still allow for entering of the premises by employees. Sealing thus constitutes a more far-stretching measure than shutting down production. Is this also the interpretation under Macedonian law?  LoE: ‘While performing supervision, state and authorized inspectors shall have the right to seal premises and/or objects during a period necessary to provide the evidence needed for the implementation of misdemeanor or criminal offence procedure’.  LoIS: When the inspection body determines irregularities on a larger scale or irregularities that put life, personal health or the environment in danger and in other cases determined by law, the inspector will issue a temporary ban on conducting business by sealing the offices, objects, construction sites, work tools and other means, up until the removal of the irregularities’. | |
| Request assistance | | 205(5) | 34(2) | Overlap.  *Croatia*: If problems are expected, the police can accompany the inspection. Darko: yes we also have this possibility, but would like to see this more prominently reflected in the law. | |
| **Article 205(a)**  **Obligations of legal and natural persons during inspection supervision performance** | | |  | | |
| identification subject of inspection | | 205(a)(1) | 28(1) | LoIS is broader in scope: “all the data and documents that are needed for the inspection”.  General comment to this article: Keep in mind the language of **article 23 IED** in this regard: ‘*Member States shall ensure that operators afford the competent authorities all necessary assistance to enable those authorities to carry out any site visits, to take samples and to gather any information necessary for the performance of their duties for the purpos*es’. | |
| Make available all data and information | | 205(a)(2) | 28(1) | LoIS is broader in scope. There is furthermore great overlap between 28(1) and 28(2) | |
| Cooperation of employees and management | | 205(a)(3) | 28(2) | The subject of the supervision is obliged to provide to the inspector all the required conditions for an unobstructed supervision and for establishing the facts of the actual situation  This implies cooperation of employees | |
| Presentation of documentation within 24h | | 205(a)(4) | 28(3)/(6) | Overlap, although LoIS does not include the 24h-requirement | |
| Obligation to make a statement upon request | | 205(a)(5) | 28(5) | Could reside under ‘perform some activities’. LoIS is broader in scope. | |
| Facilitation of measurements, providing documents | | 205(a)(6) | 28(5) | ,, | |
| Designating employee to attend measurement/ collecting of info | | 205(a)(7) | 28(5) | ,, | |
| **Article 206**  **Measurement and sampling and evidence collection** | | |  | | |
| Make available info and data | | 206(1) | 28(1) | Overlap, with LoIS being broader in scope. | |
| Take samples, statements, etc. | | 206(2) | 28(2)/(5), 46 | ,, | |
| Difference in data 🡪 costs for operator | | 206(3) | 47(5) + 51 | LoE: ‘In case the results from the investigations, analyses and measurements referred to in paragraph (2) items 2, 3 and 7 of this Article **fail to correspond with the data provided by the natural or the legal person**, the costs for the investigations, analyses and measurements shall be borne by the operator’  LoIS: The analysis expenses shall be covered by the subject of supervision, should it be determined that the samples obtained do **not conform to prescribed standards**.  Is there in this regard a difference between **data provided by the natural or the legal person** and **data** **not conform to** **prescribed standards?**  What about failure to comply with standards? There can be a discrepancy between provided data by operator, but this can still be compliant with the standards. Should the costs be borne by the operator in this case?  Proposal: in case of non-compliance with the prescribed environmental standards, costs will be borne by the operator. In case of compliance, costs will be borne by inspection services | |
| Keeping of database of info as prescribed by Minister | | 206(4) | / | No equivalent | |
| **Article 207**  **Costs** | | |  | | |
| Costs incurred outside administrative procedure | | 207(1) | / | Title of the article does not cover the substance. This article only deals with ‘costs incurred outside the administrative procedure at the request of the client’.  General comment: When referring to the subject of the inspection, different terms are used: ‘*operator’*, ‘*client’*, ‘*natural or legal person’*. Advice would be to align this. | |
| Level of costs prescribed by Minister | | 207(2) | / | No equivalent | |
| Account, funds used to cover supervision | | 207(3) | / | ,, | |
| Account municipality, funds used to cover supervision | | 207(4) | / | ,, | |
| **Article 207(a)**  **Work program of inspection services** | | |  | | |
| Director prepares annual wp, sends to IC | | 207(a)(1) | 15(1) | LoIS: deadline to present to inspection council is **30 September**  LoE: **31 October** | |
| Approval by director after approval IC | | 207(a)(2) | 15(3) | Overlap  Provision is made for the situation in which the IC does not provide an opinion. | |
| Director drafts Quarterly wp for inspectors | | 207(a)(3) | 15(4) | Overlap | |
| Quarterly wps contain number of visits and complexity | | 207(a)(4) | 15(5) | ,, | |
| Director drafts Monthly wps based on Quarterly reports | | 207(a)(5) | 15(6) | ,, | |
| Director submits Quarterly reports on work inspectors | | 207(a)(6) | 15(7) | ,, | |
| Director submits annual report march | | 207(a)(7) | 15(8) | ,, | |
| **Article 208**  **Procedure for carrying out inspection supervision** | | |  | | |
| Independence of inspectors | | 208(1) | 8(1) | Overlap | |
| Competence State inspectors over A, and B permit activities jo. Art. 95 LoE | | 208(2) | / | The LoIS does not use the terminology ‘A and B permits’. | |
| Competence Authorized Inspectors over B permit activities | | 208(3) | / | ,, | |
| Competence Authorized Inspector over non-permit activities | | 208(4) | / | ,, | |
| Competence State Inspectors over B permit activities | | 208(5) | / | ,, | |
| State inspector competent over B permit activities when A.I. fails | | 208(6) | 26(1) | LoIS does not differentiate between ‘State- and Authorized Inspectors’, but merely includes provisions dealing with ‘Inspectors’. Subsequently, no reference is found which regulates action of one type of inspector in case the other fails to fulfil its duties. However, art. 26(1) specifies that: ‘If during the inspection supervision the inspector finds irregularities that are not in his authorizations, he informs the responsible authority about those irregularities in a written report’.  As such, LoIS is broader in scope. | |
| Authorized Inspector informs SEI in case of major irregularities A permit installation | | 208(7) | 26(1) | See comment 208(6) and 208(2)  LoiS is broader in scope. | |
| Appeal decision Inspector | | 208(8) | 43 | Overlap | |
| ,, | | 208(9) | 43 | ” | |
| Appeal does not postpone enforcement | | 208(10) | / | No equivalent | |
| **Article 208(a)**  **Actions by the State Inspector upon report by natural or legal person** | | |  | | |
| Inspectors act upon report within 7d | | 208(a)(1) | 23(3) | Question: Does this article refer to reports submitted by private individuals/persons with complaints regarding actions and activities in installations, or does this article refer to a Report in the context art 37 LoIS? | |
| Inspectors inform person submitting report within 7d | | 208(a)(2) | 23(3) | Overlap, LoE is broader in scope. | |
| Forward report to competent mayor | | 208(a)(3) | 23(3) | ,, | |
| Reporting person shall be informed | | 208(a)(4) | 23(3) | ,, | |
| SEI informs mayor of failure to act upon report | | 208(a)(5) | 23(3) | ,, | |
| State Inspector undertakes inspection in case of continued failure by mayor | | 208(a)(6) | 23(3) | ,, | |
| Submission of application to State Adm. Inspectorate | | 208(a)(7) | / | No equivalent | |
| Costs par. 4 for municipality | | 208(a)(8) | / | ,, | |
| Costs par. 5 for mayor | | 208(a)(9) | / | ,, | |
| **Article 209**  **Duties of state inspectors of environment and authorized inspectors of environment** | | |  | | |
| Keep records on inspections + publish periodic report | | 209(1) | 17(1), 37 | Question: Does this article refer to the ‘inspection records’ of art. 17(1) LoIS?  Question: Does this article refer to the ‘report’ of art. 37 LoIS? | |
| Secret data | | 209(2) | 23(7) | Overlap, LoE is broader in scope | |
| Annual report on inspections | | 209(3) | / | No equivalent? | |
| Minister prescribes content of report | | 209(4) | 37(9) | See question on ‘reports’ under 209(1).  If the same ‘report’ is meant here: Potential conflicting language. LoIS mandates the **Minister of Information society and administration** to decide on the form and mandatory elements of the report, whereas the LoE mandates the ‘**Minister managing the body of the state administration responsible for the affairs of the environment’** to prescribe the contents of the report. | |
| Annual report based on inspection reports | | 209(5) | 15(8) | Not sure whether same ‘report’ is meant here.  If so: potential conflicting language: No later than by *March* (LoE) vs. no later than *1st of March* (LoIS). | |
| Cooperation between State and Authorized inspectors | | 209(6) | 61, 62 | No direct equivalent, although LoIS provides for ‘joint administration of inspection supervision’, which regulates concurrent inspection activities by several inspection services. This could also imply cooperation between State and Authorized inspectors and is thus a broader provision. On the other hand, LoIS only deals with cooperation while administering ‘joint supervision’, which implies that outside this context, cooperation between the different inspection services is not regulated.  Advice would be to keep a broadly formulated form of cooperation, also regulating cooperation outside the context of ‘joint supervision’. | |
| SEI can request data from Authorized inspectors | | 209(7) | / | No direct equivalent. See advice above at 209(6) | |
| Inspectors publish inspection act on website | | 209(8) | 9(2), 44 | Overlap.  9(2) covers the principle of transparency, LoIS is broader in scope.  44 covers more specifically the publishing of inspection acts on the website. | |
| **Article 212(f)(6)** | | |  |  | |
| Fine of €5oo,- for natural person upon failure to | 212(f)(6) | | 63 | The Misdemeanor provisions of LoE as reflected in LoIS:  Sub(1): failure to provide right to inspection = art. 63(2)/(3) LoIS  Sub(2): ,, all necessary information = art. 63(1)  Sub(3): false statements = art. 63(1)/(4)  Sub(4): fail to identify themselves = art. 63(1)  LoIS is broader in scope, when it is presumed that ‘not acting upon a request of the inspector’ can also imply the failure to provide certain information or providing false information.  Furthermore, LoIS provides for a higher amount of the fine (€2000,- to €3000,-) than the LoE (€5oo,-). Advice would be to align this. | |