Ministry of Environment and Physical Planning

Draft Law for Inspection on Environment

Skopje - March 2016

**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 Law on Environment and other laws from the field of the environment. According to them, the competent authority for inspection in the field of environment in central level is 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 are regulated within the law on environment while the additional conditions for nature protection and water management inspectors are stipulated in the Law on Nature Protection and the Law on Waters. The general rights and obligations for inspection and the conditions that need to fulfill state inspectors are regulated in the Law on Inspection Supervision.

At local level, the inspection is carried out by local self-government units through authorized environmental inspectors. The supervision over the work performance of local self-government units is performed according to the Law on Environment which contains provisions for supervision over the operation of the local government units.

According to the existing regulations there is no uniform system of inspection in the environment at central and local level in the planning of inspection, as well as in monitoring its implementation. Difference exists in terms of the obligations that exist at central and local level in terms of inspection. The State Environmental Inspectorate prepares an annual working program of the State Inspectorate pursuant to inspection. Its implementation is monitored in accordance with the obligations arising from the inspection. Also, the State Inspectorate is obliged to prepare an annual report for inspection. For LSGUs there is an obligation to prepare a program for inspection whose supervision is not subject to the Law on Inspection, and this matter is not precisely regulated in our Law on Environmental medium.

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 the directions given in the recommendation are properly embedded in the Law on environment in the area of ​​inspection. In the Recommendation is given the guidance on how to organize and conduct environmental inspections in the Member States of the European Union. At the same time specific criteria and guidelines on how to be conducted inspection in the environment in separate 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 including dangerous substances and the Regulation 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste contain special regulations that regulate the establishment of a system of inspection based on the inspection plan. Planning is based on a risk assessment of the operation of the installations on the environment in accordance with established criteria and guidelines prepared by the European Commission.

In order to organize a more efficient and unified system of inspection in the environment in the whole territory of the Republic of Macedonia and at the same time fulfilling the requirements stemming from EU law regarding the environmental inspection we designed the new Law on Inspection environment.

The main reason for the adoption of the new law is the need to set up and establish:

- Coordinated multi-year planning of inspection at central and local level that would take into account the whole territory of the Republic of Macedonia, which has not been the case in the country until now;

- A system of inspection in the environment that will monitor long-term strategic goals and priorities set out in strategic documents on environment;

- Criteria on which to evaluate the impact that the subjects of inspection have on the environment and accordingly to determine the time period on which to perform the inspection and

- Consistency of staff, as well as its preparedness to implement the inspection. This problem is especially prominent at local level in terms of consistency of personnel for inspection in the area of ​​environment where frequent despite commitments in the field of environment perform other activities that are not within the scope of inspections in the field of environment and

- Long-term strategy to strengthen administrative capacity for the implementation of inspections in the field of environment and which will be aimed at meeting the strategic objectives in the field of environment;

- Establishment of cooperation and coordination in the planning and implementation of the inspection at central and local level and

- Further regulation of the inspection supervision of the local self-government units in the implementation of the obligations arising from this law.

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

The main purpose of the adoption of this law is:

1. Multiannual planning of inspections in the environment that would provide:

- Planning the inspection supervision of the whole territory of the Republic of Macedonia i.e. at central and local level through the adoption of multiannual inspection plan for the inspection in the environment;

- Planning that will be aimed at the implementation of the defined goals and priorities in accordance with the strategic documents in the field of the environment;

- Establishment of a single inspection program in the environment that takes into account the programs of the central and local level and

- Planning based on established criteria for risk assessment which is applied to the monitoring of the environment.

2. Provide permanent and continuous strengthening capacity of inspectors at central and local level through the establishment of mechanisms for the continuity of the staff especially at the local level and planning needs for professional training according to the needs of inspectors to monitor the implementation of the objectives and priorities in planning documents for inspection environment.

3. Strengthening of cooperation of environmental inspectors of central and local level and

4. Supervise the LSGUs in conducting and performing inspection in 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.

The Law offers solutions to overcome identified shortcomings.

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 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 annual environmental inspection programs including the inspection program of the State Environmental Inspectorate and the environmental inspection programs of the local self-government.

Planning inspection in the environment will allow the performance of the inspection supervision according to the priorities and the real needs which will allow better implementation of environmental legislation by the subjects of surveillance and at the same time will also affect the provision of rational and fair use of material and human resources in conducting inspections which aimed at fulfilling the ultimate and only goal, which is improvement of environmental quality.

There are also introduced solutions aimed at ensuring the consistency of staff at central and local level, i.e. their specialization and perform work solely in the field of inspection in the environment. In the law are provided, for longer-term, planning needs for professional development and training of personnel for inspection in the environment by the planned priorities in the field of environment

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 WAY TO SECURE/OBTAIN THEM, DATA ABOUT WHETHER THE IMPLEMENTATION OF THE LAW IMPOSES FINANCIAL OBLIGATIONS FOR CERTAIN ENTITIES**

For the implementation of the law it 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 that have to be adopted on the basis of this law are:

- Regulation on the template, the form and content of the inspectors ID legitimation and the manner and procedure of issuance and withdrawal thereof;

- Regulation on the form and content of the inspection program in the environment, the manner of its preparation and monitoring;

- The form and content of the annual report for inspection environment, procedure, manner and terms of preparation;

- Rules on activities and / or activities or the subjects of surveillance that require report on the conducted inspection;

- Regulation on the form and content of the report on the conducted inspection;

- 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 at central and local level (hereinafter inspection in the environment) the conditions that inspectors need to meet while performing inspections in the environment, the planning of the inspection in the environment, the manner and the procedure of performing the inspection in the environment, the rights, the duties and the powers of inspectors, as well as the cooperation and the supervision in the field of the environmental inspections.

**Article** **2**

**Application of the Law**

(1) During the inspection in the environment, in addition to the provisions of this Law are also 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 laws relating to environmental or other laws where the jurisdiction is determined for performing inspection supervision by inspectors.

(3) The determination of the amount of the fine on the legal entity or sole proprietor to be performed according to the Law of infringement.

**Article** **3**

**Purpose of the Law**

The purpose of this law is to establish an efficient system of inspection in the environment in the territory of the Republic of Macedonia which will achieve a high level of environmental protection and which are based on:

- Examining the overall significant impact that subjects of surveillance have on the environment;

- Planning the inspection environment, based on assessment of risk subjects of surveillance have on the environment;

- Implementation of environmental legislation by the subjects of surveillance and

- Fulfillment of environmental standards.

**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 provoke or 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 or cause a negative impact on the environment which is determined as such by the regulations on the environment;

3. Regulations in the field of environment are 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 OF THE INSPECTION IN THE ENVIRONMENT**

**Article 5**

**Principle of objectivity**

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

**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 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 has provoked or can cause the subject of the inspection supervision 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** **OF THE INSPECTION IN THE ENVIRONMENT**

**Article 9**

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

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

**Article 10**

**Organization of inspections in the environment**

Environmental inspections are performed 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 this law and in the regulations regarding the environment.

(3)      The Inspectorate performs inspection in the environment 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 municipalities of the City of Skopje and the City of Skopje (hereinafter: authorized inspectors) that are deployed in the organizational units established within the municipalities, the municipalities of the City of Skopje and the City of Skopje.

(2)      Authorized inspectors perform inspection in the environment according to the established powers and authorizations in this law and 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 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 decision power on the rights and obligations of employment.

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

**Article 14**

**Management of the State Environmental Inspectorate**

(1) The Inspectorate is managed by a Director who, 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 is responsible towards the Government of the Republic of Macedonia.

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

**Article 15**

**Terms of appointment of a Director**

For Director of the 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

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

**Article 16**

**Responsibilities of the Director**

(1) The Director of the Inspectorate:

- Represents the Inspectorate;

- Lead, organize and coordinate the work of the Inspectorate;

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

- Control the work of state inspectors;

- Manage the finances of the Inspectorate and

- Performs other duties prescribed by this or another law.

(2) The Director of the Inspectorate shall issue guidelines for inspection in the environment.

(3) The inspector shall perform the inspection in the environment to in accordance with guidelines adopted under paragraph (2) of this Article

**Article 17**

**State inspectors**

(1) State Inspector in the Inspectorate, 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 Inspectorate could be a person with a completed degree in natural and mathematic sciences (biology and biochemistry), forestry, agronomy and veterinary medicine.

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

(4) Notwithstanding the requirements of paragraphs (1), (2) and (3) of this article, the state inspector should meet the general conditions stipulated in the Law 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) For more efficient implementation of the regulations on the environment, the Director of the Inspectorate may appoint a state 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) In carrying out an inspection in the environment of the municipality, the municipality in the City of Skopje and the City of Skopje, the Mayor of the municipality, the Municipality of the City of Skopje and the City of Skopje is obliged to employ at least one person in the local administration, that would exclusively have duties of the authorized inspector of environment.

(2) Authorized inspector can be a person with a completed education in the areas set out in Article 17 (1) of this Act.

(3) For performing inspection in the environment, the municipality and / or municipality of the City of Skopje and / or the City of Skopje may form a joint administration for conducting inspection in the environment or authorize an employee of the local administration as an authorized inspector from one municipality to perform duties of the authorized inspector of the territories of several municipalities.

(4) The mayors of the municipalities, the municipality in the City and / or the City of Skopje may in accordance with paragraph (3) of this article, designate a separate municipality or municipalities through its authorized inspectors to perform inspections in the environment only in certain areas and / or medium environment or an activity on the territory of all municipalities which concluded agreements for IMC ( Intermunicipal cooperation).

(5) The agreement for IMC establishing a joint administration for conducting inspection in the environment shall determinate the obligations for the authorized inspectors in accordance with law, the area where you act, the distribution of the costs of inspection in the environment and the fulfillment of other obligations arising from this and other laws, and are related to performing the inspection environment.

(6) The Commission for inspection in the environment under Article 46 of this Law adopts criteria for determining the number of authorized inspectors that should have the municipalities, the municipalities within the City of Skopje or the City of Skopje with the size of the municipality, the municipality in the City or city ​​of Skopje and the number of subjects of supervision and the scope of their activity.

(7) The Commission for inspection in the environment under Article 46 of this Law adopts criteria for determining the scope of activities of a joint inspection in the environment at the local level, the size of the area and volume of activities that can be assigned as an obligation of one authorized inspectors, the number of authorized inspectors that must exist in the local administration in order to form a joint inspection in the environment according to the size of the areas of the municipalities, the municipalities in the city of Skopje or the city of Skopje that form a joint inspection in the environment.

(8) The mayors of the municipalities, the municipalities within the City of Skopje and / or the City of Skopje in the formation of a joint administration for inspection in the environment of paragraphs (3) and (4) of this Article shall respect the requirements of paragraph (7) of this Article.

(9) If the municipalities, the municipalities within the City and the City of Skopje in accordance with this Law shall not act in accordance with paragraphs (1), (2), (3), (6) and (7) of this article, the operations of inspection in the environment of its territory will be performed by the Inspectorate under Article 49 of this law.

(10) In the case of paragraph (9) of this Article, the costs for inspection shall be borne by the municipality for which the supervision is performed.

(11) In order to effectively implement the regulations on the environment on local level, the Mayor of the Municipality, the Municipality of the City of Skopje and the City of Skopje, may appoint authorized inspector for a specified period to perform inspection to a specific area and / or medium / or for certain specialized activities.

**IV. PLANING OF THE INSPECTION IN THE ENVIRONMENT**

**Article 19**

**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 20**

**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 in the field of environment, the Government of RM on proposal of the Director of the Inspectorate adopted a National Plan for inspection in the environment (hereinafter: National plan).

(2) The National Plan of paragraph (1) of this Article shall be adopted for a period not less than three years and it refers to the inspection in the environment throughout the territory of the Republic and the subjects of supervision conducting activities and activities that are subject of the inspection in the environment.

(3) The National Plan contains:

- Registry of subjects of supervision included in the Plan;

- A general overview of the status of implementation of regulations in the field of environment;

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

- Priority areas for media and inspection environment in the period they adopted the National Plan;

- Objectives, measures and guidelines for the preparation of the inspection program in environmental and process for preparing the program for inspection for regular inspection in accordance with Article 22 and Article 27 of this Law;

- Procedure for conducting extraordinary inspection supervision under Article 28 of this Law;

- Ways of cooperation and enhancing cooperation between the state and authorized inspectors and other inspection agencies at central and local level;

- Needs and priority areas for professional development and training of inspectors;

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

- Other matters in accordance with environmental legislation should be covered by the plan.

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

(5) The National Plan shall be amended and / or supplemented at least once after two years of its implementation, and if necessary earlier if the change or amendment is made because some of the conditions set out in paragraph (6) of this Article and shall be adopt a new plan after the deadline for which is passed.

(6) Changes and / or additions to the National Plan must be made in the following cases:

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

- A significant change in activities and / or activities in certain industrial sectors and / or regions and / or environmental media that are subject to the National Plan and affect the completion and

- Based on the results of monitoring the implementation of the National Plan stipulates that the objectives set in the plan are met or goals 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 and 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 condition and procedure defined in the Law on Environment.

(9) The amending of the National Plan is done in the same way as it is adopted.

**Article** **21**

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

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

(2)     The Inspectorate, after two years of the realization of the National Plan, shall submit a report to the Government.

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

- Reports of the performed environmental inspection on central and local level

- 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 for the inspection in the environment

- And on the basis of other information available to the Inspectorate or the Municipality, the Municipality of the city of Skopje or the City of Skopje.

**Article 22**

**Inspection program in the environment**

(1) The realization of the goals and priorities of the National Plan, the minister heading the state administration responsible for the affairs of the environment on proposal of the Director of the Inspectorate adopts a one-year program for inspection in the environment (hereinafter: program) which is adjusted with the objectives and priorities of the National plan and consists of:

- Program for inspection in the environment of the State Inspectorate of Environment and

- Program for inspection in the environment of the local government level under Article 24 paragraph (7).

(2) The program referred to in paragraph (1) of this Article shall be prepared on the basis of programs under Articles 23 and 24 of this Law.

(3) The program referred to in paragraph (1) of this Article for the following year shall be adopted no later than December 30 of the current year.

(4) The program referred to in paragraph (1) of this Article shall include:

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

- Planned regular inspections of the environment throughout the territory of the Republic of Macedonia;

- Expected extraordinary inspections into the environment;

- Human and financial resources needed to implement the program and

- Other data relevant for inspection in the environment in the Republic of Macedonia.

(5) The program referred to in paragraph (1) of this Article shall contain information on monitoring the implementation of the program of Article 24 of this Law.

(6) The program referred to in paragraph (1) of this Article shall be published on the website of the state administration responsible for the affairs of the environment.

(7) The form and content of the program referred to in paragraph (1) of this Article, the manner of its preparation and adoption, as well as monitoring of its implementation shall be prescribed by the minister heading the state administration responsible for the affairs of the environment of the proposal Director of the Inspectorate.

**Article 23**

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

(1)      The program of inspection in the environment of the Inspectorate is prepared on the basis of the Law for inspection supervision.

(2)      The realization of the program under paragraph (1) of this Article is performed on the basis of the Law for inspection supervision.

**Article 24**

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

(1) The Organizational Unit for inspection in the environmental formed within the municipalities, the municipalities within the City of Skopje and the City of Skopje, the authorized inspector of environment, if such organizational unit is not established, prepares a draft annual program for inspection in the environment of the unit of local government for the next year the municipalities, the municipalities within the city of Skopje and the city of Skopje which the mayor, the mayor in the city of Skopje and the Mayor of the city of Skopje, submits it to the Inspectorate no later than November 15 of the current year.

(2) If it is established a joint administration for inspection in the environment under Article 18 (3) of this law, a joint inspection program in the environment is prepared for the municipalities and / or the City of Skopje that have a common administration.

(3) The program referred to in paragraph (2) of this Article, the mayo of the municipality, the municipalities in Skopje and the City of Skopje shall be submitted by November 15 to the Inspectorate.

(4) The Inspectorate if it considers that there are certain flaws in the program referred to in paragraphs (1) and (2) of this Article or that it is not aimed at the implementation of the National Plan of Article 20 of this Law shall, within 15 days asked the municipality, municipalities in Skopje and / or the city of Skopje to supplement the program when it compulsory indicating the omissions and deficiencies in the program.

(5) The mayor of the municipalities within the City and the City of Skopje shall within 7 days of receipt of the comments referred to in paragraph (4) of this Article to the amended draft program to the Inspectorate.

(6) If the Mayor of paragraph (5) of this Article within the deadline does not act on the observations, the Inspectorate will include in the program for inspection and taking other measures that it deems essential to carry out inspection in environmental environment at the local level.

(7) Based on the programs referred to in paragraphs (1) and (2) of this paragraph, the Director of the Inspectorate prepares a summarized annual inspection programs in the environment of the local government units which is an integral part of the program of Article 22 paragraph (1) of this law.

(8) The program referred to in paragraph (1) of this Article shall be done in accordance inspection program adopted pursuant to inspection

**Article** **25**

**Annual report on the environmental inspection**

(1) For the realization of the Program of inspection in the environment under Article 22 of this Law, the Director of the Inspectorate prepares an annual report for inspection in the environment which is composed of:

- Report on the inspection environment of the State Inspectorate of Environment and

- Report on the inspection environment of the local self-government units.

(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 municipalities within the City of Skopje and the City of Skopje shall submit the report for inspection in the environment under Article 24 paragraph (7) of this Article for the previous year to submit to the Inspectorate by 31 January of the current year.

(4) Where it is established joint administration for inspection in the environment under Article 18 (3) of this Act, shall prepare a joint report on the inspection environment of the municipalities in the City and / or the City of Skopje that have shared administration.

(5) The report referred to in paragraph (1) of this Article shall be published on the website of the Inspectorate and the state administration responsible for the affairs of the environment.

(6) The form and content of the report under paragraph (8) of this Article, the manner of its preparation and submission shall be prescribed by the minister heading the state administration promising to perform the affairs of the environment on the proposal of the Director of the Inspectorate.

 **VI. TYPES OF INSPECTION IN THE ENVIRONMENT**

**Article 26**

**Types of inspection** **in the environment**

The Inspection in the environment can be performed by the inspectors as:

-           Ordinary inspection

-           Associate/extraordinary inspection and

-           Controlled inspection.

**Article 27**

**Ordinary inspection**

**(**1) Ordinary/regular inspection is scheduled and announced inspection to the subject of the inspection which is planned in advance and is provided in the program from Article 22 of this Law.

(2) The ordinary/regular inspection is performed on all entities/subjects in the Republic of Macedonia performing activities and / or activities for which the relevant regulations stipulate performance of the activity and / or activity and lay down the conditions under which they may be made for their impact on the environment.

(3) The planning of the regular inspections and determining the time period between two regular inspections is determined based on the type of installation, the impact of the activity and / or activities carried out by the entity on the environment.

(4) The impact of the activity and / or activities carried out by the entity on the environment is 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 differ depending the type of activity relevant activity of the installation or entity.

(6) The basic minimum criteria according to which the assessment of risk to the environment under paragraph (4) of this Article, the following:

1. the potential or actual impact the performance of the activity and / or activity has on human health and the environment taking into account:

- The level and type of emissions in the media and environmental matters;

- Environmental sensitivity of the area in which it is performed and / or activity and

- The risk of incidents and / or accidents;

2. records of fulfillment of the conditions in the regulations which regulate the performance of the activity and / or activity and acts stipulating the conditions under which the activities and / or activities may be conducted;

3. participation subject to supervision pursuant to accepted environmental standards and

4. Other aspects which are relevant for assessing the risk of performing the activity and / or activity on the environment.

(7) The Director of the Inspectorate shall issue guidelines for the implementation of risk assessment in paragraph (4) of this Article for certain activities and / or activities on the basis of that plan inspection environment.

(8) By instructions of paragraph (7) of this article on the activities referred to in Article 35 paragraph (10) of this Act shall be determined by the minimum or maximum time between two regular inspections, and the period of performance of control supervision in case of default of the conditions prescribed by such laws which regulates perform activities and / or activities.

**Article 28**

**Extraordinary inspection**

Extraordinary inspection is unannounced inspection which is carried out based on the application filed for supervision of state body, natural or legal person, as well as ex officio inspector if:

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

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

- Received information that it was a violation of the conditions prescribed in the regulations or acts which regulate the performance of the activity and / or activity and lay down the conditions under which they can be carried out because of their impact on the environment;

- Taking necessary measures to implement the regulations on the environment;

- Changes have occurred in the regulations to protect the environment conditions change the activity and / or activity, and

- When is prescribed by law that is necessary to carry out inspections for the issuance, amendment or revision of the act which regulates the performance of the activity or otherwise prescribed by law

**Article 29**

**Controlled 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 found situation.

**VI. IMPLEMENTATION OF THE INSPECTION**

**Article 30**

**Right to access**

(1) The inspector within its competence, as determined by this or any other law, is independent in the performance of inspection and undertaking administrative or inspection and other measures determined by law.

(2) In conducting an inspection, the inspector has the right to access where it deems necessary and at any time in areas and business premises in public and private ownership, locations and vehicles, and continuously review their documentation the subject of surveillance.

(3) For performing the activities under paragraph (2) of this Article in residential premises, the inspector provided a court order.

(4) The state inspector performs inspection supervision over subjects of surveillance, anytime and on site, with or without notice at the premises, installations, facilities, as well as the means and equipment for performing the activity and / or activity for which a relevant act issued by the state administration responsible for the affairs of the environment or the expert body, regulates the performance of the activity and / or activity and lay down the conditions under which they can be carried out because of their impact on the environment, as well as act issued by another state body that is prescribed by law for such an obligation.

(5) The authorized inspector performs inspection supervision over legal entities and individuals, at any time and on the spot, without prior announcement in business premises, installations, facilities, as well as the means and equipment for performing the activity and / or activity for which a relevant act issued by the municipality, the municipality in the city of Skopje and the city of Skopje, regulates the performance of the activity and / or activity and lay down the conditions under which they can be carried out because of their impact on the environment.

(6) For certain things that under the provisions of this or any other law as the competence of the state administration responsible for the affairs of the environment, state inspector can supervise and above installations, and over facilities performing other activities and activities that are the responsibility of the municipality.

(7) The state inspector performs an inspection at any time on site, with or without notice at the premises, installations, facilities, as well as the means and equipment for performing the activity and / or activity, it learns is known that the authorized inspector of environment has not acted on the basis of reports and / or information by other state bodies, organizations, institutions, legal entities and individuals, as well as from the media.

(8) If the Inspector of Environment is aware that there are irregularities in a larger scale in subjects of surveillance that is competent to deal with the state inspector is obliged to promptly inform the Inspectorate.

(9) During the inspection, as appropriate, at the request of the inspector may attend official of the professional body, or the organizational unit Environment municipalities within the City of Skopje and the city of Skopje, and other professional institutions and legal persons, if for determining the relevant facts and circumstances necessary expertise.

(10) 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.

(11) During the inspection, the inspector has the right of access to technological, manufacturing and other processes that are part of the activities and / or activities on the subject of surveillance.

(12) During the inspection, the inspector may seal the premises and / or objects in the time period required for providing evidence needed to implement the misdemeanor or criminal proceedings.

**Article 31**

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

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

(2) After presenting the application, the inspector shall, within seven days to act on the application for initiation of an inspection procedure.

(3) In the cases referred to in paragraph (2) of this Article, the inspector shall notify the applicant within seven days from the day of the inspection.

(4) Where the Inspectorate arrive filed by the legal or natural person for actions and / or activities for which they are responsible authorized inspector, state inspector is obliged to send an application forwarded to the authorized inspector for further treatment within seven days of receiving the application.

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

(6) If the Inspector receives notification of legal or natural person who has filed an application to the authorized inspector, as in the cases of paragraph (4) of this article, that the authorized inspector has not acted on the application, in this case, the Director of the Inspectorate is obliged be indicated to the Mayor, the Mayor of the city of Skopje and municipalities in Skopje in order to take measures after application, thereby specifying a period which may not exceed 30 days within which the mayor is obliged to undertake appropriate measures or supervision, and to notify the Inspectorate of the results of the measures undertaken or conducted an inspection on time.

(7) Where the mayor of the municipality, the mayor in the City and the Mayor of the City of Skopje fail to act in accordance with the recommendation of paragraph (6) of this article, the Director of the Inspectorate is obliged to appoint a state inspector to take the necessary measures or will conduct the inspection, informing the mayor.

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

(9) The costs of measures implemented and / or inspection conducted under paragraph (7) of this Article shall be borne by the municipality and are determined in accordance with the cost set out in Article 38 of this Law.

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

**Article 32**

**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 him/herself and give his/her 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 subject upon which is conducted the inspection are obliged to enable the inspector to access and inspect the premises, mobile or real estate< of the subject of the inspection in order to conduct the inspection.

(4) The persons from paragraph (3) of this Article 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 subject of the inspection is obliged to appoint a person who will be present while conducting the inspection.

**Article** **33**

**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, analysis and measurements
- ask to take samples to analyze them and to measure 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 analysis 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 34**

**Seizure of items**

(1) The inspector may temporarily seize documents or other objects (mobile things) of animate and inanimate nature when he deems it 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 subject or other entities who regarding the law 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 documents and / or objects is borne by the subject from whom 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** **35**

**Report from conducted inspection supervision**

(1) For the implementation of the inspection of certain subjects performing supervision activities and / or activities that have a significant impact on the environment, the inspector shall prepare a report for inspection.

(2) The report referred to in paragraph (1) shall be prepared on the basis of conducted inspection on site and it contains a detailed description of the actual situation on the basis of which the fulfillment of the conditions for the operation of the entity specified in the Act which approve the work of the organization. The report shall also include proposals for meeting the working conditions of the subject of supervision, as well as conclusions further action to improve the performance of the subject of surveillance.

(3) The inspector in the preparation of the report under paragraph (1) of this Article shall consider and take into account all reports available to the subject of surveillance data from its own monitoring, and other documents and data required for testing the full impact of which the subject of supervision has on the environment.

(4) An integral part of the report under paragraph (1) of this Article shall be the minutes of the Article 39 legislation and inspection of Article 40 of this Law.

(5) The inspector is obliged within two months of the inspection supervision to prepare a draft report under paragraph (1) of this Article and to deliver it to the subject of surveillance.

(6) The subject of supervision after receiving the draft report referred to in paragraph (5) shall within seven days of receipt of the report submit comments on the submitted draft report.

(7) If within this period of paragraph (6) of this Article, the entity fails to submit comments on the draft report will be considered that he agrees with it.

(8) After the deadline of paragraph (5) of this Article, but not later than four months from the inspection, the inspector is obliged to adopt the report which it submits to the subject of surveillance.

(9) The report referred to in paragraph (5) of this Article shall be publicly available in accordance with the procedure for access to information on the environment prescribed by the Environmental Law and the regulation of paragraph (11) of this Article.

(10) The type of activities and / or activities which when inspection is required to prepare a report under paragraph (1) of this Article shall be prescribed by the minister heading the state administration responsible for the affairs of the environment of the proposal Director of the Inspectorate.

(11) The form and content of the report under paragraph (1) of this Article, the manner of drafting and adoption of the report and its publication shall be prescribed by the minister heading the state administration responsible for the affairs of the environment on the pretext of Director of the Inspectorate.

**Article 36**

**Minutes**

(1) For the inspection, once it 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 inspection 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 to the subject of inspection.

(4) If the subject of the inspection 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 he finds:

-           Violation of law or other regulation whose 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 subject for issuing that act.

 (6) 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 the City of Skopje is obliged within 7 days to inform the head of the authorized body for undertaking of the activities from the findings.

**Article 37**

**Inspection Acts**

(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 of the supervision to take measures stipulated in the decision, the inspector may determine an additional period not exceeding 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 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 (6) 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 (6) and (17) 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 38**

**Costs of the inspection procedure**

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

(2) Notwithstanding paragraph (1) of this Article, the cost of the completed inspection shall be borne by the entity under supervision if the inspection ended with imposing inspection measure.

(3) 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.

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

(5)      If during the inspection supervision is required sampling and analysis and measurements conducted in accordance with Article 33 of this Law, the costs will be borne by the subject of surveillance if the analysis and measurements found that he has violated the regulations on environment. If the analysis 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 City of Skopje.

(6)      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 not done violation of the regulations made ​​in the field of environment.

(7)      The costs of inspection supervision 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.

(8)      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 analysis and measurements.

(9)      The criteria for determination of the amount 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.

(10)      The costs of the procedure that are known at the time of the decision issued by the inspector are defined 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.

(11)   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 on proposal of the Director of the Inspectorate.

**Article 39**

**Database of the inspection in the environment**

(1) For the purpose of monitoring the implementation of environmental inspection a database of inspection environment is established.

(2) The database from the paragraph (1) of this Article shall be kept in electronic form, and shall be established, maintained and developed by the Inspectorate.

(3) The database referred to in paragraph (1) of this Article shall contain data taken in inspection activities in the environment of central and local level.

(4) The inspector on the basis of paragraph (1) of this Article shall have entered the necessary data for the inspection activities.

(5) The Director of the Inspectorate shall issue guidelines on the form and content, method of keeping and maintaining a database of inspection activities, the method of data submission for inspection activities of investigators, exchange of information on inspection in the environment of the central and local level as well as other state bodies.

(6) The data from the database for the inspection of inspection activities are available to the public under environmental law and other regulations.

**VII. RIGHTS, DUTIES AND AUTHORITY OF INSPECTORS**

**Article 40**

**Official identification card**

(1) The official capacity of the inspector is proved by identification card.

(2) During the performance of the inspection supervision, the inspectors are required to show identification in paragraph (1) of this Article.

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

(4) The authorization referred to in paragraph (1) of this Article of the Authorized local Inspectors is issued and withdrawn by the Mayor of the municipality, the Mayor of the municipality in the City and the Mayor of the City of Skopje.

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

**Article 41**

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

(1) To perform the inspection in the environment, in addition to general working conditions specified in the regulations on labor and administrative relations, the inspectors should be provided with special operating conditions that would ensure an adequate level of protection, including:

- Providing appropriate equipment and resources for inspection according to the type of supervision;

- Using equipment for personal safety during the execution of inspection if there is danger to health and safety inspector and

- Insurance against risks incurred at work by law.

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

(3) The jobs and the amount of the supplement referred to in paragraph (2) of this Article shall be determined by the Inspection Council established pursuant to the inspection of the proposal of the Director of the Inspectorate.

(4) In exceptional cases to prevent or remedy the negative impact on the environment, the inspector may be obliged to active and passive duty, which is entitled to a supplement.

(5) The jobs and the amount of the supplement referred to in paragraph (4) of this Article, the state inspector or authorized inspector determines the director or the mayor of the municipality, the municipality in the City or the City of Skopje.

(6) For passive duty will count all the time spent after regular working hours of the inspector which he must not leave the place of residence and should be ready immediately a call to go to the site and to conduct an inspection.

(7) For active duty will be considered all the time spent after regular working hours of the inspector which he resides at the place of conducting inspections in order to immediately propose or order the implementation of measures to prevent or remedy the negative impact on the environment.

(8) The funds for payment of the supplement referred to in paragraph (4) of this Article shall be paid to the state inspectors from the budget of the Inspector, and authorized inspectors from the municipal budget, the municipality in Skopje and Skopje.

(9) The method of engaging inspectors to perform active or passive duty, duration of duty and the amount of allowance for active or passive duty determined by the Director or the Mayor with the decision.

**Article 42**

**Professional development and training of inspectors**

(1) For the implementation of the obligations arising from the National Plan of Article 20 of this Law, the planning documents and regulations for inspection of environmental inspectors have the right and obligation of continuous professional development and training for performing the inspection environment.

(2) The proposal for professional training of state inspectors is prepared by the Director of the Inspectorate on the proposal state inspectors.

(3) The proposal for professional training of authorized inspectors is prepared by the mayor of the municipality, the mayor of the municipality in the City and Mayor of the City of Skopje on proposal of authorized local inspectors and shall be submitted to the Director of the Inspectorate.

(4) For the municipalities between which there is IMC is prepared a joint proposal for professional training and development.

(5) The method of preparing and submitting the proposal under paragraph (4) of this Article may be regulated by agreement IMC Article 18 paragraph (4) of this Act.

(6) The proposal referred to in paragraphs (2) and (3) of this article is prepared for the period for which the plan is prepared under Article 20 of this Law and follow the goals and priorities defined in the Plan under Article 20 of this Law.

(7) The proposal from paragraph (2) and (3) of this article shall contain:

- Analysis of the needs for professional training for inspection in the environment;

- Areas of vocational training;

- The manner of implementation of professional training and development and

- The necessary human and financial resources and the timetable for implementation of the proposal.

(8) The nomination of paragraphs (2) and (3) of this article is part of the National Plan of Article 20 of this Law.

(9) For the implementation and monitoring of professional development and training of inspectors provided for in the National Plan of Article 20 of this law is responsible Inspectorate by a separate organizational unit established within the Inspectorate.

**Article 43**

**Obligations of inspectors**

(1) During the inspection, the inspector must be identified to the subject of the supervision or to the prior charged responsible person by the subject or a person present in the control of the entity under supervision and report on the legal basis for the supervision.

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

**Article 44**

**Authorizing the inspector**

(1) The inspectors shall, promptly and efficiently, take all necessary measures and procedures for environmental inspection in accordance with law.

(2) The inspector performing the inspection environment can:

- Supervises the subject of inspection supervision by law;

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

- Order taking of appropriate measures and activities in accordance with law to specify a time frame for their implementation;

- Prohibit the use of facilities, and equipment to work to remedy the shortcomings that affecting the life and health of people and the environment;

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

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

- Suspend objects and tools from the subject of supervision, which have been used in violation of regulations relating to the environment;

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

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

- Take him/her self 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 expert body be present during the inspection supervision;

- Conduct the education according to law;

- Penalties imposed mandatory by law;

- Submit a request for initiation of infringement proceedings or file criminal charges according to law;

- Initiate proceedings 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.

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

**Article 45**

**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 46**

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

(1) For the purposes of this Act, it is created a Commission for environmental inspection (hereafter in the text Commission).

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

- Two representatives of the Inspectorate;

- Two authorized local 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

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

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

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

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

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

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

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

- Proposes measures to strengthen administrative capacity to implement the inspection environment;

- Prepare criteria for establishing joint administration for inspection in the environment under Article 18 paragraph (7);

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

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

- Monitor the obligations arising from the European Union's environment and associated with the implementation of the inspection and to propose concepts for their proper incorporation into national legislation and

- Performs other activities aimed at improving the inspection environment.

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

(8) The Commission of paragraph (1) of this Article adopts rules of procedure.

**IX. SUPERVISION**

**Article 47**

**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 supervision under paragraph (1) of this Article shall be performed by the body of the state administration authorized for the environmental issues.

(3) The minister heading the state administration responsible for the affairs of the environment shall establish a Commission for Supervision of the Inspection in the environment on local level.

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

(5) 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.

(6) 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 48**

**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 have formed a joint administration for conducting inspection in the environment under Article 18 of this Law;

2) Whether the obligations of authorized inspectors in accordance with the established criteria for joint administration for inspection in the environment under Article 18 paragraph (7).

3) Assess whether the municipality, the City of Skopje and the municipalities in the city of Skopje perform the inspection program in the environment of the local government and is respected for its preparation procedure under Article 24 of this Law;

4) Assess whether the municipality, the City of Skopje and municipalities in Skopje prepared the report for inspection in the environment of the local government units in accordance with Article 25 of this Law;

5) Whether the municipality, the City of Skopje and municipalities in Skopje comply submitted applications for inspection supervision;

6) Whether the authorized inspectors, inspection Environmental implement the instructions for carrying out inspections in the environment adopted pursuant to this Act;

7) Whether the authorized inspectors submit or enter the data in the database for inspection in the environment;

(2) The surveillance conducted under paragraph (1) of this Article, the Commission of Article 47 of this Law shall prepare a report published on the website of the state administration responsible for the affairs of the environment and submit it to the Inspectorate and the local government unit over which conducts surveillance.

(3) If the supervision is noted shortcomings in the report referred to in paragraph (2) of this Article shall be:

- Points to the municipalities, the City of Skopje and the municipalities in Skopje for exceeding their powers defined by this Law and other regulations and suggests appropriate measures to overcome the situation;

- Indicates certain substantive and procedural deficiencies in the work of the municipality, the City of Skopje and the municipalities in Skopje and are given guidelines and establishes measures, and they shall set a deadline within which to correct the deficiencies;

- Recommendations for the consistent implementation of the powers of inspection in the environment of the municipality, the City of Skopje and the municipalities in the city and

- Initiatives and proposals to the municipality, the City of Skopje and municipalities in Skopje if they find shortcomings in the implementation of this law.

(3) The report referred to in paragraph (2) shall be submitted to the Mayor of the municipality, the mayor of the municipality in the City and the Mayor of the City of Skopje and set a timeframe to eliminate the shortcomings or to act in accordance with the directions provided and measures in exercising their powers in inspection environment.

(4) The Mayor of the municipality, the mayor of the municipality in the City and the Mayor of the City of Skopje is obliged to take the guidelines and measures set out in the report under paragraph (2) of this Article, within the period specified in the report and to inform the Inspectorate.

(5) If the Inspectorate finds that the Mayor of the municipality, the mayor of the municipality in the City and the Mayor of the City of Skopje have taken the established guidelines and measures within the specified period of the report under paragraph (2) of this Article, the Director of the Inspectorate is obliged to warned the mayor, as well as to inform the minister heading the state administration responsible for the affairs of the environment within 15 days of the expiration of the term specified in the report.

(6) If, within 60 days of the implication of paragraph (5) of this Article, the Mayor of the municipality, the mayor of the municipality in the City and the Mayor of the City of Skopje have taken the established guidelines and measures and not ostranile found shortcomings report under paragraph (2) of this Article, the municipalities within the city of Skopje and Skopje their competence to implement the inspection, and the inspection environment undertaken by the state administration responsible for the affairs of the environment through the Inspectorate, but up to one year from the date of their assumption.

(7) The Inspectorate works in carrying out an inspection in the environment for 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 municipalities in Skopje.

(8) For taking over the activities of paragraph (6) of this Article, the body of the state administration responsible for the affairs of the local government and the state administration responsible for the affairs of finance.

(9) If after the expiry of the period mentioned in paragraph (6) of this Article the shortcomings identified in the report referred to in paragraph (2) of this Article for carrying out an inspection in the environment against the mayor of the municipality, the municipality in the City and the City Skopje, the minister heading the state administration responsible for the affairs of the environment, and director of the inspectorate can initiate criminal proceedings under the misdemeanor provisions of this law.

**X. MISDEMEANOR PROVISIONS**

**Article 50**

**Misdemeanor sanctions**

(1) A fine of 6,000 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 37, paragraph 4) and

2) Fails to act upon an oral decision adopted by the minutes (article 37, 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 32, 33 and 34 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:

- Refuses to provide data in accordance with legal regulations or gives 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));

- Does not enter the required data into the database of Article 39 of this Law;

- Does not act on the application of a natural or legal person under Article 31 of this Law;

- Does not prepare a program of the inspection in the environment under the terms of Article 23 and 24 of this Act;

- Fails to prepare a report on the inspection in accordance with Article 25 of this Law

- Does not act in accordance with Article 31 of this Law;

(6) A fine of 2,000 euros will be imposed if the mayor if:

- does not act in accordance with Article 18 of this Law;

- Does not submit a program for inspection in the environment of the units of local self-government in accordance with the article 24 of this law

- Fails to submit a report on the inspection in accordance with Article 25 of this Law;

- Fails to conduct inspections in the environment in accordance with the provisions of this law and

- does not act in accordance with the report for inspection supervision

(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, 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 responsible for the affairs of the environment shall prescribe the form and content of the misdemeanor payment order

**XI. TRANSITIONAL AND FINAL PROVISIONS**

**Article 51**

**Adoption of plans and programs for environmental inspection**

(1) The mayor of municipality, the municipalities within the City of Skopje and the City of Skopje shall, in the administration of the municipality, the municipalities within the City and the City of Skopje, no later than 31 December 2017, ensure the implementation of inspection environment by employing at least one authorized inspector which will be carried out solely on inspection work in the environment (Article 18 paragraph (1)) or to establish a joint administration for inspection in the environment (Article 18 (3)).

(2) The first National Plan for Environmental Inspection of Article 20 of this Law shall be passed within one year of enactment of the regulations of Article 22 and 27 of this Law.

(3) The first inspection programs in the environment under Article 22 of this law will be adopted for the following calendar year immediately following the year in which adopted the National Plan for inspection environment.

(4) The Commission inspection in the environment under Article 46 of this Law shall be established within six months of entry into force of this law.

(5) The Committee referred to in Article 46 of this Law shall criteria of Article 18 paragraph (7) of this law on joint administration for inspection environment to bring them within three months from the date of its establishment.

**Article 52**

**Adoption of regulations**

(1) The provisions of Article 22, 27 and 35 of this Law shall be passed within six months from the entry into force of this law.

(2) The other provisions of this law shall be passed within one year from the entry into force of this law.

(3) Until the adoption of the regulations stipulated in this Law, apply existing regulations.

**Article 54**

**Termination of the provisions of other regulations**

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) .

**Article 55**

**Entrance into force**

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

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

The Law on Inspection in the environment determines the competence, organization and work of inspection in the media and the areas of the environment, the conditions that the inspectors must meet, planning the inspection in the environment, the manner and procedure for performing inspections, the rights, the duties and powers of inspectors, the cooperation and supervision of the inspection in the environment.

The law regulates the following chapters:

I. General Provisions;

II. Principles of inspection in the environment;

III. Jurisdiction and organization of the inspection in the environment;

IV. Planning of the inspection in the environment;

V. Types of inspection in the environment;

VI. The performance of inspection;

VII. Rights, duties, and powers of inspectors;

VIII. Cooperation in the inspection area of ​​the environment;

IX. Supervision;

X. Misdemeanour provisions and

XI. Transitional and final provisions.

In Chapter I are regulated the general provisions of the law managing the subject matter of this law, the enforcement of the law, the purpose of the law and definitions used in the law.

The main purpose of the adoption of this law is to establish an efficient system of inspection in the environment throughout the territory of the Republic of Macedonia which will achieve a high level of environmental protection, which will be based on the basis of prior risk assessment that subjects of surveillance have on the environment and accordingly planning the inspection according to 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 to take the corresponding 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.

**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 it 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 in the environment 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, there is a possibility several municipalities to agree on creation of a joint administration for inspection in the environment. Also in the law is given the possibility the 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 is in the hands of the State Environmental Inspectorate in the name and for the account of the municipality according to the Article 49 of this Law. For the local authorized inspectors as well as for the state inspectors there is a possibility for specialization of the inspectors in areas and/or medias.

**In Chapter IV** of the Law is prescribed planning of inspections in the environment. The introduction of the multiannual 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. Multiannual planning is done with the adoption of a National Plan for inspections in the environment with which is carried out multiannual 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 two years after its realization or if needed earlier 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 adopted one-year inspection program in the environment that is adopted by the Minister of Environment and Physical Planning. The purpose of the adoption of a common inspection program in the environment is to have a summarized annual review of the objectives of the inspection in the environment at central and local level. When preparing this program, the special programs prepared by the State Environmental Inspectorate and the local self-government units must be taken into account that are prepared according to the bylaw arising from the Law on Inspection. The preparation and monitoring of the program of the State Inspectorate is performed under the terms and procedure prescribed by the Law on inspection. Having into account that it is not stipulated how will be the monitoring of the implementation of the programs of the local self-government units, it will be regulated by bylaw for the Program for unique inspection program in the environment which is worn under this law.

For the purpose of the follow up of the realization of the program an annual report for inspection in the environment is prepared. The report is composed of the inspection report of the State Environmental Inspectorate and the inspection report in the environment of the local self-government units.

**In Chapter V -** Types of inspection supervision are listed the types of inspection supervisions and they are: ordinary, extraordinary and control inspection supervision.

In Article 27 is prescribed the ordinary 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 ordinary 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 28 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 accidents, when there are findings that the violation is done 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 as well as in the cases where is necessary to take measures regarding the positive legal regulations.

In Article 29 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.

**Chapter VI -** Implementation of the inspection supervision, regulates 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, 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.

Article 35 introduces a new requirement with wich certain activities and activities that have a significant impact on the environment has an obligation to prepare a report on the inspection environment arising from EU law specifically Directive 2010/75 / EU on industrial emissions with which stipulates the obligation to organize inspection of subjects of surveillance that have significant impact on the environment is carried out detailed inspection under which take into account all relevant documents and records held by the entity under supervision and on this basis is preparing a detailed report on the actual situation, the impact which the subject of supervision has on the environment as suggestions for improving the work of the entity under supervision in terms of the environment and measures to be taken if it is needed.

In order keeping records of activities related to the inspection of the State Environmental Inspectorate establishes and maintains a database of inspection in the environment. Each inspector is obliged to enter data from their operations in the database.

**Chapter VII** of the Law defines the rights, duties and powers of inspectors.

Article 40 stipulates that the official capacity of Inspectors is proved by their identification card.

According to this law inspectors in the inspection are entitled to special working conditions for the protection of life and health inspector as equipment, facilities and insurance risk supplement in the event that during the inspection supervision, the inspector is at high risk.

One of the rights but also the obligation of the inspector's right to continuous professional development and training of inspectors. In the Law is provided a multi annual professional development and that is why it is provided that state inspectors and mayors to submit to the Director of the State Inspectorate of Environment proposals for professional development and training. The proposal for vocational education and training is part of the National Plan for Environmental Inspection and refers to the period of preparing the plan.

The inspector is obliged, during the inspection, to keep as official secret the data which will come under the supervision if such information pursuant to the environment or other law as confidential data.

The law in a separate article defines what authority has the inspector during the inspection supervision as supervision of the premises subject to supervision, inspection documents, a ban on the use of plants, determination of deadlines must not use the facilities, prohibition of work, to require a statement from the entity responsible for surveillance, sampling and samples etc.. Also, the inspector may, in conducting the inspection request a representative of the employees of the Ministry of Interior to supervise participate during the inspection.

**In Chapter IX** - 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 45 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.

For the establishment of cooperation between the central and local level in the implementation of the inspections in the environment a Commission for inspection in the environment is created which will be an advisory body 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 timely and identify all the problems that exist in the implementation of the provisions of this law. The Commission 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. With the Commission manages the director of the Inspectorate

**In Chapter X**. - 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 established 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 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 XI,** - 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 as well as for the mayors for not fulfilment of the obligations of this law

**In Chapter XII.** - 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.