



# Legal and institutional assessment of existing administrative capacities for enforcement of environmental legislation at central and local levels

*Project MK-10-IB-EN-01*

*Activity no: 1.1*

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(sections 3.3 – 3.5 are taken from legal assessment report of act. 2.1)

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## List of Acronyms

AE	Administration of Environment
BATs	Best Available Techniques
BREFs	Best Available Techniques Reference Document
EC	European Commission
EIA	Environmental Impact Assessment
EIC	Environmental Inspection Cycle
IC	Inspection Council
HMA	Hydrometeorological Administration
IED	Industrial Emissions Directive 2010/75/EU
IMPEL	European Union network for the implementation and enforcement of environmental law
IPPC	Integrated Pollution Prevention and Control
LCP	Large Combustion Plant
LEAP	Local Environmental Action Plan
LoE	Law on Environment
LSGU	Local Self-Government Unit
MoAFWM	Ministry of Agriculture, Forestry and Water Management
MoEPP	Ministry for Environment and Physical Planning
MLSGU	Ministry of Local Self-Government Units
NEAP	National Environmental Action Plan
NGOs	Non-Governmental Organisations
RMCEI	Recommendation 2001/331/EC of the European Parliament and the Council providing for minimum criteria for environmental inspections in the Member States
SEI	State Environmental Inspectorate
TA	Technical Assistance
WWTP	Waste Water Treatment Plant
ZELS	Association of the Units of Local Self-Government of the Republic of Macedonia

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# 1. Introduction

## 1.1 The project

### Project Background and Context

A main **target** of the Ministry of Environment and Physical Planning is to **improve** the **implementation of and compliance** with environmental legislation of all Macedonian citizens, industries and other stakeholders. For this sake a set of **3 EU-cofinanced actions** was designed: (i) **this Twinning project (“Strengthening the administrative capacities at central and local level for implementation and enforcement of the environmental acquis”, Twinning Number MK 10 IB EN 01)**, supporting the environmental inspection system at central and local levels, (ii) **a Technical Assistance** project, supporting the implementation of environmental legislation in the fields of responsibility of municipalities, and (iii) **a supply contract** providing different kinds of equipment and software to improve the working conditions of environmental inspectors at central and municipal levels. The 3 actions are implemented within the years 2015 – 2016.

### The Twinning Project: Objectives

To achieve the **overall objective** of contributing to the improvement of the environmental protection in the country at both central and local levels, this project has as **purpose** to enhance the capacities of environmental inspection bodies for enforcement of environmental legislation at central level (State Environmental Inspectorate (SEI)) and local level (authorised local environmental inspectors in municipalities).

With this purpose in mind, the project has the following **main objectives**:

1. To determine an **optimized institutional framework** for an effective environmental inspection system.
2. To review and **improve** the **legislative framework** related to environmental enforcement.
3. To **improve** the **practices** of inspection bodies through a better planning and training.
4. To deliver or support the **elaboration of numerous tools**, such as a website, information management system, guides for inspectors and for industrial owners, and check lists specific to some sectors.

### Project Components

According to its objectives, the project has 3 components:

1. **Strengthened administrative capacities for enforcement of environmental legislation**: a legal and institutional assessment of the current environmental inspection and enforcement system will be performed. Based on its recommendations for improvement will be delivered, and a programme for strengthening administrative capacities of environmental inspection bodies will be prepared. Guides for inspectors and for industrial owners, and check lists specific to some industrial activities or environmental issues will be delivered. A training programme with corresponding

training materials will be prepared and implemented. Study tours will be organised to EU Member States.

2. **Improved effectiveness of the environmental enforcement system:** A new Law on the SEI will be drafted. Relevant gaps in related environmental legislation will be identified. Risk-based planning methodology will be discussed. A website for the SEI and the project will be developed. A series of field inspections, including joint inspections, will be implemented, with a focus on issues related to IPPC/IED, air and water quality. EU Recommendations on environmental inspection will be transposed, training curricula on that subject prepared, and training delivered on their implementation.
3. **Improved management information and reporting system (MIRS) for inspection:** MIRS delivered by the supply contract described in section “Project background and context” will be analysed, and recommendations for its optimisation delivered. Risk assessment planning software tool IRAM will be discussed.

## ***1.2 General information on the country***

The Republic of Macedonia is situated in the centre of the Balkan Peninsula, South Europe, between 40° and 42° North Latitude, and 20° and 23° East Longitude. It is bordering Albania to the West, Kosovo to the North-West, Serbia to the North, Bulgaria to the East, and Greece to the South.

The total area of the Republic of Macedonia is 25.713 km<sup>2</sup>. The country is mountainous country with numerous plains. The average altitude of the overall territory is 850 meters. As per the spatial plan of the country, 1,9% of the territory is covered by water (lakes), 19,1% are plains and valleys, and the largest part or 79% are hills and mountains.

Its capital is Skopje with a population of 506.926 (est. 2004). Other larger towns are: Bitola, Kumanovo, Prilep, Tetovo, Veles, Štip, Ohrid, Gostivar, Strumica, Kičevo, Kavadarci and Kočani. The Republic of Macedonia has a population of 2.062.294 (est. 2012), of which majority are Macedonians. The official and most widely spoken language is Macedonian. In municipalities where ethnic groups are represented with over 20% of the total population, the language of that ethnic group is co-official, and the official currency is Macedonian denar (MKD).

Some generic data about the Republic of Macedonia

- Number of municipalities 81 (80+1, Skopje City Parliament)
- Number of settlements 1767
- Number of cities 34

Macedonia has a unicameral parliamentary system. The Parliament or Assembly, the “Sobranie” of 123 members, holds the legislative power and is the representative body of the citizens. The representatives are elected from party lists at general and direct elections and serve four-year terms. The organization and functioning of the Assembly are regulated by the Constitution and by the Rules of Procedure.

The President is elected for a term of five years and can be re-elected only once. The current President was elected in 2014. The President negotiates international agreements on behalf of the country, appoints and recalls national ambassadors and performs other duties defined by the Constitution.

The Government consists of the Prime Minister, 4 Deputy Prime Ministers and 21 other ministers among which 7 are currently without portfolio.

From the administrative point of view the Republic of Macedonia is organized at the state level with the Government and the Ministries and then at the local level with 81 municipalities (80+Skopje City Parliament). Divisions of responsibilities between levels of government are determined by the Constitution, the law on state administration and laws governing local self-government. The state administration is divided into central and local levels. There are not administrative regions but for the statistics and information 8 regions are differentiated in the Republic of Macedonia. In the case of Skopje, has a special status, where there is a City Parliament that includes 10 municipalities

Map of the country with the 81 municipalities





## 2. Purpose and scope of this report

The **objective** of this report is the assessment of existing administrative capacities for inspection and enforcement of environmental legislation at central and local levels. The assessment will take into account mainly administrative organization, and planning and execution of the inspection work.

Since the European Environmental legislation is very broad, the **scope** of the assessment will be focused on inspection and enforcement of the role of the SEI and municipalities relating to IPPC activities, Seveso, Air quality, Waste and Water Quality.

The purpose of this document is:

- To help the next missions to have an introductory view of the legislation and administrative organization of the inspection and enforcement within the scope of the project.
- To propose some areas or aspects to be covered in the next missions, and
- To start the list of the subjects that can be analysed with the stakeholders

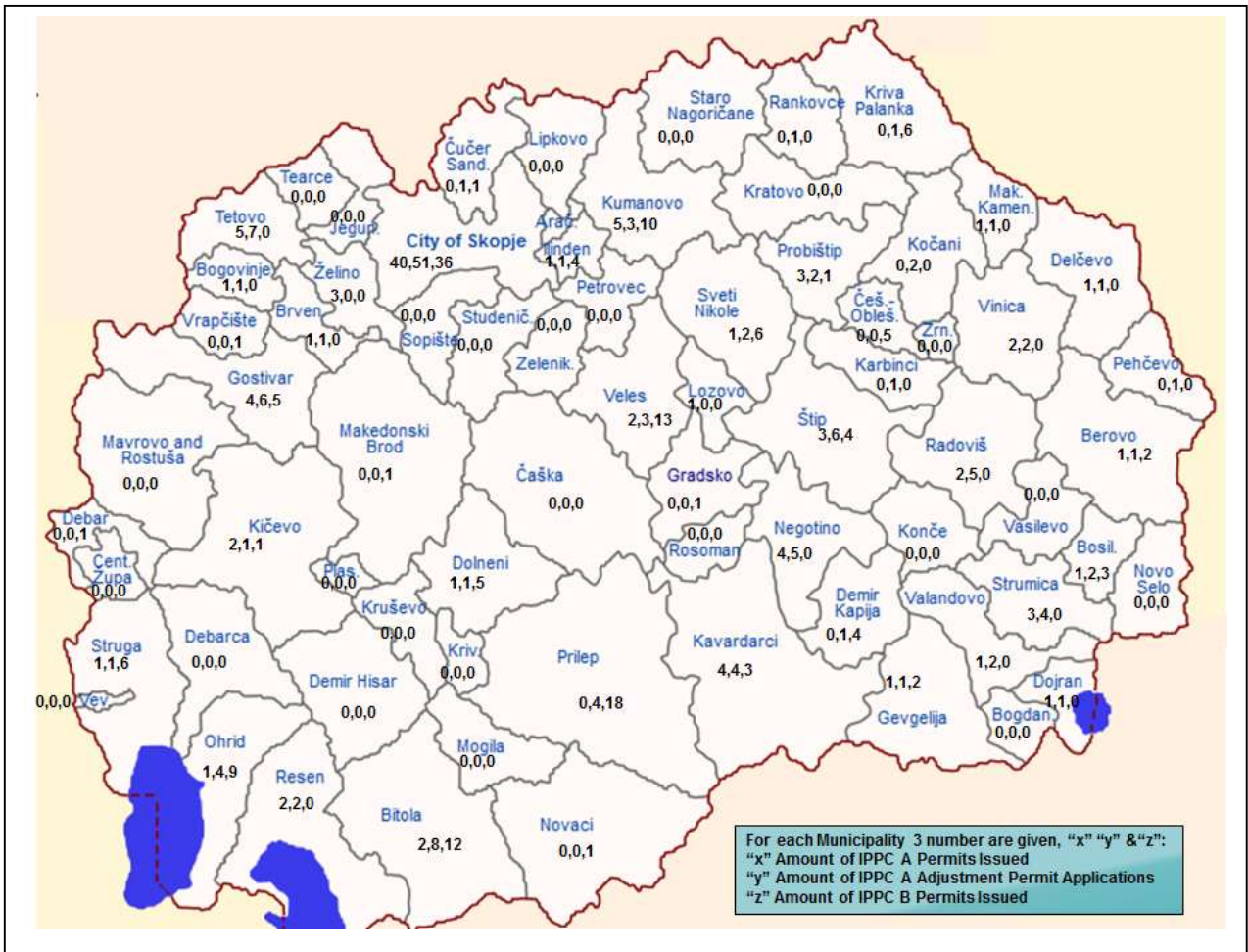
The entities to be inspected can be classified according to legislation in

- IPPC A (inspected at central level (State))
- IPPC B (inspected by municipalities, except if the installation is located in a protected area)
- Installation requiring a so-called “Elaborate” (food processing, drinks producing industry, infrastructure projects, mechanical shops,...)
  - Some elaborates are issued and inspected at central level
  - Some elaborates are issued and inspected at local level
- Seveso installations: To date, there are 18 Seveso establishments identified, out of which 11 are identified as upper-tier establishments.

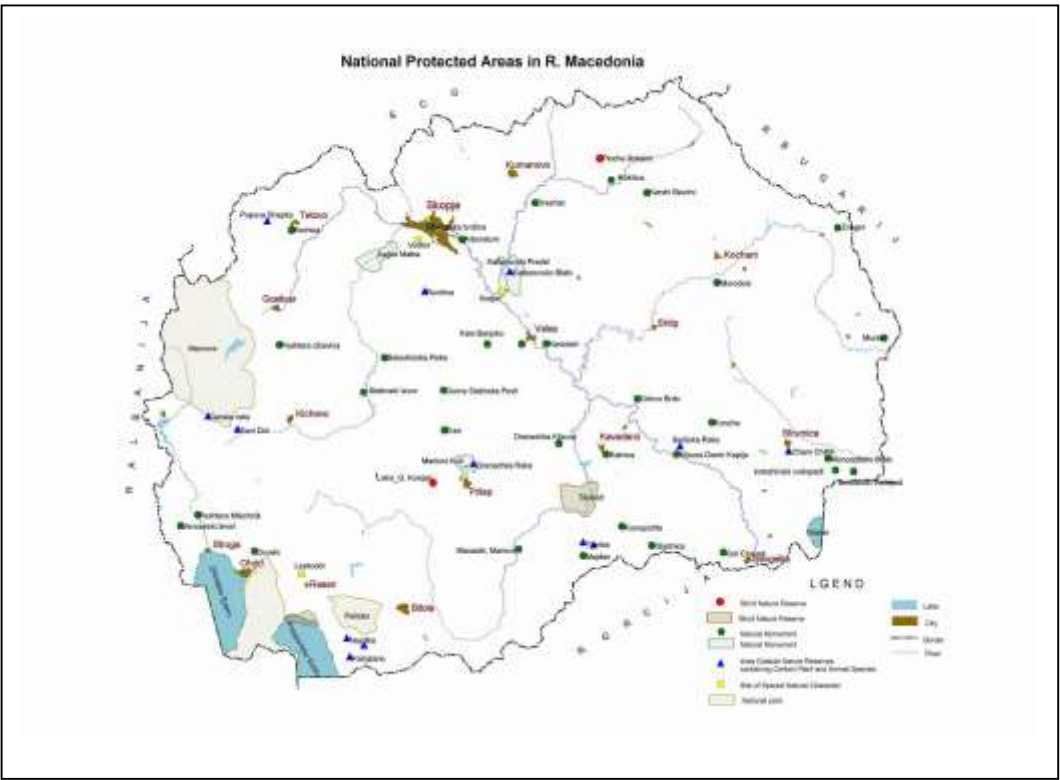
### IPPC sites

The environmental legislation of Macedonia has classified the main industrial activities in two categories for the permitting strategy. The IPPC A sites are the ones under the annex 1 of the IED. The competent authority for permitting and inspecting IPPC A installation is at the state level. It is estimated that in Republic of Macedonia there are about 140 A-installations and about 400-500 B-installations. By date, 142 applications for obtaining A or B adjustment permits and A or B-IPPC permit were received in the MoEPP, while 101 of them have been issued. There is no precise data about applications for adjustment permits or B-IPPC permit for B-installations; however, the municipalities by date have issued around 161 permits for B-installations.

Map of IPPC installations. Number per municipality (2015)



Map of the 86 protected areas of Macedonia



### 3. Main Findings

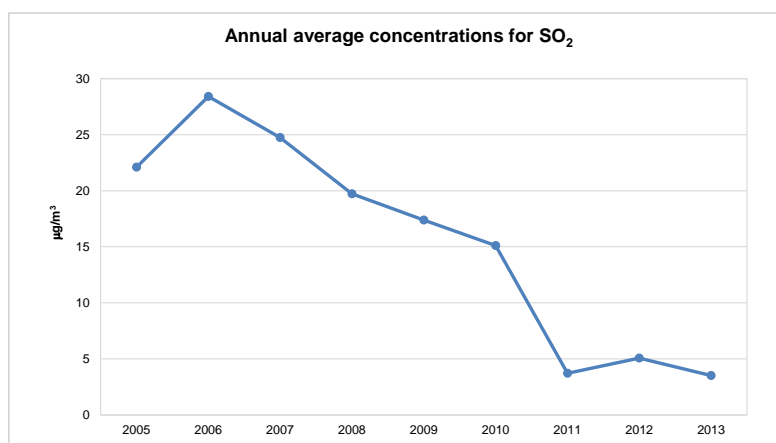
#### **Part A - Defining the regulatory framework of environmental protection in the beneficiary country.**

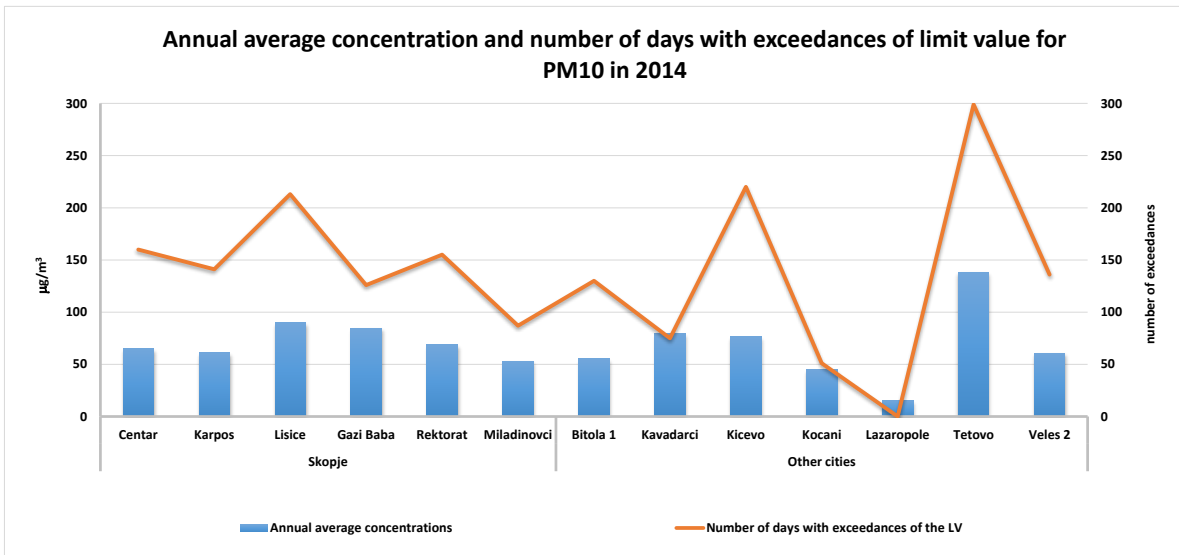
##### **3.1. General assessment of relevant significant environmental issues**

The purpose of this subsection is to provide some information on the present situation of the environment in the country and which ones may be the relevant environmental issues that should be related to the objectives of the inspection.

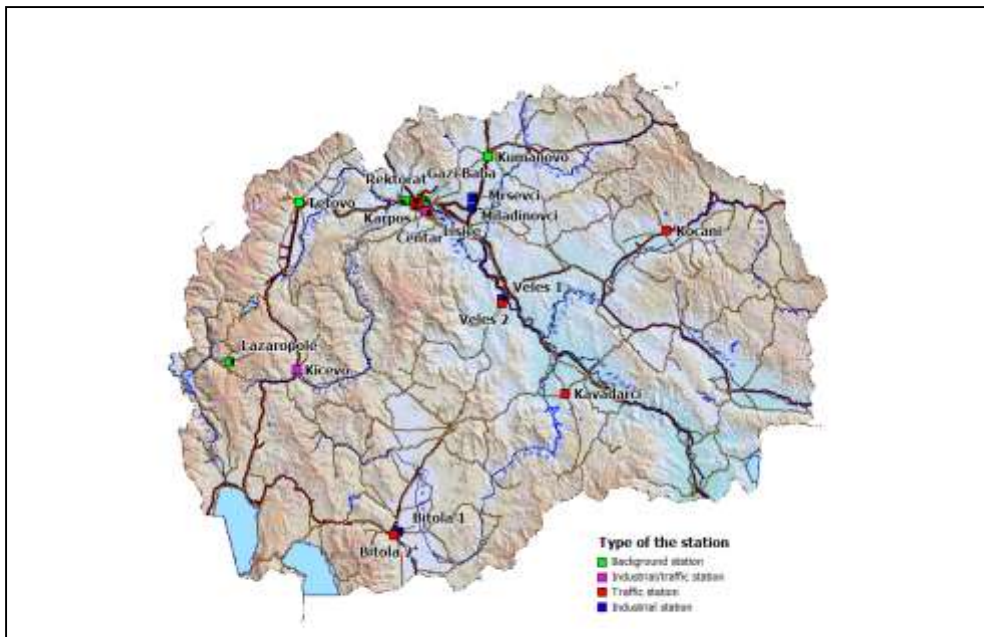
##### **3.1.1. Air Quality**

Regarding air quality, the Ministry of Environment and Physical Planning has established and operates the State Automatic Air Quality Monitoring System (SAQMS), consisting of 17 automatic air quality monitoring stations. Five stations are positioned in Skopje (Karposh, Centar, Lisiche, Gazi Baba and Rektorat). Two monitoring stations are set in each municipality of Ilinden (villages Mrshevcı and Miladinovci), Veles and Bitola and one in each Kumanovo, Kochani, Kichevo, Kavadarci, Tetovo and Lazaropole. Monitoring stations measure the following parameters: SO<sub>2</sub> (sulfur dioxide), CO (carbon monoxide), NO<sub>X</sub> (nitrogen oxides), PM<sub>10</sub> (suspended particulate matters with a size up to 10 micrometers), PM<sub>2.5</sub> (suspended particulate matters with a size up to 2.5 micrometers), O<sub>3</sub> (ozone) and BTX (benzene, ethyl benzene, toluene, ortho and para xylene). Data from all monitoring stations are collected in a database in MoEPP and they are subject to daily verification, validation, appropriate processing, analysis, presentation and reporting. Data from automatic stations are publically accessible in real time on the web site on air quality ( <http://airquality.moepp.gov.mk> ).





Map of the location of air quality stations



Air quality index is used in air quality website to describe the air quality in simple terms and an easy-to-understand colour scale. It is based on hourly means of pollutant concentrations and gives an overall characterisation of the actual air quality.

The index takes into account the concentrations of sulphur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), breathable particles (PM<sub>10</sub>), fine particles (PM<sub>2,5</sub>), ozone (O<sub>3</sub>) and carbon monoxide (CO). The measured concentrations are compared with the current air quality guidelines.

This air quality index has been developed in Common Information to European Air (CITEAIR) projects funded by the European Union (<http://www.airqualitynow.eu/index.php>)

**Colour codes corresponding to the concentration levels**

	SO <sub>2</sub>	NO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	O <sub>3</sub>	CO
Very high	500-	400-	180-	110-	240-	20-
High	350-500	200-400	90-180	55-110	180-240	10-20
Medium	100-350	100-200	50-90	30-55	120-180	7.5-10
Low	50-100	50-100	25-50	15-30	60-120	5-7.5
Very low	0-50	0-50	0-25	0-15	0-60	0-5

Concentrations are in µg/m<sup>3</sup> except for CO in mg/m<sup>3</sup>

### 3.1.2. Water Quality

Map of the river basins of the country:



According to the total water demand by users, currently the major water consumer is the irrigation sector with 46%, minimum accepted flow<sup>1</sup> with 28%, then industry with 14% and the population and tourist consumers with 12%. The same water demands by the river basins are as follows: river Vardar 79% of the total water demand, river Crn Drim basin 12% and river basin Strumica 9% of the total water demand. Approximately 60% of the drinking water is supplied from karstic springs, 20% from surface waters, and 20% from groundwater.

<sup>1</sup>Minimum acceptable water flow is a biological minimum which should be constantly available in the riverbeds for water life preservation; it is defined as 10% of the average discharge of a river

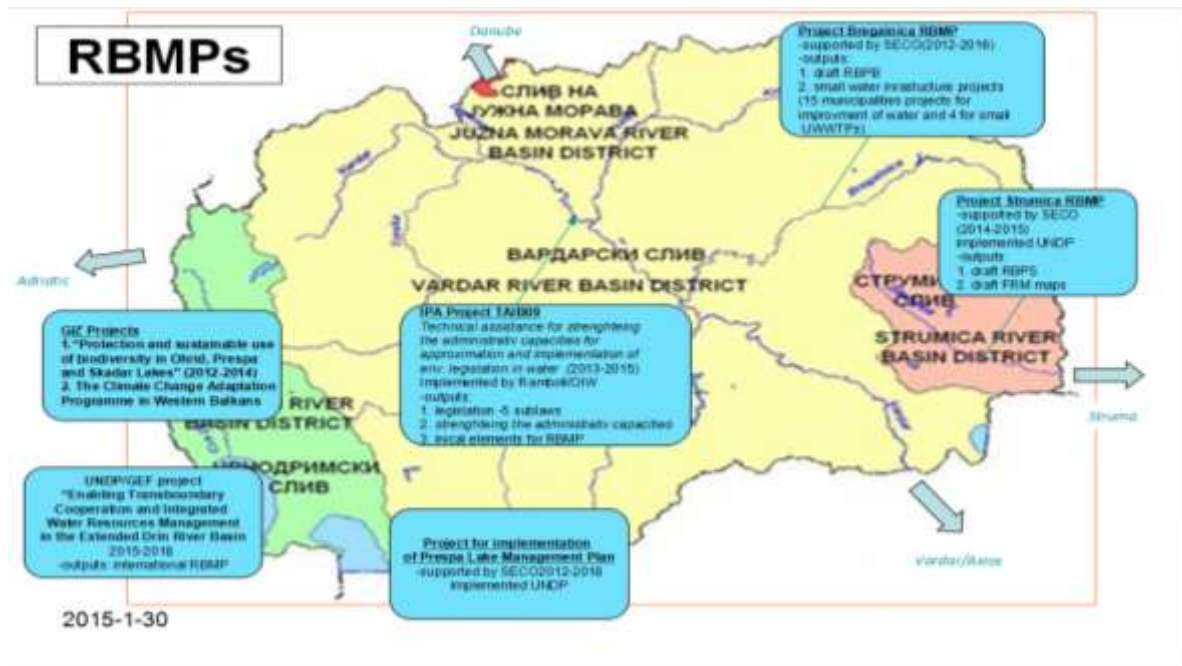


The total annual consumption of water for municipal and industrial sectors in Republic of Macedonia is 581.8 million m<sup>3</sup>. Of that total, nearly half (49.3 percent) is used for industrial purposes, including mining.

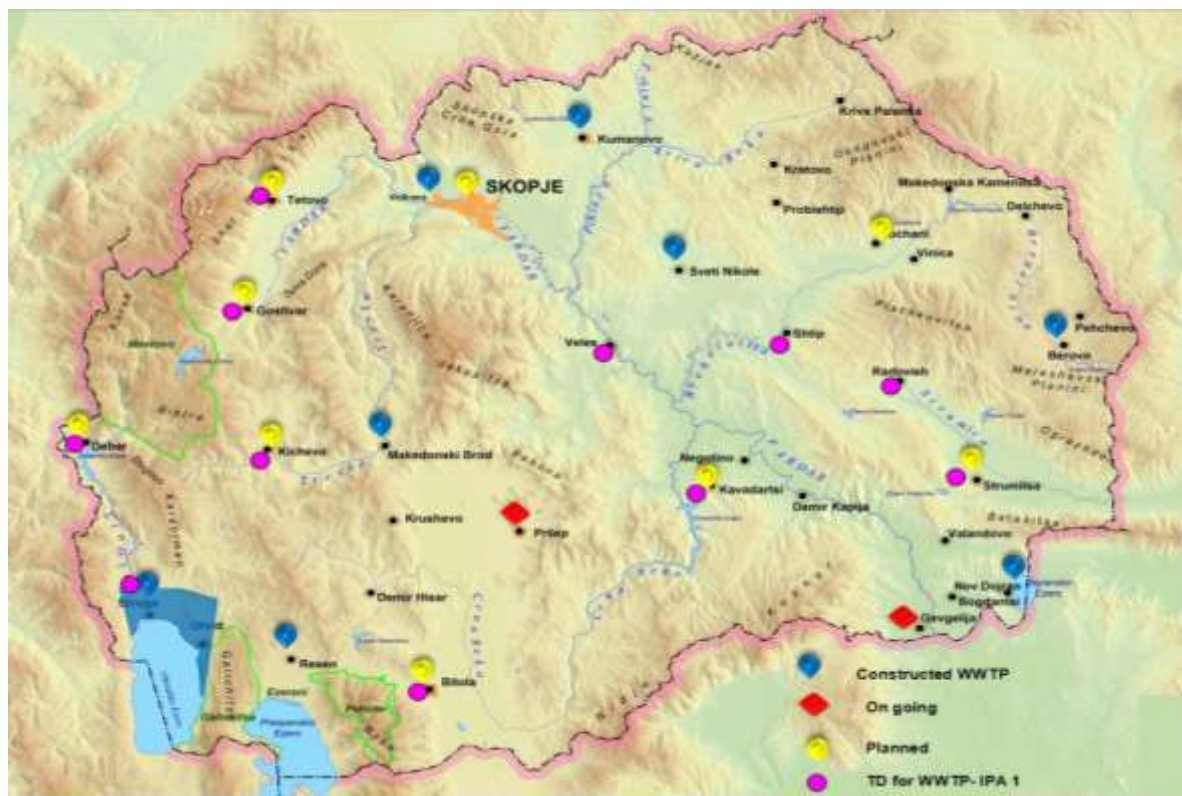
With regard to wastewater collection and treatment, there are 65 agglomerations envisaged falling within the scope of the Urban Wastewater Treatment Directive 91/271/EEC (agglomeration is a settlement or group of settlements, where the sewage is collected and centralized to one common WWTP). Thereof, 4 agglomerations are above 100 000 PE, 25 agglomerations with PE above 15 000 to 100 000, 7 agglomerations of 10 000-15 000 PE and 29 agglomerations of 2 000-10 000 PE. The far biggest agglomeration is the capital city of Skopje, which, including suburban municipalities, results to approx. 882 000 PE. However, agglomerations are not completely identified and are based on the investigation made during implementation of IPA project for preparation of pipeline of projects for water sector. With regard to the extent of the constructed sewerage network and waste water treatment facilities, the country lags behind in comparison with the water-supply infrastructure. Only 15 % of the population is covered by waste water treatment facilities. At the national level, the sewerage network comprises 1.239.1 km of pipelines. From the total number of 697.529 dwellings (Census 2002), 65% are connected to public sewage system, whereas 21% of the dwellings have septic tanks and another 12% only have a system of uncontrolled wastewater discharge. Generally, the existing sewerage systems in major urban areas are designed as a single system collecting and conveying, both wastewater and precipitation water. There are only 12 cities having separate sewage systems. The City of Skopje, as the largest contributor with the highest production of pollution, has constructed a separate system for sewage (534 km) and storm water (196 km). At present, WWTP exists only in 6 agglomerations over 10 000 inhabitants (Ohrid (Vranista-Struga), Resen, Makedonski Brod, Dojran, Kumanovo and Berovo). Three of them are in communities located on the shore of the three large tectonic lakes Ohrid, Prespa and Dojran that are of the highest priority concerning natural protection. Current condition of the sewage systems is different in certain urban and rural areas. Generally, the systems are rather old, worn out, the collecting network is constructed of different materials, the pipes are cracked and there is leakage of the wastewater in the ground. The capacity often is not sufficient to collect all the wastewater. The systems are not separate systems for urban wastewater and storm water, and during floods, the pipes are overloaded and suffer from increased pressure. In urban areas where the sewage systems are rehabilitated or newly constructed, collection and disposal of the wastewater is efficiently performed. Management of the sewage systems is the responsibility of the same public utilities as the drinking water supply.

Below are shown 2 graphics with some of the River Basin Management Plans to improve water quality and the work being done in the construction of wastewater treatment plants.

River Basins Management Plans



Wastewater Treatment Plants



The Hydrometeorological Administration (HMA) of the Ministry of Agriculture, Forestry and Water Management (MoAFWM) monitors discharge and water level at 57 gauging stations on

rivers: 45 stations in the River Vardar basin, 9 in the River Crn Drim basin and 3 in the River Strumica basin. HMA monitors surface water quality at 20 measuring points located on rivers, lakes and reservoirs. Sampling and analyses are performed monthly.

Most water monitoring stations have been equipped with an automatic sample collection device. The stations perform water discharge measurement (with sensors installed at the stations) and water quality measurements (with sensors at the stations and/or water sampling with subsequent analysis in the environmental laboratory equipped by the donor). The outputs from these two chains are combined into load calculation and integrated data processing and management. Monitoring data is uploaded on the HMA web portal ( [www.meteo.gov.mk](http://www.meteo.gov.mk) ).

### **3.1.3. Waste Production and Management**

The National Waste Management Plan 2009-2015 determines activities and tasks of individual stakeholders in the society, sets priority of tasks and timetable by estimation of the time for realization of the individual tasks and procedures and determines human, institutional and financial resources needed in order to achieve the set goals, objectives and targets in the 6-year period.

The initial step has been to establish regional centers for waste management and prepare Regional Waste Management Plans. Regional Plans have been prepared for North-East Region and East Region. The plans for the other six regions remain to be prepared. Both plans define establishment of a modern landfill in the region and materials recovery facility. The Plans also plan the treatment of organic wastes using composting.

According to data in the National Waste Management Strategy, the estimate of the total quantity of waste generated in Republic of Macedonia is 26.000.000 t/year, with expected growth in quantities by 1.7% per year in the next 10-12 years (with 2012 as baseline year). Calculations of the waste generated in municipalities have been done based on the assumption that quantity for the urban areas is 350 kg/year/inhabitant and for rural area 190 kg/year/inhabitant.

The solid waste generated in Republic of Macedonia is mostly disposed by landfilling. The landfill Drisla, serving Skopje region, is the only landfill in Republic of Macedonia which is relatively well managed. At the municipal landfills (or dump sites) in rural areas, the waste is simply dumped by Communal Enterprises with no operational costs, except for some overheads (paid to guardians, if any) and occasional water consumption costs for extinguishing spontaneously emerging landfill fires. None of the 54 municipal landfills meets the requirements for sanitary operation and environmental protection. Around 70% of the population uses the services of the system for municipal waste collection performed by public enterprises. The equipment for waste collection and the level of service is not compliant with the current requirements. Collection of un-separated fractions of municipal waste and non-hazardous industrial waste, as well as fractions of non-hazardous and hazardous waste is a common practice. There are no officially licensed collectors and transporters of hazardous waste. There are currently hundreds of illegal dumpsites in the country. The first priority for these illegal waste dumpsites should be to prevent any further activity at these sites as soon as possible.



The system of packaging waste management has been established in 2010, when the Law on Management of Packaging and Packaging Waste entered into force. The Law is fully harmonized with the relevant EU legislation in this area. According to the Law, the producer is primarily responsible for generated waste, but it also determines responsibility for all stakeholders involved in the process of management.

The Ministry of Environment and Physical Planning, Administration of Environment is responsible for the implementation of the legislation on waste management, through achievement of the goals and priorities in the area of waste, arising from strategic and planning documents; it also participates in the implementation of the national legislation, provides instructions to LSGUs and other stakeholders in the process and provides high level of integrated waste management in the Republic of Macedonia.

The Ministry of Economy is responsible for the implementation of Directive 2006/21/EC concerning management of waste from the extractive industry (Mining Waste Directive).

Hazardous wastes, e.g. industrial processing and health-care wastes are often mixed and disposed with municipal waste. Only in Skopje there is an incinerator for medical waste.

As a reference, based on the legislation in the area of waste management, MoEPP-Administration of Environment, in the period February 2014 to December 2014, issued the following permits or acts for waste management:

<b>TYPE OF CASE</b>	<b>Executed cases</b>
Permit for storage, treatment and/or recovery of non-hazardous waste	49
Permit for non-hazardous waste collection and transport	23
Permit for waste import, export and transit	95
Basel notification – transboundary hazardous waste transport	60
Negative decisions	31
Certificate for small scale producer under the Law on Packaging	15
Permit for collective waste operator for electric and electronic equipment	1
Certificates for registration for waste batteries and accumulators	2
Certificates for registration of waste batteries and accumulators	152
Certificates for registration EEE producers	477
Total	903

### **3.1.4. Noise**

MoEPP, AE and units of the local self-government are responsible bodies for the area of environmental noise, especially for the application of the Law on the Protection against Environmental Noise and bylaws adopted on the basis of this Law. All of these bodies lack adequate administrative structure. According to the Law on the Protection against Environmental Noise, data from noise level measurement and monitoring are delivered to the Macedonian Environmental Information Centre. Inspection supervision over the enforcement of the Law and bylaws adopted on the basis of the Law is carried out by the SEI, as well as

authorized inspectors of environment in the units of the local self-government. Certain responsibilities in noise management are also performed by the State Sanitary and Health Inspectorate within the Ministry of Health with regard to noise control from health point of view, i.e. assessment of the harmful effects of environmental noise on the health of exposed population. Ministry of Economy is responsible for control of the noise generated by products and LSGUs with regard to noise generated by catering, craft and tourist activities.

With reference to noise monitoring, Public Health Centres in Bitola, Kichevo and Kumanovo (and Skopje by 2005) perform measurements of the level of environmental noise and assessment of the harmful effects of environmental noise on exposed population, at several measuring points, and processed results are delivered to the Macedonian Environmental Information Centre, where Cadaster of noise polluters is maintained and updated. Collected, verified and processed data and information on the state of environmental noise constitute the official database of the state of environmental noise, serving as basis for noise management and protection against noise.

The first step towards establishment of state environmental noise monitoring network was made with the adoption of the Decision for establishment of state environmental noise monitoring network.

### **3.1.5. Soil protection**

There is no specific law on soil protection. It is a point that should be developed further.

Hazardous waste remains a major challenge for the country. Hazardous waste-related issues are incorporated in the National Waste Management Plan for the period 2009-2015 and the Waste Management Strategy for the period 2008-2020. Metallurgical industries generate the largest volumes of hazardous waste, which are generally stored in non-compliant dumps on the companies' premises. Hazardous waste oils generated in the production sector and in other activities are often burned as fuels.

According to the Waste Management Department in the MoEP, 16 major industrial areas and dumpsites have been identified as 'hot spots', some of which remain fully and other partially operational. Total deposits are estimated at 267.6 million m<sup>3</sup>, covering an estimated 260 ha of land. Unfortunately, little has been achieved in terms of remediation. The case that attracted the most attention so far is that of the Organic Chemical Industry Skopje (OHIS) site, which is considered as the highest risk contaminated site among the 16 hotspots. In the period 2002-2010, several feasibility studies were prepared to find the most appropriate solution for Hexachlorocyclohexane (HCH) waste at the OHIS site. It is estimated that 38.000 tons of technical mixture of HCH are disposed in the yard of this factory.

### **3.1.6. Information on environmental incidents, accidents, complaints**

Regarding incidents and accidents, Emergency Centres (Supported by 112 emergency call centres) have in place specific protocols regarding environmental accidents and incidents. Based on those protocols environmental inspectors are mobilized to assess the environmental risk, to report competent authorities and to recommend control, containment and remediation measures to intervening emergency services.

Complaints are received by the inspectors and taken in consideration regarding legislation although their amount is not very high during the year. In general most complaints come from citizens regarding air quality in Skopje, Bitola and Tetovo, specially during the winter period, due to high levels of PM10.

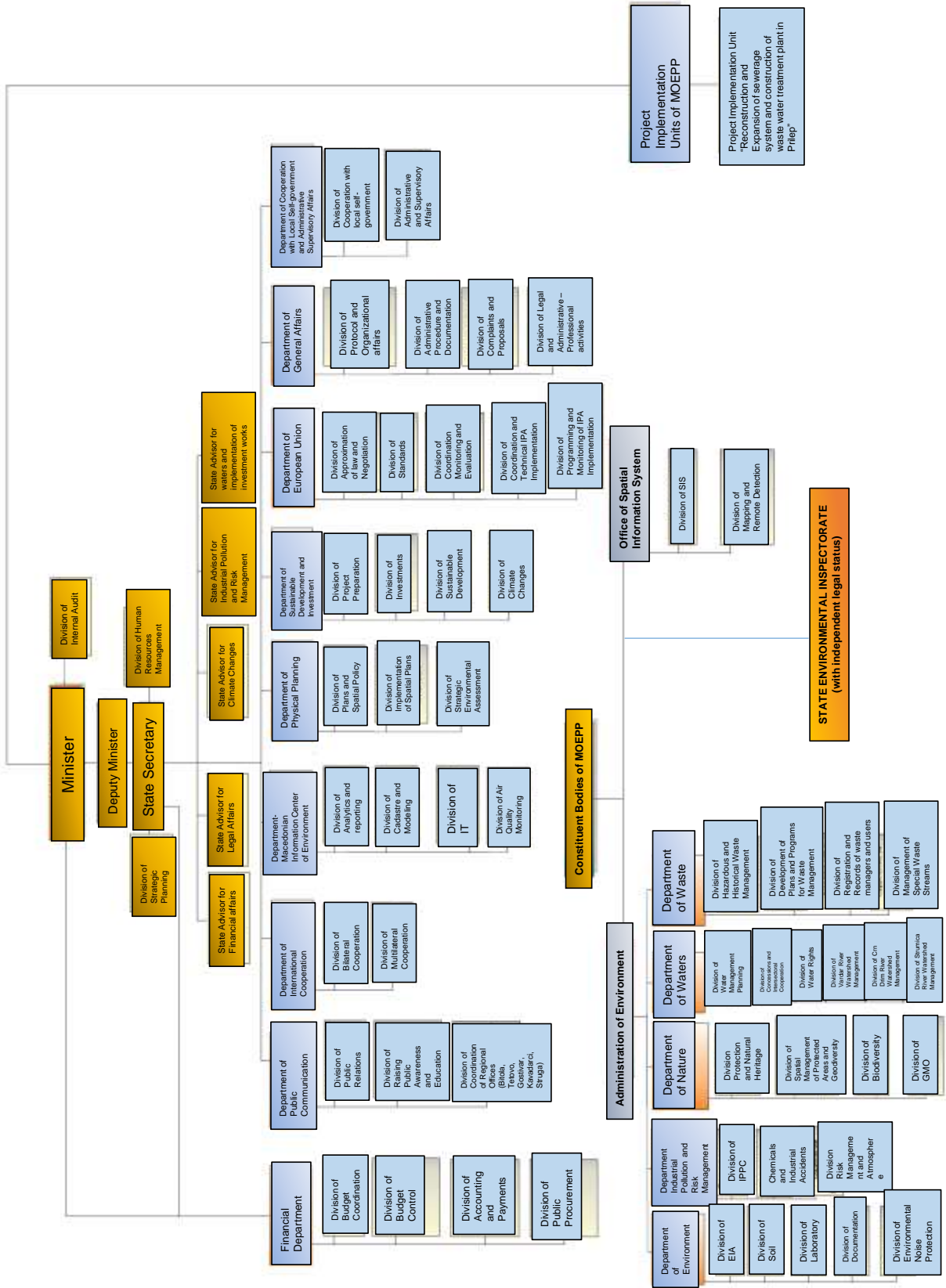
Industrial accidents, degradation of nature, water pollution or any other type of environmental accidents are very rare on annual base, and SEI is informed by 112 center or directly from factories staff, NGOs, Journalists, etc.

## ***3.2. Institutions relevant to environmental inspection and enforcement***

### **3.2.1. Ministry of Environment and Physical Planning (MoEPP)**

The Ministry of Environment and Physical Planning (MoEPP) organisation has been subject to frequent adjustments, during which its areas of responsibility have changed significantly. At present, the Ministry of Environment and Physical Planning is organized in eight constituent bodies and nine Departments. (Financial Department, Department of Public Communications, Department of International Cooperation, Department of Macedonian Environmental Information Centre, Department of Physical Planning, Department of Sustainable Development and Investment, Department of the European Union, Department of General Affairs and the Department of Cooperation with Local Self-Government and Administrative Supervision Affairs).

As shown in the general chart of the following page, the 2 main constituent bodies under MoEPP are the Office for Spatial Information System, in charge of development and maintenance of the Geographical Information System, and the Administration of Environment, within which there are 5 Departments (Environment, Industrial Pollution and Risk Management, Nature, Waters, Waste). In the following pages further information is provided about some of the units in those Departments most relevant to environmental inspection and enforcement.



*Figure above: Structure of the Ministry of Environment and Physical Planning*

Other ministries that collaborate with MoEPP in various policy areas include the Ministry of Health, the Ministry of Agriculture, Forestry and Water Management, the Ministry of Economy, the Ministry of Transport and Communications and the Ministry of Interior. The Ministry of Foreign Affairs is important for its position on the transboundary dimension of the acquis.

### *Staff*

The total number of employees in the Ministry of Environment and Physical Planning, is 222 (2014), of which 4 officials and 3 part-time contract based employees (engaged in a project). Within this number the Administration of Environment (AE) employs 98 persons. 2 persons have been promoted to higher position during the reporting period, and 22 new persons were employed, of whom 16 by way of taking over from other institutions. The total number of employees in the SEI is 26 persons, out of which 1 official, 25 full time employed persons, where 21 are inspectors and 4 administrative staff.

### *The mission of the MoEPP is:*

As defined in its Strategic Plan 2015-2017, the mission of the Ministry of Environment and Physical Planning is based on protection improvement, environmental sustainability and nature, as well as spatial planning through achievement of the EU standards, through the use of best practices and experiences in cooperation with citizens and other domestic and international institutions and implementation of the best principles and values.

### *The responsibilities of the MoEPP are :*

- preparation and implementation of policies, legislation and programs in accordance with standards of the EU and NATO Partnership;
- monitoring the state of the environment, nature and space, assessment and issuing permits for interventions in the environment and space
- environmental investments
- sustainable management of natural resources;
- nature protection;
- managing environmental data, water, space and information;
- raising public awareness, public involvement in decision-making and education;
- decentralization and cooperation with local self-government;
- partnership with stakeholders;
- international cooperation;
- providing public services;
- management of the entire process for climate change

### *Policy dissemination*

The MoEPP is set towards the policy development in the field of environment. Technical environmental activities are conducted by the Administration of Environment and Office of Spatial Information System, constituent bodies within MoEPP. In this context, responsibilities of MoEPP in regard to the constituent bodies are divided between MoEPP responsible for policy developing and bodies within MoEPP responsible for regulatory activities. Administration of Environment is authorised for implementation of the procedures for issuing permits and approvals, especially for the procedures of EIA, IPPC, prevention and control of major accidents with presence of hazardous substances, waste and air quality management, water management, protection the nature of the contamination. Administration of Environment is also responsible for enforcement of professional administrative work for nature conservation, professional activities in waste management expert works in water management, air, chemicals, noise and other areas of environment, professional activities for soil pollution protect, keeping Environmental cadastre and registry of pollutants and their characteristics, environmental monitoring and other things according to the law.

The Ministry uses several planning documents to set out its policy on the environment and how it aims to achieve that target, e.g.:

- Strategic Plan 2015 – 2017
- National Action Plan for the ratification and implementation of the Protocol on Heavy Metals, the Protocol on POPs and the Gothenburg Protocol to the Convention on Long-range Transboundary Air Pollution
- National plans for ambient air
- National Plan for Waste Management (2009 - 2015) of the Republic of Macedonia
- Management Plan for waste electrical and electronic equipment in the country with a feasibility study for the period 2013 – 2020
- Plan for closure of non-compliant landfills in the Republic of Macedonia

The MoEPP is also in the lead to also develop an updated *National Environmental Action Plan* (NEAP). The last (second) NEAP was adopted in 2006 and covered the period 2006 – 2011. It provided general guidelines and directions for the country in the field of environment, for that period. Besides establishing common priorities and objectives in different sectors, NEAP provided specific measures and actions that had to be implemented to achieve such goals. Additionally, the NEAP was considered to be the approach and the Government's response to the environmental problems in the mentioned period. Other important trends further strengthened the need for relevant and accurate guidelines to be defined within NEAP. This especially applies to the roles and responsibilities of local government - the process of decentralization, and the forthcoming National Strategy for Sustainable Development.

### *Engaging with the public*

The Ministry engages directly with the public via several communication channels:

- The management of an internet homepage – [www.moepp.gov.mk](http://www.moepp.gov.mk)
- Setting out a yearly overview of ministerial work

### **3.2.1.1. Department of Industrial Pollution and Risk Management**

#### **3.2.1.1.1. IPPC Unit**

The responsible authority for the implementation of IPPC-related legislation is the Department for Industrial Pollution and Risk Management as part of the Administration of Environment within MoEPP. In the IPPC Unit at the moment there are 7 employees, 4 of them are advisors on IPPC (permit writers), 1 of them is holding the position of junior associate and 2 of them are holding the position of technical assistants. Basic qualification required for technical staff writing IPPC A permits is to have a university degree (mostly engineering degree), while the experience of each employee depends from the position held

Experience shows a fast turnover of permit writers and they get training by the experienced people of the unit. For the permitting process see Part B– Permitting activities.

There is a need to improve the information exchange between SEI, IPPC Department, and Environmental Information Centre. In case of incident or accident, the industry owner has to inform first SEI, and SEI then follows a procedure defined.

#### **3.2.1.1.2. Chemicals and Industrial Accidents Unit**

They share responsibilities about chemicals with the Health and Drugs Agency, they are responsible for REACH, CLP. MoEPP for implementation of some groups of chemicals, like POPs, mercury (Minamata Convention), where they also work on the legislation.

Each year CFCs reduce 5% the consumption. They are already much lower than the levels in regulation.

POPs: Currently with legislation transposal, they cannot transpose the Regulation within one piece of legislation, so they are finalising an action plan to see how to do it. Main challenge for POPs besides hot spots is the decontamination of PBDs in WEEE, which is part of the action plan under approval.

In 2014 they finished the national implementation plan for POPs, including the new 10 substances, to be approved in March 2015. One project will start now with a decontamination of the hot spot with HCH in Skopje, with 25% support for GEF.

Now they have applied for a new project to implement the Minamata Convention, in particular initial assessment of the current status of mercury pollution in the country.

They were involved as well in the implementation of projects to reduce pesticides pollution.

They are responsible for the transposition, prevention and implementation of the Seveso Directive. They are involved in the Convention for transboundary effects of large industrial accidents. They have amended the Law of Environment, and developed legislation and manuals to support the elaboration and monitoring of safety reports and prevention, and

checklist for evaluation of safety reports and prevention policy for civil servants and inspectors. The low tier operators should start this year to prepare safety reports, next year the high tier operators. They have organised several trainings on the subject. They are in frequent communication with operators to check if they are high or low tier as a function of the chemicals they have, through a questionnaire. The results show that there are 18 Seveso installations in the country. Implementation of Seveso is less developed than chemicals. According to law they have established an intersectorial working group to implement Seveso, now being started.

#### **3.2.1.2. Air Quality Monitoring Unit (belonging to the Macedonian Environmental Information Centre)**

In the air quality monitoring unit currently there are 4 employees, who are responsible for management of the State automatic air quality management system, which consists of 17 monitoring stations. Due to the lack of spare parts, the coverage of the data is not good enough (<90%), but nevertheless they can express the air quality situation in the country. They are daily and annual PM10 exceedances in all stations and the highest values are measured in Tetovo and Skopje.

Additionally of this unit, there are 3 more employees in the sector, who are dealing with air. 2 of them are for analysis of the air emission data and preparation of the emissions inventory and one is responsible for modelling. There are no positions in the current systematisation in MoEPP for preparation of the air quality planning documents. Also, the LSGU do not have enough administrative capacities for preparation of the air quality plans.

In the new Air Quality Twinning project air quality plan for Skopje agglomeration will be prepared. Since there is no enough budget in the scope of the twinning project, there is need for additional financing for chemical analyses of the PM10 content, in order to define the proper measures for emission reduction, which was requested from the TA service contract (there is already a plan for municipality Bitola, plan for air emission reduction from LCP, National air quality plan and National emission reduction plan).

There is no data available of the emissions of traffic. Only the registration of cars and technical control is duty of Ministry of Interior.

#### **3.2.1.3. Water department**

Water Department started in 2005. The Law on Water was prepared in 2003, and after a long procedure due to the responsibilities of other Ministries, specially Agriculture, it was approved in 2008. It implied a transfer of responsibilities from the Ministry of Agriculture to the MoEPP. The implementation of the Law started in 2011. MoEPP is responsible for the water usage and ww collection and treatment. Ministry of Agriculture for the system of irrigation and drainage, Ministry of Transport for water supply and water collection infrastructures, Municipalities are



responsible for their public utilities (supply, collection and treatment of water), Hydromet Institutes, MoH regarding water quality.

The Department consists of 6 units, 3 of them are responsible for the RBMP for 3 River Basins, and another 3 units for water permits, concessions and planning.

The main focus of the department is about permits for water usage, supply and treatment, also water permits for hydropower plants, for abstraction for irrigation, water supply, fisheries, and ww discharge.

They issue as well the “water approval” for the construction of buildings or systems that alter the river bed.

Regarding implementation of EU Directives, they are transposed in the law, except for the Floods Directive. They have started with the preparation of RBMP, also developed secondary legislation to implement those Directives.

Main problems are:

- Related to permits for water discharge. For water usage 80-85% population is covered with fresh water. But only 15% of population is covered with WWTP.
- There is as well a gap related to payments and financial coverage of the system. The TA for tariffs system is expected to help supporting the problem.
- There is a lack of water accredited laboratories. The lack of validated data hinders the possible infringement procedures, as courts may consider those data unreliable.

Currently they are working on the reorganisation of the Ministry.

- They are planning to have a separate body for laboratory, as currently it is just a Department under the Administration for Environment. The plan should be finished by March 2015.
- They have proposed to have 2 more units: one for flood management, and split water permits unit in 2: water usage and water discharge.

There is a rulebook defining monitoring requirements. The problem is bigger in water quality than in air emissions. Large industries usually send the data required for the annual reporting, smaller ones don't.

IPPC installations:

- Specially for IPPC A installations they establish the conditions related to water discharges.
- With IPPC B installations in protected areas the same as with IPPC A.
- Water abstraction permit goes separately, issued by them.
- It is expected that there will be more input in the following years in the permitting (consultation) process, as the first permits were issued before Water Law was in place, so many conditions are not included yet.

#### **3.2.1.4. Waste Management Department**

The Department, established in 2010, consists of four units:

- Management of hazardous and historical waste
- Development of plans and programs for waste management
- Registration and evidence of waste managers
- Special waste streams management

WMD is the central administrative body responsible for waste management within the MoEPP/Administration for Environment that is responsible for carrying out the main tasks in the realm of administration, planning, monitoring and development of waste management projects on the national and local level. It is responsible for developing and elaborating waste management plans and programmes of national importance, for monitoring their execution, and for preparing periodic reports.

It is responsible for issuing consents, permits and registrations with regard to all waste management facilities and operations. It is accountable for notification/permitting waste shipment according to the Basel Convention, for monitoring and data collection/handling/reporting, for elaborating and coordinating technical and economic studies for the management of special waste streams and end-of-life products, and for elaborating programmes for the closure of illegal dumpsites and “hotspot” remediation.

#### **3.2.1.5. The Misdemeanour Commission**

It is part of the MoEPP and plays legal role in Permitting and Inspection. The Misdemeanour Commission was established under the Law on Environment<sup>2</sup>. It received 95 requests between February 2014 and December 2014, for initiation of misdemeanour procedure, filed by state environmental inspectors, authorized environmental inspectors in the municipalities, City of Skopje and municipalities in the City of Skopje, authorized communal inspectors, state market inspectors, as well as police officers, based on which the Misdemeanour Commission issued decisions for passing sanctions, imposing fines in an amount of 65.030 EUR.

According to article 212-a, paragraphs 3 and 4, the Misdemeanour Commission is composed of authorized persons of MoEPP, one of whom shall perform the function of Chairman of the Commission for Misdemeanours. It shall be composed of three members among whom:

- two graduated lawyers, one of whom shall have passed judicial examination and shall have five years working experience in the relevant field
- one person with higher education in the area of natural sciences and five years working experience in the relevant field.

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<sup>2</sup> Official Gazette of the Republic of Macedonia no. 24/2007

Data on the work of the Commission deciding on misdemeanours in the area of environment in MoEPP, for the period February – December 2014, are as follows:

<b>Report on the work Misdemeanour Commission for the period February – December 2014</b>		
Submitted requests for conducting misdemeanour procedure	Solved cases	Ongoing cases
95 (ninthy five)	60 (sixty)	35 ( thirty five)

<b>Misdemeanour Cases filed for misdemeanour procedure for the period February – December 2014, assorted by law</b>						
Law/Regulation	Environment	Waste	Noise	Water	Packaging	Total
Submitted misdemeanour cases in total	39	22	10	15	9	95

In accordance with the Law on Environment and in the frames of the work of the Commission for Mediation, during the reporting period, 9 requests to initiate mediation procedure were submitted, out of which for 5 agreements were reached and for 4 agreements were not reached, after which the misdemeanour procedure continues to be carried out in front of the relevant court.

### **3.2.2. Inspection Council**

The Inspection Council (IC) was established in January 2014 on the basis of *Law on Inspection Supervision*. The IC operates through 14 inspectorates and 15 inspection authorities. IC coordinates a total number of 1,500 employees out of which 900 are inspectors. They inspect 200 laws. Total Annual budget of all Inspectorates is 12 mil €. In total 900 inspectors perform 50 different types of inspections. The IC coordinates and oversees the work of state level inspectors. The IC has no role over local inspectors. For that reason the IC established a Memorandum of understanding with ZELS, to ensure a common framework for inspectors at both central and local levels.

Inspectorates on state level (14) and inspection authorities (15) are new legal entities with their own budget, independent from line ministries.

The areas of inspection under the IC coordination:

1. Protection of market and working regulations.
2. *Environment and health.*
3. Transport.
4. Agriculture.
5. Education, culture and science.
6. (Public) Administration.

Activities of IC, as defined in the Law on Inspection Supervision:

1. Coordination of inspectorates and inspection authorities.
2. Training and education of inspectors.
3. Licensing of inspectors.
4. Efficiency assessment of inspectorates and inspectors.
5. In the future: Inspection programmes and plans.

The IC has the authority to initiate disciplinary procedures against inspectors in case of violation of laws.

The IC is responsible for establishment of standards for work quality of the inspection services, efficiency and diligence in the functioning of the inspection services, as well as their coordination and harmonization of work (planned to be set with the Law on Inspection Supervision).

The new system has introduced licensing of inspectors. First license will be valid for a period of two years. After the first license, the next license will be valid for a period of five years. The IC will be in charge of licensing of inspectors. After the expiry date inspectors will have to renew them by taking the exam.

Important issue for IC is corruption. To fight it, electronic evidence will be used, transparency is needed a change public perception and there will be a cooperation with the State Anti-corruption agency.

### 3.2.3. Ministry of Local Self- Governments Units

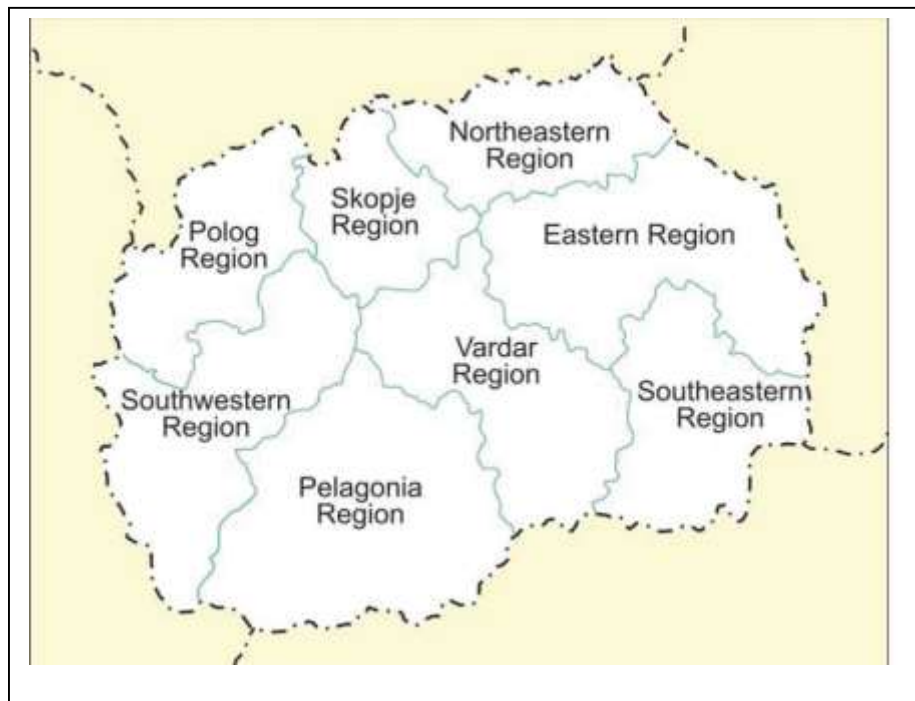
The Ministry of Local Self- Governments Units (MLSGU) is the Ministry which coordinates and financial supports the statistical regions. These regions support the Local Self- Governmental Units by e.g. training, planning, programming, reporting, information exchange etc.

The MLSGU has 50 employees. The MLSGU are monitoring 10 pilot municipalities chosen to cover all scope of municipalities. They have created the system of indicators to monitor performance, comparing municipalities within each region. They are developing training modules dealing with basic concepts on decentralisation, municipal response to central government, budget drafting, available online for self-training.

#### 3.2.3.1. Statistical regions

In the country there are eight statistical regions. In every statistical region there is a Regional Centre supporting the common initiatives by municipalities. The statistical regions train the Local Self- Governmental Units on how to prepare and implement projects. They are financed 50% by State and 50% by municipalities. The MLSGU has given 4 years, until 2017, to these Centres to prove their usefulness. They finance 3 employees per centre, but other Ministries are using them as well, so staff cannot cope with all.

Map with the statistical regions of the country



Also see:

Useful links to all Statistical or Plan regions in the country

<http://pelagonijaregion.mk>

<http://vardarregion.gov.mk>

<http://www.skopjeregion.gov.mk>

<http://www.southwestregion.mk>

<http://www.rdc.mk/southeastregion/index.php/mk/>

<http://www.eastregion.mk>

<http://www.northeastregion.gov.mk>

<http://rdcpolog.mk/index.php?lang=en>

### **3.2.4. State Environmental Inspectorate (SEI)**

The SEI is one of the eight constituent bodies within MoEPP. The SEI is a special legal entity under the MoEPP which is the competent authority for inspection and supervision over the enforcement of laws and regulations in the area of environment on national level. Since May 2014 the SEI, as constituent body within the MoEPP, acquired status of a legal person with its own budget.

Inspection surveillance in the field of environment is also divided at two levels: central level where basic jurisdiction lays within the SEI and local level, where the key role lays within the authorized environmental inspectors of the Local self-governments units (LSGU, local inspectors). The SEI can only administrative supervise the LSGU, there is no further possibility to interfere.

Other relevant Inspectorates carry out certain aspects of the inspection surveillance at the central level. Each of the inspectorate acts within the area of its own jurisdiction.

#### *Main tasks and functions*

The State environmental Inspection is responsible for inspection and enforcement of measures for the protection of air, waters, soil, degradation and pollution of flora and fauna, protection of geo-diversity and biodiversity, and areas protected by law (national parks, monuments of nature, forest parks, ornithological reserves etc.), protection of the ozone layer, protection from harmful noise in the environment and the protection of ionizing radiation.

As planned in 2015, the structure is expected to be established as follows in the scheme below. At the moment the total number of positions allocated to SEI is 1+73=74, while currently 1+25 are actually filled. SEI is in process of preparing a new reorganization, but the division into the sectors shown below will remain the same, except for the case of the first 3 departments which will be grouped into 1 department for financial resources and internal audit, and number of staff will be recalculated as well:

**DIRECTOR**

DEPARTMENT FOR FINANCIAL ISSUES (1+7)

DEPARTMENT FOR INTERNAL AUDIT (1+2)

DEPARTMENT FOR HUMAN RESOURCES (1+3)

SECTOR FOR ENVIRONMENTAL AND NATURE PROTECTION INSPECTION SUPERVISION

SECTOR FOR WATERSUPPLY INSPECTION SUPERVISION

SECTOR FOR COORDINATION ON THE INSPECTORATE

**SECTOR FOR ENVIRONMENTAL AND NATURE PROTECTION INSPECTION SUPERVISION (2+36)**  
**(1) Head-Senior Inspector and**  
**(1) Deputy Head-Deputy Senior Inspector**

Regional Department - Skopje Region  
SKOPJE (8)

Regional Department - Polog Region  
TETOVO (7)

Regional Department - NorthEast and East Region  
STIP (7)

Regional Department - Vardar Region  
VELES (4)

Regional Department - SouthWest and Pelagonia Region  
BITOLA (5)

Regional Department - SouthEast Region  
STRUMICA (5)

**SECTOR FOR WATERSUPPLY INSPECTION SUPERVISION (2+6)**  
**(1) Head-Senior Inspector and**  
**(1) Deputy Head-Deputy Senior Inspector**

Regional Department - Skopje, Polog, SouthWest and Pelagonia Region, SKOPJE (3)

Regional Department - NorthEast, East, Vardar and SouthEast Region, VELES (3)

**SECTOR FOR COORDINATION ON THE INSPECTORATE (2+10)**  
**(1) Head and**  
**(1) Deputy Head**

Department for general administrative procedures on Inspectorate, SKOPJE (5)

Department for analytics, international cooperation and projects, SKOPJE (5)



Figure above: Organigram of the State Environmental Inspectorate (SEI)

The responsibilities of the SEI (art. 198 and 199) can be summarized as follows:

- Supervision of installations with A-integrated environmental permit/A-adjustment permit and B-integrated permit/B-adjustment permit (if installation is located within nature protected area).
- The Environmental Inspectorate is responsible for compliance, checking and enforcement of laws, sub-laws and regulations.

### *Staffing*

Currently the SEI consists of a Director, 2 Heads of Sector for Environmental supervision and Sector for Nature Protection and Waters Supervision and 19 State Environmental Inspectors (11 of them are in the same time State Nature Protection Inspectors), and 4 administrative staff). The Law on Environment introduces for the first time authorised local inspector for environment and provides basic provisions for their work.

### *Activities of the SEI*

Since January 2007 the inspectorate's activities have been planned on the basis of annual and monthly work plans, with the exception of non-routine site visits and cases of emergency. For each investigation it prepares a Record of Statement.

In practice the plans for inspection are prepared taking into account the number of installations, the level of risk, and the frequency of inspection in IPPC and Seveso installations.

SEI has the power to determine, inter alia:

- whether monitoring is performed according to law or legally imposed conditions of operation,
- whether approved equipment is used in monitoring and whether it is regularly maintained,
- whether the data obtained from monitoring are submitted in correct manner and form for inclusion in the Register of Pollutants and Cadastre of Environment
- whether EIA studies have been prepared and submitted to the responsible body,
- whether a decision has been made on the approval of the project,
- and whether the project is carried out in compliance with conditions and measured specified in the approval.

For investigation of accidents SEI collaborates with the relevant authorities such as police, customs officials, emergency response and crisis management authorities, courts, judges, prosecutors, and other relevant authorities.

Activities for control of the operating installations, according to the transposed criteria are:

- Site visits



- Monitoring achievement of Environmental Quality Standards
- Considerations of environmental audit reports and statements
- Consideration and verification of self- monitoring by operators
- Assessing activities and operations carried out at the controlled installation
- Checking the premises and relevant equipment and adequacy of environmental management
- Checking relevant records kept by the operators of controlled installation

The site visits to installations are main tool in the hands of inspectors to ensure compliance with legislation. Environmental inspections are performing as routine and non-routine inspections (art. art 198.3 on regular inspections and 208 in the Law on Environment). SEI is authorized to carry out inspection supervision at any time and directly on the location, without prior announcement (art. 208 in the Law on Environment). SEI is entitled to:

- Request that result from investigations, analyses and measurements conducted by the operator are submitted to the authority
- Take samples, analyse and measure the substances released in the environment, as well as noise and energy
- Take samples and analyse materials and products used or processed, as well as waste products.

#### *Budget*

The SEI annual budget for 2015 is 15 million denars (250.000 €), out of which:

- 12 million (200.000 €) for inspectors' salaries.
- 3 million (50.000 €) for everything else.

#### *Reporting*

Monthly (Macedonian language only) and Annual reports and another info for activities on SEI will be available on the web page: [www.sei.gov.mk](http://www.sei.gov.mk)

### **3.2.5. Local Self- Governments Units**

The Law on Local Self-Governments of 2002 delegated a variety of tasks to municipal level, including competence to perform urban and rural planning, protection of environment, nature and spatial regulation, municipal services such as water supply, waste water treatment, collection, transport and disposal of municipal waste and supervision of the performance of activities carried out under municipal competency. Thus, implementation and inspection responsibilities of municipal importance have been delegated to the local self-government units (LSGU's). The law also introduces the possibility of Inter-municipal Cooperation in performing the functions under municipal competences. This requires a mutual agreement among the municipalities involved.

The Environmental legislation also places a large number of competences onto municipal level.

According to the Plan for Institutional Development of the National and Local Environmental Management Capacity 2009 – 2014, main administrative functions of LSG Units in the area of environment can be presented as follows:

	Preparation and adoption of legislation	Preparation of strategies plans and programmes	Monitoring	Technical standards and accreditation	Directions and training	Registration, licences, permits	Inspection	Supervision / enforcement	Financial instruments	Information system	Data collection and reporting
Waste management	√	√	√	/	√	√	√	√	√	√	√
Horizontal legislation	/	√	/	/	/	/	√	√	/	√	√
Control of industrial pollution	√	√	√	/	√	√	√	√	√	√	√
Waters	/	√	√	/	/	√	√	√	√	√	√
Air		√	√	/	/	/	√	√	/	√	√
Noise	/	√	√	/	√	/	√	√	/	√	√
Nature	/	√	√	/	√	/	/	/	√	√	√
GMO	/	/	/	/	/	/	/	/	/	√	√
Chemicals	/	/	/	/	/	/	/	/	/	/	/

#### *Staffing LSGU's (to implement the Environmental legislation)*

Local self-government Units (LSGU) in the country quite differs from one to another in terms of number of population, which varying from 3,000 to 500,000 inhabitants. At municipal level, there is deficiency of staff and financial resources necessary to respond to the key functions of environmental management. The capacity of LSGU for implementation of the laws in the field of environment is not sufficient and sometimes is fully absent. For small municipalities there is a difficulty to provide sufficient trained personnel. In 2014 271 posts are envisaged for civil servants working on environmental legislation implementation, out of which 82 are filled in and 209 positions for local inspectors for environment are envisaged, out of which 110 are appointed.

*Insufficient administrative capacity for implementation* at municipal level is considered to be a serious challenge. Although some trainings have been provided the administrative capacity to deal with environmental laws at municipal level for implementation and enforcement of environmental legislation are not sufficiently built.

With regards to implementation, the municipalities particularly need strengthening of the capacities to implement the environmental legislation in integrated way, taking into consideration all possible pollutions and mitigation measures at the same time and providing

guidance in accordance to local and national environmental planning document. Municipalities need support for implementation of requirements in air quality, waste and water management, noise protection sectors, as well as in using environmental management instruments in particular issuing B-IPPC permits for B installations and approving of environmental protection elaborate. In regard to their competencies for water management, municipalities need to strengthen their capacity for preparation of investment projects related to water supply and waste water treatment, as well as in obtaining water usage and water discharge permits for utilities companies. In addition such need is as well recognised for waste management infrastructure.

The municipalities are united in the *Association of the Units of Local Self-Government of the Republic of Macedonia (ZELS)* and Local-Self Government Units Competencies. ZELS was established in 1972. ZELS is a non-profit organization and the only national association in which voluntary members are all 80 municipalities plus the City of Skopje (total 81), as a separate unit of local government (City of Skopje consist of 10 municipalities and the city of Skopje that also enjoy the status of municipality).

### **3.3. Overview of relevant legislation**

#### **3.3.1. Introduction**

One of the main targets of the Ministry of Environment and Physical Planning (MoEPP) in the Republic of Macedonia is to improve the implementation of and compliance with environmental legislation of all Macedonian industries, enterprises, other stakeholders as well as of its citizens. Environmental Inspectorate bodies in the Republic of Macedonia were organised under the line Ministry, for the time being, as well as under the local cities and municipalities, but currently are in the process of becoming independently operating bodies. This process will be completed upon the adoption of a Law for Inspection on Environment to cover issues that are not covered by the Law on Inspection Supervision (OG 50/10, 162/10, 157/11, 147/13, 41/14). SEI became an independent legal body in 2014 with own budget, but it will still be one of the eight constituent bodies within MoEPP, and authorised inspectors on local level keep residing under the jurisdiction of the local self-government units (LSGU). The SEI can only supervise the LSGU at an administrative level but there is no possibility to supervise all their programmes, plans and executions in practice. This system follows a similar structure to the one implemented in the Republic of Croatia in the period 2000 – 2014.

#### **3.3.2. The Law on Inspection Supervision**

In the Republic of Macedonia, based on the Law on Inspection Supervision, the Inspection Council (IC) was established in January 2014. The IC operates through a president and several coordinators, with one of them being responsible for health and environment issues. The main activities of the IC are the coordination of inspectorates and inspection authorities in the Republic of Macedonia; providing the training and education for inspectors and to administer

the process of licensing of inspectors. After the expiry date of their licence inspectors will have to renew them by taking the prescribed exam. Besides this exam, inspectors are obliged to pass the general state exam for civil servants. It is important to note that the IC coordinates and oversees the work of state level inspectors. This body should provide the basis for the general efficiency assessment of the different inspectorates and inspectors and should provide confirmation of Inspection programmes and plans. The IC has no general competence over local inspectors. For that reason the IC entered into a Memorandum of Understanding (MoU) with the Association of Local Self Governments (ZELS), agreeing that prescriptions should be common to both central and local inspectors. Besides regulating the rights and duties of inspection services that organisationally are part of the different ministries, the Law on Inspection Supervision also regulates the different units within the bodies of state administration and the units of local self-government and the city of Skopje regardless of their nature. The Law on Inspection Supervision is based on the principles of independence, publicity, proportionality, prevention and subsidiarity. The Law also regulates the status of all inspectors (state and local), licencing procedure of inspectors, monitoring and evaluation of the work of inspectors. It also provides the basis for professional training and improvement of the inspectors' work. Special provisions cover the rights, obligations and authorisation of inspectors.

### **3.3.3. Current structures and enforcement of environmental law**

#### *Coordination with other projects*

There are two on-going technical assistance projects in the Republic of Macedonia specially relevant: 'Strengthening the Institutional Capacities for Approximation and Implementation of Environmental Legislation in the Area of Water Management', which already made a legal assessment; and 'Strengthening Capacities for Implementation of Environmental Legislation at Local Level'.

The IPPC Directive has already been transposed in Macedonia. The competence for permitting of all industrial activities in the Republic of Macedonia is shared between the MoEPP and LSGU (cities and municipalities). Industrial activities are currently divided into two groups: IPPC A and IPPC B. The IPPC A activities are related to Annex 1 of the IED and the rest of the industrial activities reside under the IPPC B category. IPPC B installations also get a single permit which includes prescriptions on all media (air, water, waste, etc.), but not with BAT as a basis, and without a public debate / adequate involvement of stakeholders and the public/local population. All IPPC A and IPPC B permits are revised after 5 years, in case there are no specific requirements for modifications or amendments of permits.

#### *MoEPP*

The MoEPP is the competent authority for issuing IPPC A permits, and the LSGU (cities and municipalities) is the competent authority for IPPC B permits with the exception of the

installations in the protected areas. MoEPP is in charge of issuing IPPC B permits when the installation is located in a protected area. All IPPC B permits are checked for technical merit by the MoEPP. It is reported that until now 101 IPPC A permits are issued while the LSGU issued 164 IPPC B permits. The total number of IPPC A installation is estimated at 150 and the number of IPPC B installations is estimated at 400-500.

#### *SEI*

Currently, the SEI is the responsible body for conducting inspections and adopting enforcement measures for the purpose of protection of air quality, inland waters and water basins, soil, degradation and pollution of protected flora and fauna, protection of biodiversity, protection of geodiversity and natural resources as well as areas protected by law (national parks, monuments of nature, forest park, ornithological reserves etc.); protection of the ozone layer, protection from harmful noise in the environment and the protection of ionizing radiation. The state environmental inspectors supervise the installations with IPPC A permit, and also IPPC B permit if these are located within a nature protected area. They are also responsible for compliance, checking and enforcement of environmental laws, sub-laws and other regulations.

The total number of employees in SEI is 26 persons. The SEI consists of a Director, 2 Heads of Sector for Environmental supervision and Sector for Nature Protection and Waters Supervision and 19 State Environmental Inspectors (11 of them also licenced as State Nature Protection Inspectors), 1 technical secretary and 2 administrative staff.

#### *Local authorized inspectors*

The Republic of Macedonia started a process of decentralisation in 2005, transferring certain powers from the central government in Skopje to the municipalities. The Law on Environment introduced for the first time authorised “local” inspectors for environment and provides the basic provisions for their work. They are defined as an ‘Authorized Inspectors of Environment of the municipality’ and ‘Authorized Inspectors of Environment of the City of Skopje’ and ‘Authorized Inspectors of Environment of the municipalities of the City of Skopje’ (Authorized Inspectors). They are responsible for the inspection at the local (municipal) level. There are 81 municipalities in Macedonia, which should each have at least 1 inspector appointed by the LSGU. Currently, there are only 41.

Due to the previously mentioned process of decentralization, local/municipal authorised inspectors have to deal not only with environment supervision but also with other issues transferred to municipalities as well as administering the process of issuing the IPPC B permits.

In addition to issuing the IPPC B permits, the municipalities, i.e. the authorized inspectors, are in charge of issuing most of the so-called ‘environmental elaborates’ which includes a description of the installation and the relevant prescriptions applicable to environmental media (air, water, waste etc).

### **3.3.4. Preliminary conclusions/observations**

Currently, the competent authorities suffer from a lack of capacities and skills specially at the local level, affecting the quality of the issued IPPC B permits and inspection performance.

The enforcement of environmental legislation needs effective supervision which can be achieved through re-structuring the organisational set up and continuous capacity building of the State Environmental Inspectorate, the Authorized Environmental Inspectors of local self-governments and other relevant bodies. EU law requires that efficient inspection control is in place in order to combat environmental offences on national, European and international level.

In addition, strengthening the judiciary by providing an effective system of environmental sanctions is required.

Introduction and development of measures to encourage development and promotion of financial security instruments or market based instruments for proper implementation of the principle of environmental liability is needed. Moreover, it is important to strengthen the capacity of all administrations dealing with the environment as well as SEI and Authorized Environmental Inspectors of local self-governments regarding the assessment of existing or potential environmental damage and preventive and remediation measures that need to be developed.

### ***3.4. Main legal gaps detected affecting environmental inspection & enforcement***

The current institutional set up is developed to meet the national requirements, however it needs further development in order to be able to adequately implement the EU's environmental inspection requirements. Sector specific implementation gaps were identified for IPPC/IED, water protection and air quality. A general implementation gap that applies to all sectors relates to the lack of adequate human capacity on local level in terms of number and skills. Furthermore, in general, their competences are spread among too many issues, mainly communal ones, resulting in a low level of supervision of environmental compliance and the virtual absence of adoption of enforcement measures. This constitutes the main underlying reason for uncontrolled emissions by numerous installations under the jurisdiction of the authorised inspectors.

Efforts to overcome these implementation gaps, among others, include an EU supply contract providing equipment to inspection authorities and developing a system for the processing of data from inspection, and a specific website for SEI.

### 3.4.1. IPPC/IED related legislation

The IPPC Directive has been transposed into national legal system. However, the new IED is still to be transposed, including its updated terminology. In order to meet the EU inspection requirements as defined in article 23 IED, the Republic of Macedonia (as well as any other candidate country) must establish a system that provides a platform for implementation of the provisions of article 23 IED. Most of these provisions are not laid down in Macedonian law at the moment, hence there exists an important gap between EU requirements and national law in this respect. Until the adoption of the IED there were no detailed legally binding rules for inspections and operators in EU law, though general requirements regarding efficient implementation and enforcement always apply. Guidance was provided by the RMCEI which was not legally binding, since it is only a recommendation. Nevertheless, the RMCEI provides a good basis for the establishment of effective and unified inspection systems in all EU Member States. The IED requires the Member States to “set up a system of environmental inspections of installations addressing the examination of the full range of relevant environmental effects from the installations concerned. Member States shall ensure that operators afford the competent authorities all necessary assistance to enable those authorities to carry out any site visits, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive. Member States shall ensure that all installations are covered by an environmental inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.”

The IED, for the first time, obliges the Member States to ensure that operators afford the competent authorities all necessary assistance to enable them to carry out site visits, to take samples and to collect information necessary for the performance of inspection duties for the purposes of IED. The IED furthermore requires the Member States to prepare inspection plans that should cover all installations at national, regional and local level. They are also required to regularly review and update these inspection plans.

Article 23 IED requires that the environmental inspection plans shall include the following:

- a general assessment of relevant significant environmental issues;
- the geographical area covered by the inspection plan;
- a register of the installations covered by the plan;
- procedures for drawing up programmes for routine environmental inspections;
- procedures for non-routine environmental inspections;
- where necessary, provisions on the cooperation between different inspection authorities.

Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations.

The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.

If an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.

The systematic appraisal of the environmental risks shall be based on at least the following criteria:

- the potential and actual impacts of the installations concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
- the record of compliance with permit conditions;
- the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009.

Besides the scheduled minimum number of inspections that are to take place every one to three years, it is required that *non-routine environmental inspections* shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit. Nearly all of the requirements laid down in art. 23 IED described above have not yet been properly taken care of in Macedonian law.

Art. 23 also prescribes that, following each site visit, the competent authority shall prepare a report describing the relevant findings regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.

The report shall be notified to the operator concerned within 2 months of the site visit taking place. The report shall be made publicly available by the competent authority in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information within 4 months of the site visit taking place.

The competent authority shall ensure that the operator takes all the necessary actions identified in the report within a reasonable period.

IED requirements summary (compared with IPPC and RMCEI)\*:

Planning	RMCEI	IED	IPPC
Describing the content <ul style="list-style-type: none"> <li>• identifying the scope</li> <li>• information gathering</li> </ul>	++	-	-
Setting priorities <ul style="list-style-type: none"> <li>• risk assessment</li> <li>• ranking and classification</li> <li>• resources</li> </ul>	+	++	-
Defining objectives and strategies <ul style="list-style-type: none"> <li>• inspection targets</li> <li>• inspection strategies</li> <li>• communication strategies</li> </ul>	-	-	-
Planning and Review <ul style="list-style-type: none"> <li>• resources and conditions</li> <li>• producing plans and programmes</li> <li>• review and revision</li> </ul>	+	+	-
Execution and framework	+	+	+/-



Execution and reporting	++	+	-
Performance monitoring	+	-	-
Quality assurance	+		

\*Source: IMPEL Project on IED. The + and – signs indicate whether the issue is covered or not, and the degree in which it is covered.

### 3.4.2. Air Quality Framework Directive related legislation

Due to its EU candidate status, Macedonia is required to integrate the EU Environmental *Acquis* into its air quality environmental policies, regulations and laws. The process of adoption of laws in the air quality sector is considered to be completed and includes the ‘Law on Ambient Air Quality’ (“Official Gazette No. 67/04, 92/07, 35/10, 47/11, 59/12, 163/15 and 10/15) and numerous related sectoral bylaws and regulations.

Inspection over the enforcement of the Law on Ambient Air Quality and regulations adopted on the basis of this Law, and enforcement of measures for the protection of air in general, is carried out by SEI.

LSGUs have competences over the planning of air quality protection, and in particular over the development of Short-Term Action Plan for Protection of Ambient Air. At the level of zones and agglomerations, LSGUs should join efforts and should develop Plan for Improvement of Air Quality at Local Level in zones and agglomeration when air quality is above the Emission Limit Value (ELV). LSGU may establish local monitoring network for air quality and thus have obligations to collect data for air quality and disseminate to MoEPP and the public.

LSGUs have obligations with regard to the monitoring of air emissions from IPPC B Installations and to the development of measures directed towards IPPC B installations in order to prevent or mitigate air emissions. Authorized environmental inspectors carry out supervision over activities within the competence of the municipalities and the City of Skopje, in accordance with Law on Ambient Air Quality. In as far as the LSGUs or state inspectorate are not effectively inspecting these installations and enforcing the norms, a gap exists between Macedonian law and EU requirements (demanding that measures punishing infringements are adopted and effectively implemented).

### 3.4.3. Water Quality Framework Directive related legislation

For a full analysis of Macedonian legislation related to the transposition of the Water Quality Framework Directive, and gaps detected to complete the transposition process in this topic, please refer to the legal assessment report performed by the EU Technical Assistance project ‘Strengthening the Institutional Capacities for Approximation and Implementation of Environmental Legislation in the Area of Water Management’. In the following paragraphs a brief discussion of some key points is made.

Responsibilities and obligations in water management are spread out over several ministries: the Ministry of Environment and Physical Planning is designated competent authority for implementation of the Directive, in cooperation with the Ministry of Agriculture, Forestry and

Water Economy, Ministry of Economy, Ministry of Transport and Communications, Ministry of Education and Science, Ministry of Health and Public Health Institute.

Due to its EU candidate Member State status, the Republic of Macedonia is required to integrate the EU Environmental *Acquis* into its water sector policies, regulations and laws. The process of adoption of water sector laws aligned with the *acquis* includes the Law on Waters ("Official Gazette No. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13 and 180/14) and numerous related sectoral bylaws and regulations.

Implementation of the Water Framework Directive and related sectoral EU legislation is at an early stage in the Republic of Macedonia, with only few obligations reported as completely implemented.

In the upcoming period, it is necessary to make additional efforts in order to ensure the enforcement of the legislation on waters management and implementation of measures specified in the related legislation. Administrative capacity in the water sector is weak at both national and local level. Further strengthening of their capacities is necessary. Capacities of MoEPP and units of the LSGUs are not sufficient to fulfil the obligations under the Law on Waters. Achievement of adequate implementation of the Law requires quantitative and qualitative upgrades in the administrative structure, both on central and local levels, and a well organised and efficient enforcement body.

The Law on Local Self-Governments of 2002 delegated a variety of tasks to municipal level, including competence to perform environmental protection activities related to municipal services such as water supply and waste water treatment. As such, implementation and inspection responsibilities of municipal importance have been delegated to the LSGUs. Similarly, environmental legislation also places a large number of competences at the municipal level. There are 81 LSGUs in Macedonia. Some of the main delegated competences to LSGUs in the water sector include: pollution prevention and protection of waters; technological and drinking water supply; drainage; and collection and treatment of wastewaters and rain waters. When issuing IPPC B permits, LSGUs have an obligation to set the emission limit values of water discharge and to advise the IPPC B installations on obtaining water usage and water discharge permits from the MoEPP, as well to obtain water usage and water discharge permits for the public utility company in their territory.

To be able to fulfil obligations related to control of the implementation of related legislation in the water sector a systematic approach is required in terms of competences. SEI, with its water unit, must enhance the administrative capacity of the LSGUs and subsequently establish a strong inspection body able to facilitate cooperation with all parties involved in waters management, including the competent ministries and institutions on one side and operators on the other, while performing inspection.

### ***3.5. Recommendations from experts performing the legal assessment***

During the expert missions and meetings with representatives of the main beneficiaries and stakeholders it was found out that most of them are confident that there are two options how the responsibilities regarding checking the compliance can be organised. Each option takes

into account the need to change the terminology to avoid confusion between IPPC installations (IPPC A installations) and non IPPC installations (IPPC B installations).

### **3.5.1. Option 1: Maintain status quo**

Keep the system as it is now – two levels of responsibilities, being:

- I. Environmental Protection Inspectors: responsible for supervision of:
  - installations with IPPC permit / installations under IED regime – issued by MoEPP
  - and for activities with environmental elaborates issued by MoEPP
- II. Authorized Inspectors of Environment of the municipality, Authorized Inspectors of Environment of the City of Skopje and Authorized Inspectors of Environment of the municipalities of the City of Skopje - responsible for supervision of :
  - all other installations (non IPPC) with permits issued by local authorities
  - and for activities with environmental elaborates issued by local authorities

### **3.5.2. Option 2: Design a new legal framework**

Design a new legal and organizational framework. This framework should only pertain to the establishment of Environmental Protection Inspectors (EPIs). These 'State Inspectors' should reside under the SEI. EPIs consists of Central office in capital and branch offices in Macedonian cities and municipalities. Distinctions among responsibilities.

Inspectors in the Central Office (former Environmental Protection Inspectors). Central office consists of office in Skopje and branch offices:

- responsible for installations with IPPC permits / installations under IED regime – issued by MoEPP

Inspectors in the offices in the cities and municipalities (former Authorized Inspectors):

- responsible for all other installations (non IPPC) with permits issued by local authorities
- responsible for the activities with environmental elaborates issued by local authorities

*Preconditions - new permitting system:*

- Installations with IPPC permit or installations under IED regime – issuing by MoEPP
- All other installations (non IPPC) – issuing by local authorities

Activities with environmental elaborate - issuing by local authorities

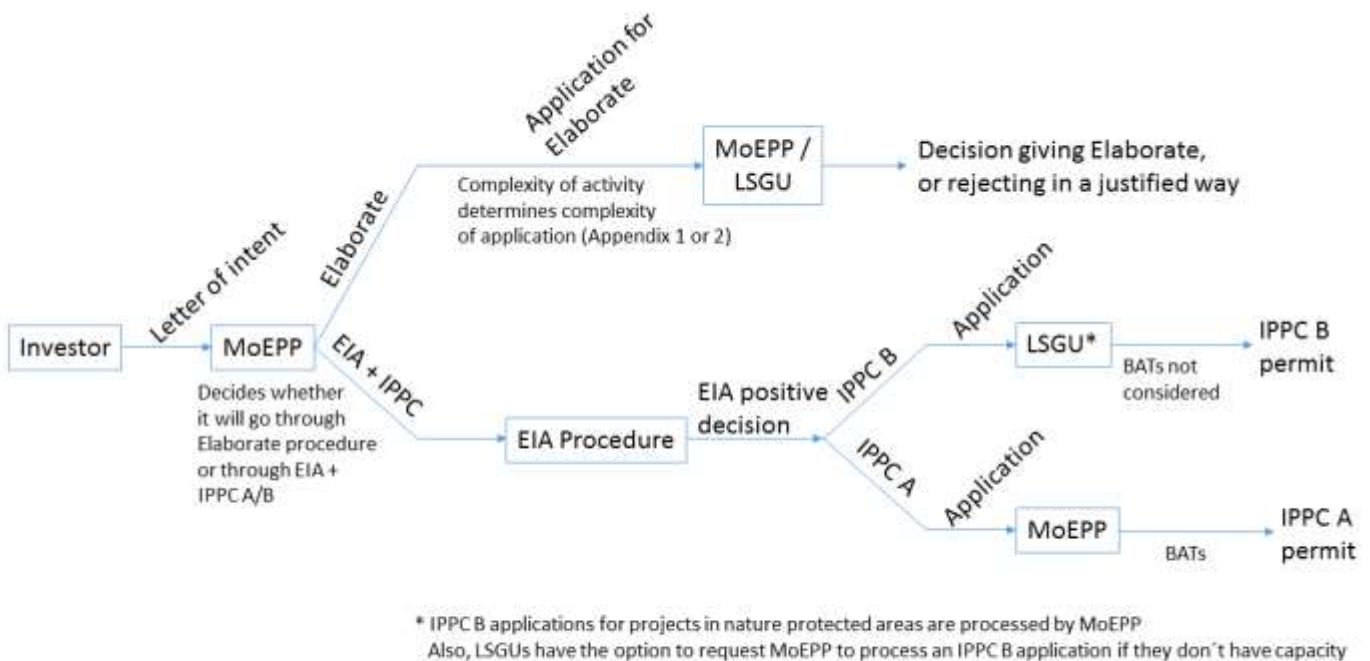
The authorized inspectors and the mayors of the municipalities will retain their position with regard to the issuance and supervision of the 'environmental elaborates'. The competence to issue and supervise the IED-permits will be moved exclusively to the Environmental Inspectorate.

Some of secondary legislation acts relevant to the implementation of the project are included in annex 1

## Part B– EIA & permitting activities

### 3.6. General scheme of licensing procedure

When an investor wants to start an activity, the general scheme that will follow is summarized in the next figure:



In the following subsections we will focus on IPPC A and IPPC B activities, which are the ones with a higher environmental impact.

### 3.7. EIA & permitting overview

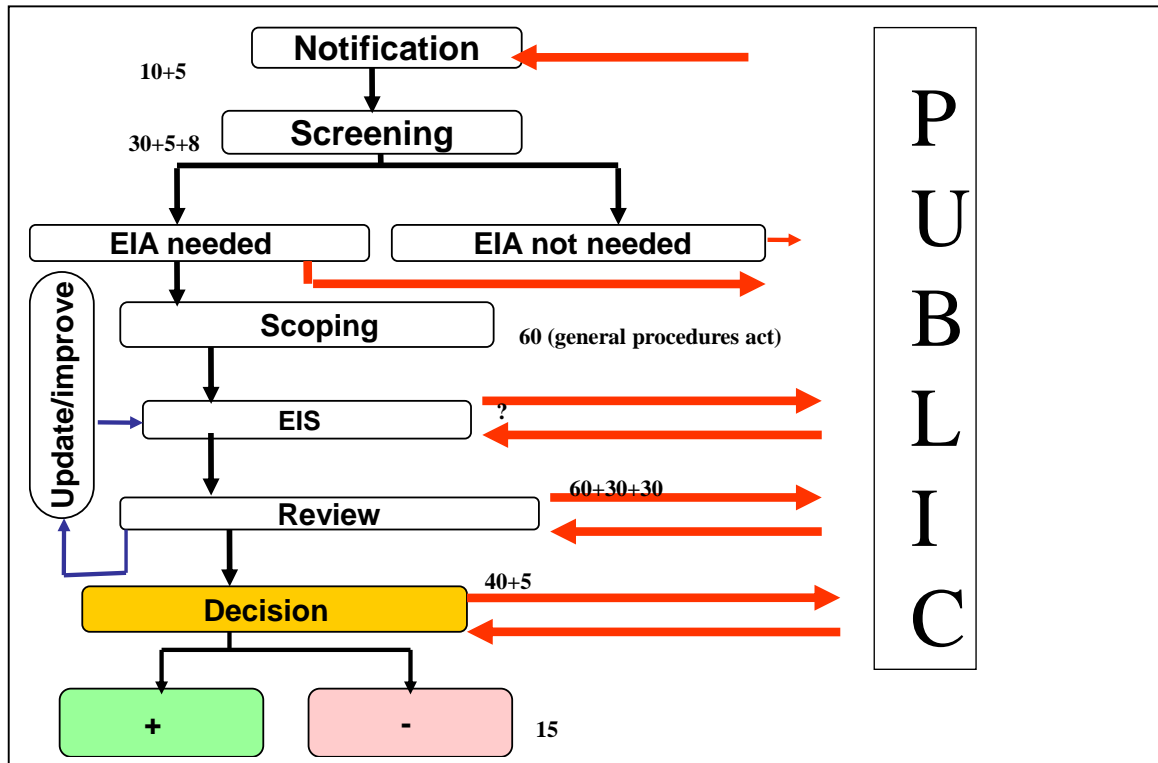
The competence for permitting industrial activities in the country is mainly for the MoEPP and LSGUs.

The activities are classified in two groups of IPPC A and B. The IPPC A activities are the ones in the annex 1 of the IED and most of the rest of the industrial activities are under the B group. The rest of activities, mainly in residential soil are licensed by the LSGU.

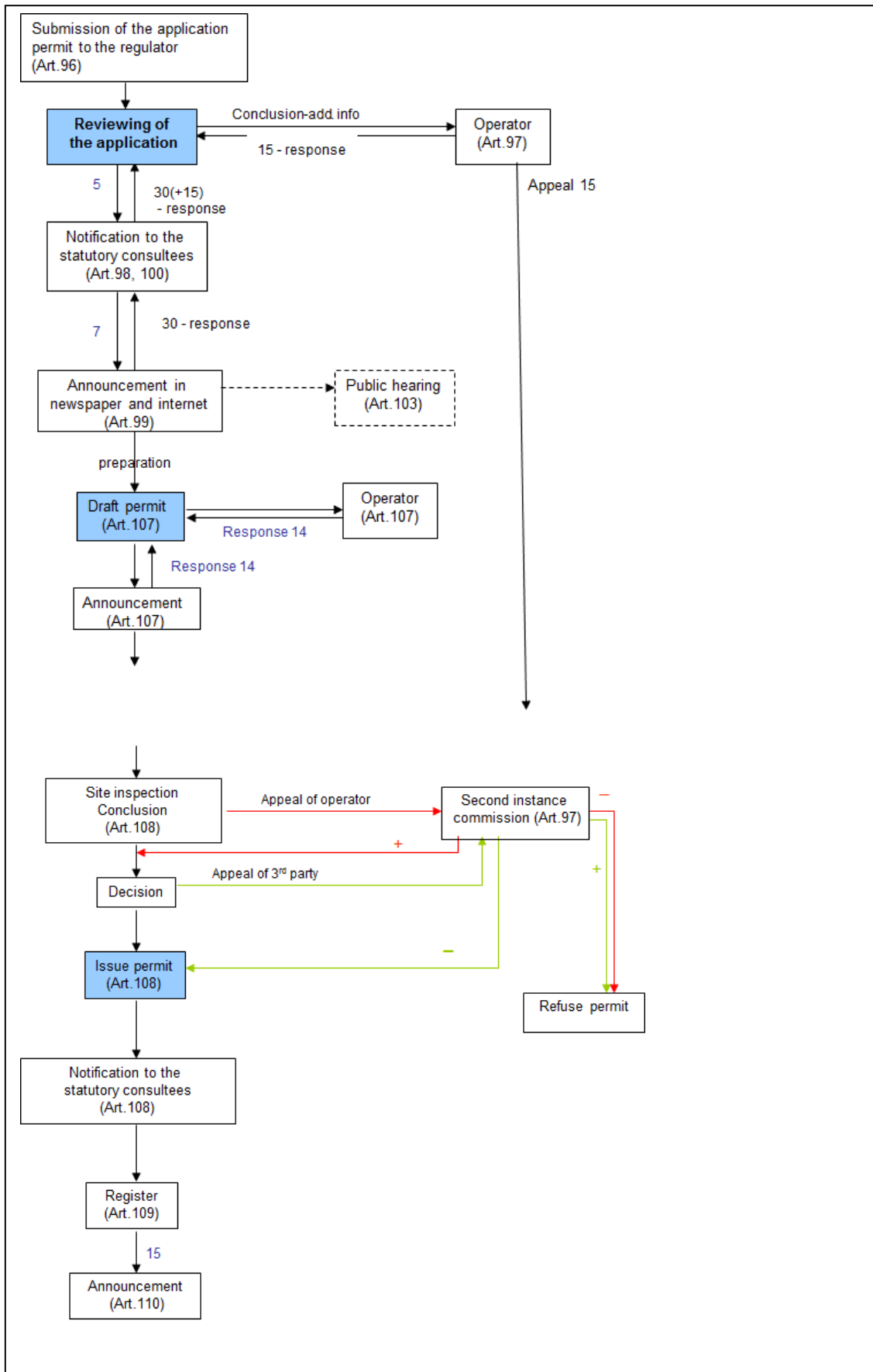
MoEPP is the competent authority for IPPC A and, in the case of IPPC B, only those in protected areas.

LSGUs are the competent authority for IPPC B and, in some cases due to lack of resources they have asked the support of the MoEPP.

The procedure for EIA is summarised in the following figure with the approximate days required in each step. The EIA procedure is done **before** the IPPC.



The following figure reflects the steps to prepare the Integrated Environmental Permit:



The responsible authority for the implementation of IPPC-related legislation is the Department for Industrial Pollution and Risk Management as part of the Administration of Environment within MoEPP. In the IPPC Unit at the moment there are 7 employees, 4 of them are advisors on IPPC (permit writers), 1 of them is holding the position of junior associate and 2 of them are holding the position of technical assistants. Basic qualification required for technical staff writing IPPC A permits is to have a university degree (mostly engineering degree), while the experience of each employee depend from the position held.

It is estimated that in Republic of Macedonia there are about 140 A-installations and about 400-500 B-installations. By date, 135 applications for obtaining A or B adjustment permits and A or B-IPPC permit were received in the MoEPP, while 100 of them are issued. There is no precise data about applications for adjustment permits or B-IPPC permit for B-installations; however, the municipalities by date have issued around 170 permits for B-installations.

Some issues to collect more information:

With regard to industrial pollution, issuance of adjustment permits with adjustment plans or issuance of integrated environmental permits continued. The total number of IPPC A applications submitted so far is 142.

<b>Overview of the process of issuance of adjustment permits with adjustment plans for the period 1 February 2014 – 31 December 2014</b>	
Issued A – adjustment permits with adjustment plans	30
Issued A – Integrated environmental permits	3
Amendments to A – adjustment permits with adjustment plans	2
Issued B – adjustment permits with adjustment plans	2
Issued B – Integrated environmental permits	2
Prepared Draft A – adjustment permits with adjustment plans	14
Applications under review	13

**Baseline report (report of the initial condition of soil):**

There are no provisions in the national legislation to implement this provision of the IED. Under the provisions of article 22.2 of IED, where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated.



The only specific provisions on soil pollution are established in the Article 42.1 of the Law on Environment by which the MoEPP shall establish and maintain the unique Environmental Cadastre (hereinafter: Cadastre), which shall include the Cadastre of polluters of air, water and soil, as well as other Cadastres.

On the other hand according to article 199.1 of the Law on Environment, State Inspector of the Environment, shall have the right to perform supervision over the application of measures for protection of soil against pollution, and land use change.

#### **Administrative process for substantial changes in IPPC A activities**

According to the article 95 of the Law on Environment, substantial changes on existing installations, specified by the Government of the Republic of Macedonia, shall be performed only upon prior obtained integrated environmental permit which shall be issued as A integrated environmental permit by the body of the state administration responsible for the affairs of the environment or as B integrated environmental permit issued by the municipalities.

#### **Cancellation, revocation and closure of IPPC sites.**

The provisions regarding cancellation of permits and termination of operations of the A IPPC installations are established in the articles 119 and 120 of the Law on Environment.

Under the provision of Article 122.3 of the Law on Environment, the MoEPP shall more precisely prescribe the procedure for the conditions for termination of the activity and the conditions for revocation and cancellation of the permit in B IPPC installations.

## ***Part C – Performing inspection tasks (Environmental Inspection Cycle)***

### ***3.8. Planning of inspections***

#### **3.8.1. Overview**

The SEI elaborates annually an Inspection Programme. This programme is drafted by the technical unit and is approved by the Director of the Inspectorate previous review by the head of the units and prepared by all inspectors. Together with the programme, the Inspectorate prepares a quarterly plan for each inspector that consists mainly in the list of activities that he has to inspect.

The inspectors report monthly on the progress and a report of progress is made quarterly for the whole inspectorate.

In the case of the municipalities and the region of Skopje, they produce annually an inspection plan that is submitted to the SEI. In this case, the plans are basically the list of the inspections to be done in that year. It includes the inspection of IPPC B activities and the inspection of environmental elaborates and different media and areas (domestic wastes, illegal dumping, uses of water, noise from residential activities like bars, discos,..) related to the environment. The inspection plan is approved by the council and signed by the mayor. At the end of the year they produce the annual report with the activities done.

The supervision of the local inspections plans are done, on one side, by the Ministry of Local Self Government and State Administrative Inspectorate, by looking that they have the plan and other documents, committees,.. that they have to have by law; and, on the other side, by the coordination of Department of Cooperation with local self-government from the MoEPP, where they check that the content is according to the criteria of the environmental legislation and also participate State Environmental Inspectors.

Reviewed documents:

- 2015 Inspection Programme
- 2014 Report on Inspection
- 2014 Inspection Programme
- 2013 Inspection Programme
- 2013 Report on Inspection
- Several inspection plans and reports from the municipalities.

The first important general remark is that in the 2015 inspection plan there has been a very important change in the approach compared to the ones in previous years. The one in 2015 is the starting point for the actions to elaborate inspection plans broadly in line with the

Industrial Emissions Directive (Henceforward IED) and the IMPEL documents on Doing the Right Things. Therefore it is a transitional phase to a new approach and the first step would be to gather the information and develop the methods to apply it.

### **3.8.2. How is the context described**

*Identifying the scope:*

The 2015 Inspection Plan gathers the legislation to be inspected and the responsibilities and the tasks. It describes the natural and legal entities subject of the inspection but does not provide a list of them.

*Information gathering:*

In order to set the list and frequency of the inspections, the following information is to be gathered

- analysis of the report of the previous year
- information from other organizations and citizens
- list of activities under different legislation to be inspected
- inspection from the previous year pending of closing
- changes in the installations
- resources available for the period

The SEI uses a checklist to ensure all necessary information about an installation has been collected prior to inspection.

### **3.8.3. How priorities are set**

*Overview:*

Up to now there has not been a systematic approach to establish priorities based on risk assessment. The 2015 program states for the first time that the basis to assign frequencies of inspection to the IPPC A sites shall be a risk based procedure, concretely the IRAM method. Besides it indicates the criteria that should be taken into account to apply this method. These criteria are:

- relevant polluters analogue to IPPC installations ( boards and fibre boards for example) where the relevant influence of the contamination is expected as:
  - \* potential danger (explosion, toxicity, etc.) of the used substances
  - \* the sum of the emitted mass-flow of the substances
- the past experience increase the concern about the efficiency of the installation ( the past bad performances of the operator or when there were a lot of irregularities in certain conditions for example)
- when the bad management resulted in ecological incidents followed by contamination
- local situations
  - \* residential areas (first priority is the human existence in the residential areas,

areas for recreation, hospitals)

\* protected areas ( where waters, natural reserves, biotopes etc. are in interaction with the protected areas)

\* polluted areas (all the information about the other polluted areas, called historic contamination or the so called hot-spots, remediated areas especially where mines and installations are)

\* density of the installations/density of the emissions (the inspector determines the agglomeration of the industry, the intensity of the agriculture especially the equipment for breeding domestic/farm animals, all the traffic problems regarding the operability etc.)

- the Program for inspection supervision covers the content, the range and the defined periods.
- numerous administrative fees and penalties in the past
- the number, the specific meaning and the equipment of the services
- participation of the systems for self-monitoring
- relevant participation of EMAS (Environmental Audit Management Systems) regarding the inspection supervision
- results of the monitoring of the media environmental situation (water quality, air quality etc.)
- change of the operator
- potential contamination by the processes
- frequency of the public complaints and petitions or expressing public concern
- authorized processes have potential for minimal contamination
- the operative performances of processes for demonstration of high standards

### **3.8.4. How are the objectives and strategies defined**

*Overview:*

There are two main objectives for 2015, the implementation of the inspection plan, giving continuity to the work of the previous year, and the setting of short and medium term objectives in the Strategic Plan according to the new risk based approach (still to be developed in practice).

It is probably the most important chapter of the programme and needs a more clear and concrete development.

The intervention strategy is based mainly in the sanction procedure. The inspectors after writing the minutes the day of the inspection has to evaluate if action at the site has to be taken, like stopping part or the whole installation. Then he/she has 8 days to initiate, if it is the case, the payment order process. There are 3 categories of violations. The operator can present allegations to it to the Misdemeanours Commission in two of the categories. The third category is the competence of court, as criminal offence. Misdemeanours Commission can put fines up to 6000 euros.

There is a second commission, the Mediation Commission, for the most expensive category, that can be called by the inspector to discuss with the operator on what measures can be taken to reduce pollution, and the penalty can be reduced according to the cost of actions to be taken. The final conclusions are established in an agreement.

### **3.8.5. Planning and review**

The 2015 Programme defines two types of indicators to monitor how the plan is implemented. A group of quantitative indicators related to the activities of inspections, like the number of inspections, the number of decisions,... and a group of qualitative indicators related to the promotion of compliance by raising awareness and knowledge of operators about legislation, responsibilities,... This is done mainly through the web page.

Monitoring and evaluation of the implementation of the program will be based on the monitoring of the implementation of the monthly, quarterly and annual work plans of each individual inspector, and all inspectors in general, and based on the reports of inspectors to implement these plans. The SEI produces quarterly and annual reports.

The responsibility for acting upon and enforcing the Program is of the inspectors upon order of the Director of the SEI.

The proposal for changes and amendments of the adopted Program is done on proposal of the inspectors, the management structure in the SEI and the Inspection Council of RM.

The responsibility and the way of monitoring of the enforcement of the Program are given to the SEI and the Inspection Council of RM.

The responsibility for analysis and periodical evaluation and information to the management on the status of the Program realization are given to the SEI and the Inspection Council of RM.

The way to transmit information by the employees about the Program, as well as the obligation that the managing staff has to inform the employees about the adopted Program in the organizational units where they are in charge, is performed on a Staff Meeting of the managing structure of the SEI, and the managing civil servants in the SEI inform the other employees regarding the working requirements in the corresponding department.

The responsibility for acting contrary to the Program is given to the inspectors, according to the Law on Inspection Supervision as well as the Law on Environment, the Law on Nature Protection, the Law on Waters....

The Annual working program of the SEI for 2015 comes into force after 7 (seven) days upon receiving the positive opinion from the Inspection Council.

### **3.9. Execution framework**

#### ***Competences of SEI***

According to article 194.2 of the Law on Environment, the SEI shall perform inspection supervision over the enforcement of the Law on Environment and Law on Nature Protection.

According to article 194.6 of the Law on Environment, the SEI shall perform supervision over the work of local authorized environmental inspectors while conducting the inspection supervision.

According to article 194.3 of the Law on Environment, with respect to the affairs that are competence of the municipality, the City of Skopje and municipalities of the City of Skopje, inspection supervision over the enforcement of the Law on the Environment and the regulations adopted on the basis of Law mentioned shall be performed by Authorized Inspectors of Environment of the municipality and Authorized Inspectors of Environment of the City of Skopje and Authorized Inspectors of Environment of the municipalities of the City of Skopje.

#### ***Inspector's functions:***

The core functions of the SEI inspectors are regulated in the articles 198, 199 and 200 of the Law on Environment.

According to article 169.1 of the Law on Nature Protection, the inspection supervision over the enforcement of the abovementioned Law and regulations adopted on based on it shall be carried out by the SEI, through state inspectors of nature protection. The rights, duties and responsibilities of the SEI inspectors regarding Nature Protection are regulated in articles 171 and 172 of the Law on Nature Conservation.

The functions of the authorized inspectors of environment (municipalities) are regulated in the articles 201, 202 and 203 of the Law on Environment.

In addition, in several other material laws (e.g. Law on Waters, Law on Waste Management, Law on Air Pollution, Law on Environmental Noise) there is a specific chapter devoted to control and supervision, and within it the functions of inspectors at central and local level with respect to the areas covered by the corresponding law are described in great detail.

#### ***Equipment:***

At this moment the SEI has old Desk PC's, printers, safety equipment per each inspector and 10 old cars, but they will receive in April 2015 through a supply contract IT equipment and video

conference call, 10 new cars, special equipment for indicative measurements for noise, PM10, water, GPSs and also SEI is starting to build the business process management system for data processing on inspection supervision.

***Environment Inspector's Manual:***

Currently there is no specific manual for environmental inspection. To support the work of inspectors, they have several templates (e.g. minutes form to be filed after each inspection) and the following set of checklists:

- Checklist for refineries
- Checklist for Cement plants
- Checklist for the evaluation of the submitted documentation for issue of the permit on storage and treatment of non-hazardous waste
- Checklist for carrying out the activity of landfilling municipal waste
- Checklist for stored transformers, condensers and other equipment which contains/ do not contain PCBs
- Checklist for carrying out the activity of collection and transport of municipal waste
- Checklist on Industry of minerals
- Checklist on waste (2010)
- Checklist storage waste oil

***Qualifications and evaluation of the inspectors' performance:***

According Article 196.1 of the Law on Environment, State Inspectors of Environment in SEI may be persons having at least three years of experience and university education in the following areas: graduates in Environment Protection, Mechanical Engineering, Technology, Metallurgy, Mining, Chemistry, Meteorology, Medicine, Geography, Civil Engineering, Biology, Agronomy, Protection at Work, Forestry, Electrical Engineering, Physics, Biotechnology, Architecture and Horticulture and Geology.

According to Article 170 of the Law on Nature Conservation, the Inspectors of Nature Protection in SEI can be appointed persons that fulfill the following conditions:

- a. Completed university education and acquired title of: graduated biologist, graduated biologist-environmentalist, graduated biotechnologist, graduated geographer, graduated geologist, graduated forestry engineer, graduated



agronomist, graduated horticulture engineer and doctor of veterinary medicine;

- b. At least 3 years working experience in the field.

According to Article 196.4 of the Law on Environment, local authorized Inspectors of Environment may be persons with at least one year of work experience and completed university education in the areas referred to in the previous paragraph.

The Law on Inspection Supervision, whose last amendment was approved in 2014, changed the conditions that inspectors of all inspection bodies will have to fulfil in order to be assigned. For obtaining the licence, inspectors will have to pass an exam and have at least 5 years of experience after the graduation, in the corresponding area/field of inspection service.

Conditions for performing the assignment of inspectors are regulated in the article 18 of the abovementioned Law. The licensing of inspectors is regulated in article 19 and its revocation in article 19-a. The exams for inspectors and the questions for the exam, as well as the proceedings are regulated in articles 19-c, 19-d, 19-e and 19-f.

Some of the current inspectors do not fulfil these conditions which could become an important problem. It is currently under discussion whether to postpone the application of these provision to a later stage, such as the incorporation of the country into the EU.

The continuous monitoring of the success of inspectors and the quantitative and qualitative criteria to perform the monitoring, as well as the annual evaluation of the success of the inspectors are established in articles 19-g, 19-h, 19-i and 19-j of the Law on Inspection Supervision.

***Ethics:***

According to article 16a of the Law on Inspection Supervision, the adoption of and Ethical Code for inspectors is a competence of the Inspection Council. Such Ethical Code for all inspectors already exists.

***Training:***

Although in article 20 of Law on Inspection Supervision it is established that the inspector has the right and obligation to be trained to perform their work and duties in accordance with the annual program for professional training and improvement in the field of the inspection supervision, for the time being, there is no such specific training programme. SEI and authorized inspectors are trained in an experience based scheme where senior inspectors train junior inspectors.

## ***3.10. Execution and reporting***

### **3.10.1. Overview**

According to article 208.1 of the Law on Environment, inspection supervision over legal and natural persons that perform activity that makes or is likely to make impact on the environment shall be carried out as regular, extraordinary and control supervision, as well as upon reports and/or information received by other state bodies, organizations, institutions, legal and natural persons, as well as by the public information media.

### **3.10.2. Complaints**

Complaints are received by the inspectors and taken in consideration regarding legislation although their amount is not very high, probably due to several factors (lack of environmental awareness of population, lack of knowledge of communication channels with SEI).

### **3.10.3. Communication with other inspecting authorities**

According to article 45.2 of the Law on Environment, the MoEPP shall prepare in cooperation with other relevant bodies, organizations and institutions in possession of environmental data, an Environmental Indicators Report every second year, and State of the Environment Report of the Republic of Macedonia every four years. The Report and Indicators Report shall be publicly accessible in accordance with the provisions of Chapter VIII of the abovementioned Law.

A cooperation protocol is planned to be established soon between the SEI and MoEPP. The cooperation with other Inspectorates is now under the supervision of the Inspection Council. In practice, there is still much to be done in terms of performance of coordinated (joint) site visits to installations. At the moment there is no protocol for cooperation between different inspection bodies.

### **3.10.4. Data management**

Currently all data are stored on paper and kept in archives. As explained before, SEI is starting to build, with the support of a Supply Contract, the business process management system for data processing on inspection supervision.

### ***3.11. Performance monitoring***

Currently there is not a clear reference in the periodic reports prepared by inspection authorities to the targets set in their planning documents. Reporting is not expressed in terms of achievement of those targets.

Performance is expressed in terms of number of inspections performed, misdemeanor procedures started, etc., as mentioned previously in section 3.5.5.

## **Part D – Site visit**

### **3.12. Site visit to installation Alkaloid AD Skopje**

A brief site visit was performed to one IPPC A installation, the pharmaceutical company Alkaloid AD Skopje, which is one of the most proactive and environmental compliant installations in the country.

#### **3.12.1. Main technical data of Alkaloid AD Skopje:**

Major upgrading started in 1994 and continued up to 2009, with external funding, and started to internationalize.

They produce up to 144 different products in >300 forms. Caffetin is its star product (paracetamol + caffeine). They also produce different kinds of tea (Good Nature). Wide range of cosmetics and child care products like Becutan.

They have a scholarship programme for young students and researchers.

1150 employees in HQ, and 350 abroad.

115 million € sales revenue in 2013.

Now designing new warehouses, required due to company's growth.

2002 factory for cephalosporines

2003 microbiological laboratory

2009 new R&D institute.

Unified management software. Integrated Management System: compliant with ISO 9001, 14001, 13485, HACCP. Also GMP certificates for several foreign countries.

In 2012 was awarded the approval with operational plan established in the original A IPPC permit, and last year they applied for A IPPC permit.

#### **3.12.2. Site visit**

Date: 24/03/2015

Company representatives: Ms. Illievska N. Miroslava, Head of Quality Assurance Department and Mr. Ilija Todorovski, Environmental Officer.

The Company holds 2 integrated environmental permits issued on 11/03/2014 for each one of the plants it owns in the city of Skopje. Both plants are included in the point 4.5 of Annex I of Industrial Emissions Directive (IED). In the first plant pharmaceutical pills and tablets with different formulations, cosmetics and pharmaceutical products based on herbal compounds are produced. In the second plant cephalosporines are produced since 2002.

Site visit was performed to the first plant. All data and information provided in this report are referred to this plant.

In the permit Emission Limit Values (ELV) are established for the media air and water. 9 point sources of air emission are identified and each of them has its own ELV. Regarding monitoring, measurement frequencies are established (monthly, quarterly), as well as other requirements. ELV are established in the permit for industrial waste water which is discharged to the municipal sewage system of the City of Skopje. From another document inspectors got the information that the Company holds a discharge permit issued by the City of Skopje. There are neither emission monitoring requirements nor ELV for the media soil, groundwater and noise.

The Company showed the supporting documents containing the results of emission monitoring of air and water since the issuance of the permit, which comply with the established ELV, as well as the supporting documents containing the results of noise emission monitoring measurements carried out at 8 points distributed around the plant.

The Company showed the supporting documents containing all data on hazardous and non-hazardous waste production and shipments delivered to licensed waste management companies.

Remarks:

- The frequency of visits of the authority to the site is twice a year but it is not based in the risk assessment.
- The reviewed permits issued by the MoEPP, follow a model very similar to that implemented in EU member states<sup>3</sup>.
- Conditions regarding some media, such as soil, ground water and noise are not included in the permit.
- The Company complies with the provisions established in the permit and carries out additional noise emission monitoring measurements which are not established in the permit.
- The Company holds relevant European certifications, such as ISO 9001 (quality) and ISO 14001 (environment). It also holds certifications on the field of health which indicate high quality standards, such as HACCP.
- The Company shows supporting documents relative to the reduction of raw material consumption (water, fuel etc.) as well as improved energetic efficiency.

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<sup>3</sup> Following a template designed for IPPC A permits

## ***Part E- Questionnaire to stakeholders: Current weaknesses to enforce environmental legislation and possible improvements***

A questionnaire was launched (see Annexes of this document) by the project team and delivered to stakeholders (central and local level inspectors, MoEPP representatives of different departments, ZELS, industries, MoLSG...) to obtain their opinion about a series of key issues related to environmental inspection and enforcement system in the country.

The questionnaire was distributed to around 100 people, and 22 answers were received. In the following are shown some summary conclusions from the answers received.

### ***3.13. Questionnaire's results***

#### **3.13.1. Yes/No questions**

Two of the questions in the questionnaire (1.1 and 2.1) were tables with yes/no questions.

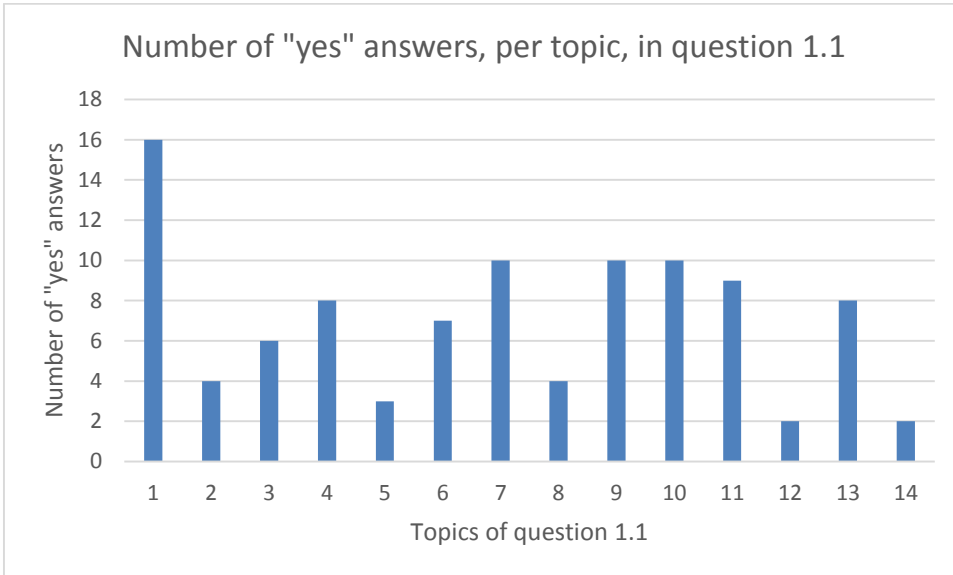
**The first of those tables (1.1) was the following:**

- 1.1. Are there any inconsistencies, incompatibilities or vagueness in the current national legislation in the following areas, which affect the implementation of environmental legislation and its enforcement?

	Sector / Area	Yes	No
1	Law on Environment		
2	Law on Nature Protection		
3	Criminal Code and Law on Misdemeanours		
4	Law on Inspection Supervision		
5	Law on Local Self-Government, Law on the Financing of Local Self-Government Units, Law on Inter-municipalities cooperation, Law on territory organization, Law on Skopje City		
6	Environmental Impact Assessment		
7	Environmental Permits		
8	Other permits required for the operation of an industrial installation		
9	Air quality and emissions		
10	Water management, quality, and wastewater discharges		
11	Waste		
12	Chemicals and Genetically Modified Organisms		
13	Noise		
14	Other legislation affecting implementation and enforcement of		

environmental legislation		
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The number of “yes” answers received to each of those points is summarized in the graph below:



The second of those tables (2.1) was the following:

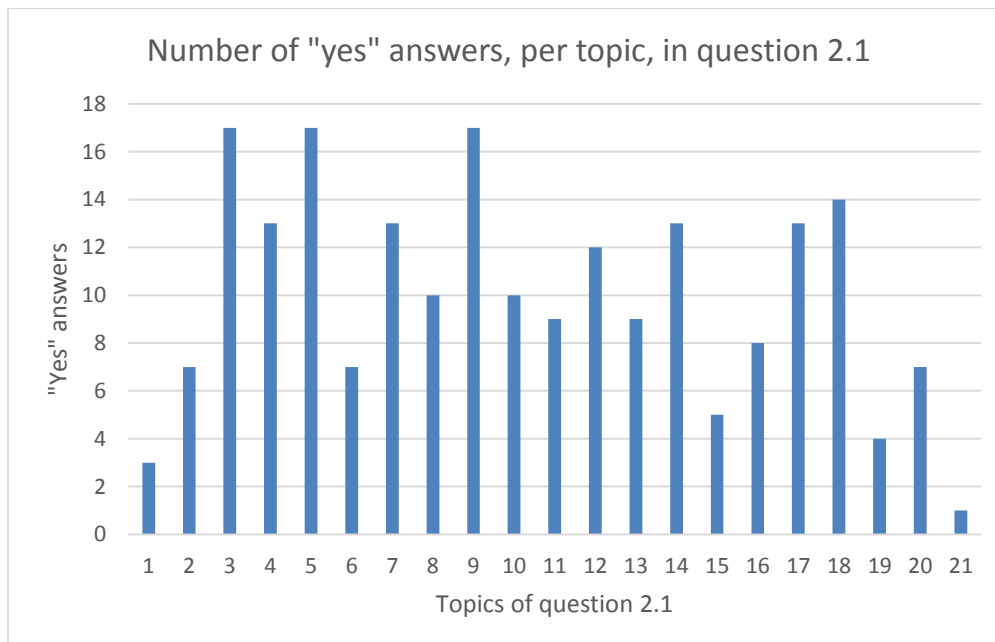
2.1. In your work related to environmental inspection & enforcement, do you have problems related to the following aspects?

	Sector / Area	Yes	No
1	Staff working on this area changes work frequently, so know-how is lost		
2	New staff hired does not have the required knowledge, criteria to appoint staff is not objective		
3	Staff related to inspection has to cover too many industrial sectors, there is no specialisation		
4	Lack of time to study and follow the updates in relevant environmental legislation		
5	Lack of adequate periodic training		
6	Slow, inefficient administrative procedures		
7	Performance of inspectors is not measured, and there is no reward/penalty system for good/poor performance		
8	Conditions stated in the environmental permits are often insufficient, not appropriate, not applicable in practice or impossible to check in an inspection		
9	Lack of practical guidance or supporting documents establishing clear procedures and check lists to take as a basis for the inspection		
10	Lack of independence of inspectors: External pressure when noncompliances are found, to avoid penalties or problems for		



	installations		
11	Potential penalties are not dissuasive in practice		
12	Money collected through penalties is neither used to improve the conditions of environmental competent authorities, nor to improve environmental infrastructures (e.g. waste management or waste water treatment plants)		
13	Poor planning of inspection activities, driven mainly by complaints, incidents and accidents, or focussed on issues which have a small environmental impact, leaving important issues untouched		
14	Owners of installations do not know or understand their obligations related to the conditions stated in their environmental permits		
15	Lack of time to implement inspections properly (work overload)		
16	Staff in municipalities have some responsibilities that should be at regional or central level		
17	Lack of equipment needed to carry out inspection duties		
18	Lack of certified laboratories to prove noncompliances		
19	Lack of transparency by owners of installations is not penalised		
20	Unclear distribution of inspection responsibilities among different administrations		
21	Others		

The number of “yes” answers received to each of those points is summarized in the graph below:



### **3.13.2. Summary of answers to the rest of questions**

In this subsection are summarized the answers to the rest of questions of the questionnaire, by topic.

#### **3.13.2.1. Answers related to question 1.2: Gaps in legislation**

Inadequate provisions:

- Law on Environment:
  - No good provisions on odour control and related penalties.
  - The education procedure (article 204-a) is considered as not very effective by some respondents.
  - Confusing table with the with the calculations for the fees to be paid to obtain environmental permit (B-IPPC and Adjustment Plans Licences)
  
- Law on Inspection Supervision:
  - Is a very partial law that puts pressure on inspectors, hinders creativity or alternative approaches for inspection tasks, and promotes total uniformity in all kinds of inspection.
  - Establishes too many reporting obligations making inspectors lose time.
  - The differences in the degree of complexity of the different kinds of inspection (labour, health, environment...) are totally ignored.
  - Authorized inspectors (municipalities) are not under the inspection Council.
  
- Law on Waste Management:
  - Its weakest point is that the issuance of the permit is a very long and bureaucratic procedure, heavy burden for applicants.
  - It is a burden with many laws and sub laws where overlapping is evident. Often it is not clear how certain stream of waste with specific code according to the List of wastes shall be handled and by which licensed company.
  
- Legislation on environmental crime and misdemeanours:
  - There are serious shortcomings in it, as well as in the procedures to be followed by the authorities and institutions, which make them last too long. The lack of good definition of responsibilities seriously hinders the efficiency and effectiveness of the work of inspection services and other competent authorities responsible for fighting this type of crime (police, forest police, etc.).
  
- Permitting system: It needs to be reviewed, in order to make it more applicable.

Lack of regulation and/or full development of legislation:

- Law on Environment:
  - The section regarding IPPC permits is not fully developed.

- Lack of quality standards for the content of the study on the Projects subjected to Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA) and Environmental impact assessment elaborate.
- No clear mechanism that obliges MoEPP to enforce the charging of the penalties charged in criminal procedures
- Law on Waters: Water management is not done properly due to the lack of basic sub-laws (as groundwater classification, monitoring and emission limit values).
- Law on Nature Protection:
  - Is not completely enforced because it is not fully developed in related bylaws
  - Lack of bylaw for protection of animal in captivity
- Law on Environmental Noise: Lack of provisions on 'live music' which is disturbing in summer.
- Occupational safety and security: Nowhere are prescribed minimum requirements and protective equipment at work and the supervision inspectors should have.
- Lack of precise definition of procedures, measures. General overview given by respondents:
  - There are several generic answers stating that prescriptions in legislation are not implemented in practice, due to lack of precise definition of procedures, measures, or due to lack of means by stakeholders who should implement them.

Other gaps:

- Extremely difficult conditions for local authorised inspectors to implement successfully their duties. The authorized inspectors of environment are rarely just inspectors. Usually they also write permits, are environmental advisors, lead the procedures for approval of reports, have duties on other inspection activities (utilities, traffic, etc.).
- Poor conditions and consideration of the position of environmental inspector.
- Overlap of competences and documentary procedure between MoEPP and Ministry of Transport and Communications in certain topics.
- Problem with the transition from B-compliance permits to the actual IPPC B-permits after the deadline from April 2014.
- ZELS network functions with reduced intensity. No coordination meeting of the network held in 2014. A small part of the legal deficiencies addressed resolved through legislative changes. The last request for a statement to the MoEPP regarding integrated environmental permits through ZELS in 2013 was not considered by the ministry.

- Need to review the procedure for education of operators that do not comply, it is unclear and consumes a lot of time.
- No unified register/clear list of necessary permits for the operation of an industrial installation

### **3.13.2.2. Answers related to question 1.3: Possible improvements in legislation**

- Law on Environment:
  - The section regarding IPPC permits should include provisions describing how to proceed with occasional or temporary operation of the installation, and which obligations in this case must meet the operator, as well as coverage of the time period (non-working period of the installation).
  - Define a new framework for IPPC B permits.
  - Article 212-e (social beneficiary work by perpetrators in case of misdemeanours) needs further development to establish the weight of the real thing to perform community service and a website to publish the beneficiaries of the social beneficiary work where companies can perform it.
  - Improve secondary legislation on Environmental impact assessment elaborates (art. 24).
  - Improve procedures defined for EIA, Environmental impact assessment elaborate and IPPC B permitting.
  - Delete or improve Article 209, paragraph 8 (publishing of inspection minutes).
  - Remove the provisions (Article 202 (2)) about unpleasant odours control in restaurants, it is difficult to implement.
  
- Law on Inspection Supervision:
  - This Law should be completely repealed and the Inspection Council deleted.
  - Inspection Council should promote joint administration of smaller municipalities, based on number of inhabitants.
  - Decree on measures to take when the Inspector of Environment is not performing well and which can be applied in practice.
  - Preliminary agreement between ZELS and Inspection Council about establishing uniform way of working of inspectors at central and local level is a good step.
  
- Law on Environmental Noise: Establish provisions on 'live music' which is disturbing in summer.
  
- Inspectorate and performance of inspectors:
  - Inspection regionalization (or centralization, or raising the level authorised inspectors) would lead to mutually complement the knowledge and enhance quality of decision-making and implementation, in terms of legal

security of inspectors when conducting the inspection procedure, on the one hand, and the parties to which they refer their decisions on the other side.

- Promote meetings, exchange of info and interaction between central and local inspectors.
  - Inspectors should look for compliance programs with developed methodology for evaluation of the external (law) compliance within the companies, from where they can see which part of the legislation is being difficult to implement and go through the root cause analysis and come with mutual suggestions (act as mediators between the regulators and operators).
  - Elaboration of a practical manual or an equivalent document which clearly sets out the procedures and "check list" as a basis for inspections.
  - Train all inspectors in the topic of noise, to avoid the need to use external licensed companies that may take up to 24 hours to react, reducing the effectiveness of control.
- REACH regulation: Operators and inspectors need extensive training in order to implement it.
  - Other possible improvements in legislation:
    - All subsequent amendments to the legislation should be in collaboration with environmental consultants, since they are a link between the MoEPP / SEI (holders of legislative measures and implementers) and industry (who apply measures).
    - Money collected from inspection fines should benefit more the local budget and not cashed in the central level budget.
    - MoEPP activities should include measurements of the quality of oil distributors before they go on sale.

### **3.13.2.3. Answers related to question 2.2: Problems related to implementation of legislation**

Problems related with the inspectorate and the inspectors:

- It has never been more difficult to work in an independent way as it is today.
- Lack of independence of inspectors: each inspector is dependent on the institution where he/she is, and there are sometimes pressures to withdraw the infringement procedures.
- The system of rewards / punishment is the one for civil servants, but it is not taking into account the number and type of different responsibilities assigned to an individual, and often by insufficiently trained management staff.
- When inspectors establish a punishment, the Misdemeanor Commission releases the subjects with warning only (and with this it violates the material law), and ask

the analysis of any waste water, noise pollution of air and soil entities. These measurements, i.e. the results, are made as it suits to the polluters.

- Effectiveness of inspectors not evaluated by the supervisors, as is not the risk they bear upon the initiation of proceedings against offenders.
- Poor definition of assessment of performance of inspectors.
- It is impossible for an environmental inspector to be an expert in all areas.
- The profession is undervalued, and there is no investment in further learning, upgrading and some training so that inspectors can gain new knowledge.
- Inspectors are weakly supported by superiors, and there is a tendency to punish, but never reward.
- Insufficient training and lack of technical equipment.
- Sometimes info about trainings organized does not reach everyone. Very little training in recent years often reduced to a brief presentation of the laws.
- Often cannot go as planned for inspection due to complaints, incidents or accidents, focusing on problems that have little impact on the environment and the issues that are important are left aside.
- Overlaps in competences of central/local authorised inspectors, especially in Law on Waste Management.

Problems related with permit writers:

- Permit writers often write conditions that do not match the actual situation.
- Inspectors in certain situations need to pursue other licenses required that are not integrated into the B license. It should be clearly defined what is needed for each industrial sector and to specify what documentation is needed before issuing B integrated environmental permit to the installation.
- Permit applications are often of poor quality, affecting the quality of corresponding permits. In the regulations is not prescribed specifically which documents should be submitted in addition to the requirements and sometimes it is difficult for an environment adviser to assess the need of what to ask in addition in the application as proof of certain data.

Problems related with Local Self Governing Units:

- Lack of financial and human resource means in municipalities to implement all environmental responsibilities.
- Lack of objective criteria to recruit staff at local level, poor technical knowledge.

Problems related with operators:

- Lack of interest and knowledge about environmental obligations by operators.
- Permit applications are often of poor quality, affecting the quality of corresponding permits. In the regulations is not prescribed specifically which documents should be submitted in addition to the requirements and sometimes it is difficult for an environment adviser to assess the need of what to ask in addition in the application as proof of certain data.

Problems related with the general regulatory framework:

- Members of Misdemeanor Commission and other managers are easily pressed to release polluters without penalties.
- Legislation changes too frequently, difficult to keep track.
- Slow and cumbersome administrative procedures, especially in terms of responding by the Commission for misdemeanour offenses per procedures by local inspectors.
- Fines are very high, especially in the Law on Environment, and can rarely be applied. No efficacy of prescribed fines, and they go to central budget, not to direct improvements related to environment.
- Money from fines imposed go to the expense of the central budget and there is no insight on how it is used.

Other problems related to implementation of legislation:

- Lack of licensed laboratories, implying lack of opportunity to collect material evidence found at the scene, and determining the concentration of pollutants, which is essential in further legal / judicial process.
- Quality of oil burnt in boilers is low, with high levels of NOx emissions. Standards for fuel quality in legislation are not respected.

#### **3.13.2.4. Answers related to questions 2.3 & 3.1: Possible improvements related to implementation of legislation**

Possible improvements regarding problems related with the inspectorate and the inspectors:

- Adopting the already mentioned National Strategy for environmental protection and nature in the Republic of Macedonia.
- First and foremost to achieve some sort of **centralization (regional or state)** in order to balance the presence of the field, use of existing knowledge, as well as acquiring new rational and effective and specialized knowledge to improve the control of environment.
- Abolition of Inspection Council and the independent Inspectorates (e.g. conversion to agencies or complete separation of the ministries in order to reduce political influence).
- Involve as much as possible decision makers, to ensure that proposals for changes will become a reality.
- Prioritisation of inspections: Inspection authorities should show an increasing interest in compliance management in companies. To achieve this, there is need of imposing it through certain measures into the rulebooks or guidance on inspection. This may assist them in setting priorities in inspection activities (eg less frequent visiting companies with sound compliance management systems) and in the way they carry out inspections (making use of information that is resulting from the compliance management system). Related with planning.



- Establish/improve standard operating procedures.
- Establish unified check lists for certain kinds of installation, for example plants producing meat and meat products.
- Now according to the laws a new employee has a certain period (one year) to work as a trainee or studying, then after you pass the exam to obtain the inspector license.
- Training of:
  - o Practical implementation of inspection procedures
  - o Should be common to central and local inspectors, to improve coordination
- Develop manuals same as those ZELS issuing B permits easier accession installations and processes taking place.
- Reactivate the working group on the implementation of proposals to improve the work in the field of environmental protection, which was managed by the consultancy firm PM.
- Promote forums of discussion with experts.
- It would be good if the inspectors in many cases apply the measure "prohibition of work".
- Easier access to all laws and regulations and timely information on all amendments to them.
- We need more cooperation with Misdemeanour Commission in terms of correct and complete submission of requests for initiation of criminal proceedings. Namely, in many cases the requirements for initiation of criminal proceedings are not complete, lacking important information about the perpetrators of criminal procedure, failure to submit evidence, proper delivery of the payment order and other correspondence, disregard for deadlines, responding to requests for amendment requested by Misdemeanour Commission etc. Education is needed in terms of preparing requests for initiating misdemeanour procedures in order to properly and quickly implement the legal proceedings.
- Money from the fines to be earmarked for improving the environment and the work of the inspectors.

Possible improvements regarding problems related with the Local Self Governing Units:

- Managers: human resource management, and awareness raising/training to the management staff of municipalities, including possibly mayors, about the importance of promoting Inspection Supervision

Possible improvements regarding problems related with the general regulatory framework:

- Preparation of consolidated laws on all environmental areas, avoiding incoherencies, especially between Laws on Environment, on Waste Management and on Waters.
- Monetary fines that are imposed in the proceedings pursuant to the Settlement environment are too high (up to 6000 € for failure to act upon a decision of the state or local authorized inspector).

Possible improvements regarding problems related with compliance by population & industry representatives:

- Population & industry representatives awareness raising actions

### **3.13.3. Conclusions extracted from answers to questionnaire**

- There is a consensus on the existence of gaps in legislation, especially in the Law on Environment and the Law on Inspection Supervision. Other laws where gaps were spotted were the Law on Waste Management, the Law on Waters, the Law on Environmental Noise, the Legislation on environmental crime and misdemeanours, in the Environmental Permitting system and in the occupational safety and security of inspectors. Some gaps were identified as absence of development of legislation in the form of bylaws. Others were considered inadequate provisions which should be deleted or amended.
- Possible improvement of legislation include the amendment or derogation of the Law on Inspection Supervision and the suppression of the Inspection Council which is regarded as liability by several respondents. The amendment of the Law on Environment is also desired, regarding the provisions on A-IPPC and B-IPPC permitting and the procedures of EIA/SEA/Environmental impact assessment elaborate, as well as the suppression of the obligation to publish inspection minutes. Inspectorate restructuring is desired with the centralization, or raising the level authorised inspectors, or a regionalization.
- There is a consensus in the existence of problems in implementing legislation, especially regarding the structure of the inspectorate and the performance of inspectors. The current model with state inspectors on one side and authorized inspectors of the LSGU is considered to be not efficient. Inspectors' independence is motive of concern, as well as the system to evaluate their performance, their training, their lack of specialization, poor planning of their work and poor equipment. Poor quality of permits and applications for permits is also highlighted. Regarding the LSGU, the lack of financial and human resource and of objective criteria to recruit staff at local level as well as the poor technical knowledge of authorized inspectors is noted. Too fast and too many legislation changes, cumbersome administrative procedures and too high fines are also mentioned as problems.
- Regarding solutions to problems in implementing legislation, there is an overwhelming majority of answers focused on the inspectorate and the work of inspectors. The need of restructuring to build up a centralized or regionalized structure is again proposed as well as the suppressing of the inspection council. Establishing of procedures, check-lists, manuals and training programmes is mentioned. Planning based on prioritization of actions is proposed. Earmarking of money of fines for use in environmental programmes is mentioned. Training to the management staff of municipalities, including possibly mayors, about the importance of promoting Inspection Supervision is mentioned. Finally, population & industry representatives awareness raising actions are considered necessary.

## ***4. Summary of strengths and weaknesses of the current Inspection System***

### ***4.1. Strengths***

- Having a SEI with a legal entity and its own budget.
- There is a structure to coordinate and supervise environmental inspection at the state and local level. 1 central office and 11 branch offices.
- Development of secondary legislation, i.e. rulebooks, to harmonize technical criteria in a simple and quick way.
- Most EU environmental legislation has been transposed.
- Great implication and motivation of the Inspectorate and Direction of SEI to energize a new structure.
- Good technical level of existing SEI inspectors and part of the authorized local environmental inspectors.
- Annual programme of inspection for 2015 based on risk assessment for the first time.

### ***4.2. Weaknesses***

- Lack of a unique system of environmental inspection in the RM.
- Inadequate structure to coordinate and supervise environmental inspection at the state and local level due to dispersal of functions.
- Multiple responsible persons (political and technical) in the environmental inspection.
- Double dependency of MoEPP and IC in important matters.
- Lack of a unique multiannual plan and annual programmes.
- Planning not made based on a risk assessment methodology.
- Lack of unique procedure for environmental inspection common to SEI & local authorised inspectors, implemented in the same way throughout the country.
- Legislation on environmental inspection is distributed among the material laws (Environment, Nature Protection etc.), is too detailed but on the other hand has serious gaps.
- Lack of enough legislation specific to environmental inspection.
- Many local inspectors are at the same time communal inspectors (or other kinds of inspectors), and/or even write the permits of the installations that they have to inspect afterwards.
- Appointment of local inspectors by mayors hinders the independence of the former.
- Lack of proper training, especially at local level.
- Lack of financial resources. No coherence between legislation and serious prior financial analysis and allocation of resources, e.g. to the local level.
- Inspectors of SEI must elaborate too many reports (annual, quarterly and monthly) with no practical advantages for the purpose of efficiency. Currently these reports are elaborated on paper.

- Intervention of environmental inspectors in mediation and misdemeanour procedures should be limited to preliminary step.
- Evaluation of inspectors performed by representatives of the Inspection Council, which do not have prior experience in inspection.
- Additional reporting procedures requested by Inspection Council consume much time and do not reflect properly the real performance of the inspectors and the system, as they are not based on risk assessment.

## ***Annex 1 - Secondary legislation***

### ***Specific to environmental inspection***

- Rulebook on the contents of the annual report on the performed inspection supervision, as well as on the manner and term of the report delivery (Official Gazette of RM no. 71/06)
- Rulebook on content, form and manner of adoption of the Plan for inspections (Official Gazette of RM no. 128/07) (RPI)

### ***Applicable to all inspection authorities***

- Rulebook on the form and contents of the annual work program of inspection services (2015)
- Rulebook on the form and content of the quarterly work plan for each inspector (2015)
- Rulebook on the form and content of the monthly work plan of inspection services (2015)
- Rulebook on the format and content of the annual report on the Inspection Service (2015)
- Rulebook on the form and content of the quarterly report of each inspector (2015)
- Rulebook on the type, form and content of the registers of interest for Inspection Council (2015)

### ***Other secondary legislation acts relevant to the implementation of the project***

- Rulebook on the procedure for obtaining a B-integrated environmental permit (Official Gazette No. 04/06, from 13.01.2006).
- Decree for Elaborate for protection on environment that are approved by MoEPP (Official Gazette No. 36/12).
- Decree for Elaborate for protection on environment that are approved by the competent mayor, the Mayor of City of Skopje and the Mayors of municipalities in City of Skopje (Official Gazette No. 32/12)
- Decision establishing the circumstances in which noise detrimental to the peace and quiet of the citizens is established (Official Gazette No. 1/09, from 01.01.2009)
- Decree on determining the activities of the installations requiring an Integrated Environmental Permit, i.e. adjustment Permit with an adjustment plan and time schedule for submission of Application for adjustment Permit with an adjustment plans (Official Gazette of RM No. 89/05, 21.10.2005)
- Rulebook on procedure for issuing an A-Integrated Environmental Permit (Official Gazette of RM No. 04/06, 13.01.2006)
- Rulebook on procedure for issuing an B-Integrated Environmental Permit (Official Gazette of RM No. 04/06, 13.01.2006)

- Rulebook on procedure for issuing an adjustment Permit with an adjustment plan (Official Gazette of RM No. 04/06, 13.01.2006)
- Rulebook on conditions to be met by members of the Scientific-Technical Committee for Best Available Techniques (Official Gazette of RM No. 71/06, 08.06.2006)
- Decree on the level of charges payable by operators of installations with adjustment Permit with an adjustment plan (Official Gazette of RM No. 117/07, 01.10.2007)
- Decree on the level of charges payable by operators of installations with B-Integrated Environmental Permit (Official Gazette of RM No. 117/07, 01.10.2007)
- Decree amending the Decree on the level of charges payable by operators of installations with adjustment Permit with an adjustment plan (Official Gazette of RM No. 64/10, 10.05.2010)
- Decree amending the Decree on the level of charges payable by operators of installations with B-Integrated Environmental Permit (Official Gazette of RM No. 64/10, 10.05.2010)
- Decree on the level of charges payable by operators of installations with A-IPPC Permit (Official Gazette of RM No. 64/10, 10.05.2010)
- Rulebook on substances for which are required to be prescribed emission limit values in the A-Integrated Environmental Permit (Official Gazette of RM No. 72/10, 27.05.2010)
- Decree on limit and target values for levels and type of pollutants in the ambient air, alert and information thresholds; dead-lines for achieving limit and target values for specific substances; margins of tolerance for limit value and target value and long term objectives for specific pollutants (Official gazette of RM no. 50/05)
- Rulebook on inventory and determination of the levels of the pollutant emissions in the ambient air in tonnes per year, for all types of duties, as well as other data needed for submission of the program for monitoring the air in Europe (EMEP) (Official gazette of the RM no. 142/07);
- Rulebook on the form, methodology and manner of handling and maintaining of cadastre of pollutants and polluter (Official gazette of the RM no. 92/2010)
- Rulebook on the limit values of permissible levels of emissions and types of polluting substances in waste gases and vapours released from stationary sources into the air (Official gazette of RM no. 141/2010);
- Rulebook on the form and the content of the forms for submitting data for emissions in the ambient air from stationary sources, the manner and time period of data delivering, according to the capacity of the installation, the content and manner of keeping diary for emissions in the ambient air (Official gazette of RM no. 79/2011);
- Decree for determination of the combustion installations which should take measures for protection of ambient air from the pollution, through reducing emissions of some pollutants into the air (Official gazette of RM no. 112/2011);
- Rulebook for methods, manner and methodology for air emissions measurements from stationary sources (Official gazette of RM no. 11/2012);

- Rulebook on criteria, methods and procedures for assessment of the ambient air quality (Official gazette of RM no. 82/06, 169/13);
- Rulebook on the equipment, devices, instruments and appropriate facilities requirements for entities performing professional matters for ambient air quality monitoring (Official gazette of RM no. 69/2011);
- Rulebook of methodology for monitoring of ambient air quality (Official gazette of RM no. 138/2009);
- Rulebook on the contents and the manner of transmission of data and information on the status of the ambient air quality management (Official gazette of RM no.138/2009);
- Rulebook on inventory and determination of the levels of the pollutant emissions in the ambient air in tonnes per year, for all types of duties, as well as other data needed for submission of the program for monitoring the air in Europe (EMEP) (Official gazette of the RM no. 142/07);

### ***Policy documents guiding implementation of the environmental requirements***

- National Strategy for Environmental Approximation 2007-2014, adopted 2008 by the Government of the Republic of Macedonia (GRM)
- Strategy for Waste Management 2008-2020, adopted 2008 by the GRM
- National Plan for Waste Management 2009 – 2015 adopted 2009 by the MoEPP
- National Strategy for Sustainable Development in Republic of Macedonia 2010-2030, adopted in 2010 by the GRM
- Second National Environmental Action Plan 2006-2012, adopted in 2006
- National Strategy for environmental investments, 2009-2013, adopted in 2009 by the GRM
- Environmental Monitoring Strategy, adopted in 2005 by the MoEPP
- Environmental Communication Strategy, adopted in 2004 by the MoEPP
- Programme for packaging waste management, adopted in 2011 by the MoEPP
- Programme for investments in environment ( on annual base); MoEPP
- National Water Strategy, adopted by Government of RM in November 2012;
- Plan for Institutional Development of the National and Local Environmental Management Capacity 2009 – 2014 approved by GRM in February 2009.

## Annex 2 - List of meetings held in first mission

Monday 23<sup>rd</sup> of February

Meeting	Name	Job / Department / Unit
Meeting with legal experts, to discuss status of transposition of relevant EU legislation	Olivera Lazarovska Sánchez	Secretariat for European Affairs, responsible for Chapter 27 (Environment)
	Jadranka Ivanova	MoEPP, Head of the EU Department, and SPO for EU IPA projects
	Dragana Cherepnalkovska	MoEPP, EU Department, legal expert
	Darko Blinkov	SEI, Environmental and Nature Protection Inspector, RTA Counterpart

Tuesday 24<sup>th</sup> of February

Meeting	Name	Job / Department / Unit
Meeting with RTA Counterpart to discuss work of SEI	Darko Blinkov	SEI, Environmental and Nature Protection Inspector, RTA Counterpart
Meeting with IPPC permitting expert	Besa Tateshi	MoEPP, Permitting & IPPC Department, IPPC Advisor (permit writer) and future RTA counterpart of upcoming IED Twinning
Meeting with experts in monitoring of air quality and water quality	Aneta Stefanovska	MoEPP, Environmental Information Centre
	Aleksandra Krsteska	MoEPP, Environmental Information Centre
	Pavle Makov	MoEPP, Environmental Information Centre
	Azemine Shakiri	MoEPP, Environmental Information Centre
Meeting with Ministry of Local Self-Government	Mjelma Mehmet	MoLSG, State Counsellor for EU integration
Meeting with local authorised inspectors from municipalities belonging to the city of Skopje	Aleksandra Dimitrevska Avranovska	Authorised environmental inspector of municipality of Gazi Baba
	Mihajlo Aritonovski	Authorised environmental inspector of municipality of Centar
	Gordana Maksimovska	Authorised environmental inspector of



		municipality of Karpos
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**Wednesday 25<sup>th</sup> of February**

Meeting	Name	Job / Department / Unit
Meeting with RTA Counterpart to discuss work of SEI	Darko Blinkov	SEI, Environmental and Nature Protection Inspector, RTA Counterpart
Meeting with Head of Inspection unit within the Parliament of Skopje	Time Andonov	Head of Inspection unit within the Parliament of Skopje
Meeting with staff of the MoEPP Department supervising municipalities, and the team of the TA project supporting municipalities in their environmental duties	Tanja Paunovska	MoEPP, Department for Supervision of Local Self-Government Units
	Iain Maclean	Team Leader, Technical Assistance project "Strengthening capacities for implementation of environmental legislation at local level"
	Fana Hristovska	Deputy Team Leader, Technical Assistance project "Strengthening capacities for implementation of environmental legislation at local level"
Meeting with representatives from industrial operators	Ilija Todorovski	Pharmaceutical industry Alkaloid AD
	Nadica Lokvenec Pejkovska	Balkan Energy Doel Skopje, Chief engineer for chemical water treatment and environmental protection, Central heating organisation for city of Skopje
	Hrisanti Angelovska	EVN Macedonia, electricity provider, Head of Environmental Protection of the Business Excellent Office
	Elena Ivanovska-Vidinova	Makstil AD-Skopje, steel company

## Annex 3 - Questionnaire template sent to stakeholders

Within this project a new Law on Environmental Inspection will be drafted, and proposals to improve the environmental inspection and enforcement system (at central and local levels) will be delivered.

Thus, it is of great importance for the team of the project to know your opinion about the following issues, please answer the questions and feel free to add any information that you believe can be useful to achieve this goal of improving the environmental inspection and enforcement system.

If there are some parts that are not related to your work, you can simply skip them.

### 1. Legislation

1.1. Are there any inconsistencies, incompatibilities or vagueness in the current national legislation in the following areas, which affect the implementation of environmental legislation and its enforcement?

	Sector / Area	Yes	No
1	Law on Environment		
2	Law on Nature Protection		
3	Criminal Code and Law on Misdemeanours		
4	Law on Inspection Supervision		
5	Law on Local Self-Government, Law on the Financing of Local Self-Government Units, Law on Inter-municipalities cooperation, Law on territory organization, Law on Skopje City		
6	Environmental Impact Assessment		
7	Environmental Permits		
8	Other permits required for the operation of an industrial installation		
9	Air quality and emissions		
10	Water management, quality, and wastewater discharges		
11	Waste		
12	Chemicals and Genetically Modified Organisms		
13	Noise		
14	Other legislation affecting implementation and enforcement of environmental legislation		

1.2. If the answer to one or more of the lines in the previous table is “yes”, please describe the gaps in legislation (you may answer in a separate page if you need more space).

1.3. Which amendments do you suggest to improve the gaps that you mentioned in the previous question, in particular those gaps that affect environmental inspection and enforcement?

You don't need to be very detailed (but of course the more you can tell us, the more useful it will be for us). Focus on the key ideas or changes that you think would be good to introduce (you may answer in a separate page if you need more space).

## 2. Implementation of legislation related to environmental inspection & enforcement

2.1. In your work related to environmental inspection & enforcement, do you have problems related to the following aspects?

	Sector / Area	Yes	No
1	Staff working on this area changes work frequently, so know-how is lost		
2	New staff hired does not have the required knowledge, criteria to appoint staff is not objective		
3	Staff related to inspection has to cover too many industrial sectors, there is no specialisation		
4	Lack of time to study and follow the updates in relevant environmental legislation		
5	Lack of adequate periodic training		
6	Slow, inefficient administrative procedures		
7	Performance of inspectors is not measured, and there is no reward/penalty system for good/poor performance		
8	Conditions stated in the environmental permits are often insufficient, not appropriate, not applicable in practice or impossible to check in an inspection		
9	Lack of practical guidance or supporting documents establishing clear procedures and check lists to take as a basis for the inspection		
10	Lack of independence of inspectors: External pressure when uncompliances are found, to avoid penalties or problems for installations		
11	Potential penalties are not dissuasive in practice		
12	Money collected through penalties is neither used to improve the conditions of environmental competent authorities, nor to improve environmental infrastructures (e.g. waste management or waste water treatment plants)		
13	Poor planning of inspection activities, driven mainly by complaints, incidents and accidents, or focussed on issues which have a small environmental impact, leaving important issues untouched		
14	Owners of installations do not know or understand their obligations related to the conditions stated in their environmental permits		
15	Lack of time to implement inspections properly (work overload)		

16	Staff in municipalities have some responsibilities that should be at regional or central level		
17	Lack of equipment needed to carry out inspection duties		
18	Lack of certified laboratories to prove uncompliances		
19	Lack of transparency by owners of installations is not penalised		
20	Unclear distribution of inspection responsibilities among different administrations		
21	Others		

2.2. If the answer to one or more of the lines in the previous table is “yes”, please describe in more detail the corresponding problem you face or observe (you may answer in a separate page if you need more space)

2.3. Which key changes do you suggest in order to solve (or at least reduce) the problems you have stated in question 2.1?

You don't need to be very detailed (but of course the more you can tell us, the more useful it will be for us). Focus on the key ideas or changes that you think would be good to introduce (you may answer in a separate page if you need more space).

### 3. Additional comments

3.1. Please feel free to add any additional comments, recommendations or information that you believe can be useful for the analysis of the environmental inspection and enforcement system and its improvement.

## Annex 4 - Summary table of IPPC-A and IPPC-B installations

NOTE: The municipalities marked with "\*" belong to the city of Skopje. Its permits are summarized in the last line ("City of SKOPJE")

	Municipality	Population	Area (km <sup>2</sup> )	Amount of IPPC A permits issued	Amount of IPPC A adjustment permit applications	Amount of IPPC B permits issued by municipalities
1	Aerodrom *	72,009				
2	Aračinovo	11,597	38			
3	Berovo	13,941	597	1	1	2
4	Bitola	95,385	790	2	8	12
5	Bogdanci	8,707	114			
6	Bogovinje	28,997	141	1	1	
7	Bosilovo	14,26	143	1	2	3
8	Brvenica	15,855	164	1	1	
9	Butel *	36,154				
10	Centar *	45,412	9			
11	Centar Župa	6,519	107			
12	Čair *	64,773	53			
13	Čaška	7,673	727			
14	Češinovo-Obleševo	7,49	133			5
15	Čučer Sandevo	8,493	215		1	1
16	Debar	19,542	85			1
17	Debartsa	5,507	423			
18	Delčevo	17,505	423	1	1	
19	Demir Hisar	9,497	480			
20	Demir Kapija	4,545	312		1	4
21	Dojran	3,426	129	1	1	
22	Dolneni	13,568	418	1	1	5
23	Gazi Baba *	72,617	92			
24	Gevgelija	22,988	484	1	1	2
25	Gjorče Petrov *	41,634	63			
26	Gostivar	81,042	375	4	6	5
27	Gradsko	3,76	291			1
28	Ilinden	15,894	97	1	1	4
29	Jegunovtse	10,79	174			
30	Karbinci	4,012	231		1	
31	Karpoš *	59,666	21			
32	Kavadartsi	38,741	998	4	4	3
33	Kičevo	56734	838	2	1	1

	Municipality	Population	Area (km <sup>2</sup> )	Amount of IPPC A permits issued	Amount of IPPC A adjustment permit applications	Amount of IPPC B permits issued by municipalities
34	Kisela Voda *	57,236	43			
35	Kočani	38,092	357		2	
36	Konče	3,536	233			
37	Kratovo	10,441	375			
38	Kriva Palanka	20,82	482		1	6
39	Krivogaštani	6,15	88			
40	Kruševo	9,684	190			
41	Kumanovo	105,484	432	5	3	10
42	Lipkovo	27,058	270			
43	Lozovo	2,858	166	1		
44	Makedonska Kamenica	8,11	189	1	1	
45	Makedonski Brod	7,141	875			1
46	Mavrovo and Rostuša	8,618	856			
47	Mogila	6,71	255			
48	Negotino	19,212	414	4	5	
49	Novatsi	3,549	755			1
50	Novo Selo	11,567	257			
51	Ohrid	55,749	392	1	4	9
52	Pehčevo	5,517	208		1	
53	Petrovec	8,255	222			
54	Plasnica	4,545	54			
55	Prilep	76,768	1,198		4	18
56	Probištip	16,193	326	3	2	1
57	Radoviš	28,244	502	2	5	
58	Rankovce	4,144	240		1	
59	Resen	16,825	549	2	2	
60	Rosoman	4,141	133			
61	Saraj *	35,408	230			
62	Štip	47,796	583	3	6	4
63	Šuto Orizari *	22,017	6			
64	Sopište	5,656	223			
65	Staro Nagoričane	4,84	515			
66	Struga	63,376	469	1	1	6
67	Strumitsa	54,676	311	3	4	
68	Studeničani	17,246	276			
69	Sveti Nikole	18,497	483	1	2	6
70	Tearce	22,454	137			

	Municipality	Population	Area (km <sup>2</sup> )	Amount of IPPC A permits issued	Amount of IPPC A adjustment permit applications	Amount of IPPC B permits issued by municipalities
71	Tetovo	86,58	262	5	7	
72	Valandovo	11,89	331	1	2	
73	Vasilevo	12,122	231			
74	Veles	55,108	518	2	3	13
75	Vevčani	2,433	35			
76	Vinitsa	19,938	432	2	2	
77	Vrapčište	25,399	157			1
78	Zelenikovo	4,077	177			
79	Želino	24,39	201	3		
80	Zrnovci	3,264	52			
81	City of SKOPJE			40	51	36
	TOTAL			101	141	161

## *Selected references*

- ECENA Network, Peer Review on SEI, 2006
- UNECE 2<sup>nd</sup> Environmental Performance Review, 2011
- RENA Country External Assessment Report, 2011
- Background materials for the Subcommittee on Transport, Environment, Energy, and Regional Development, 12th – 13th of February 2015 in Skopje
- Assessment Of The Current Status Of Implementation Of The Basel, Rotterdam And Stockholm Conventions In The Republic Of Macedonia & Action Plan For Synergistic And Coordinated Implementation Of The Basel, Rotterdam And Stockholm Conventions, 2014
- Plan for Institutional Development of the National and Local Environmental Management Capacity 2009-2014, Chapter 27 Environment
- Final Draft Environment and Climate Change Strategy (2014-2020)
- Website of Ministry of Environment and Physical Planning, [www.moepp.gov.mk](http://www.moepp.gov.mk)
- Website of Association of the Units of Local Self-Government of the Republic of Macedonia (ZELS), [www.zels.org.mk](http://www.zels.org.mk)
- Diverse primary and secondary Macedonian environmental legislation
- Law on Inspection Supervision
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- “Legal assessment of existing administrative capacities for enforcement of environmental legislation at central and local levels. New Law for Inspection on Environment”, output from missions 1 & 2 within activity 2.1 of this Twinning project.