

TWINNING PROJECT FICHE

Strengthening the administrative capacities at central and local level for implementation and enforcement of the environmental acquis

Twining number: MK 10 IB ENV 01

Abbreviations

CA	Contracting Authority
CARDS	Community Assistance for Reconstruction, Development & Stabilisation (Programme)
CFCD	Central Financing and Contracting Department within Ministry of Finance
DEU	Delegation of the European Union
DIS	Decentralized Implementation System
EC	European Commission
EIA	Environmental Impact Assessment
EU	European Union
GRM	Government of the former Yugoslav Republic of Macedonia
HOS	Head of Operating Structure
IPA	Instrument for Pre-accession Assistance
IPPC	Integrated Pollution Prevention and Control
LEAP	Local Environmental Action Plan
MoEPP	Ministry for Environment and Physical Planning
NGOs	Non-Governmental Organisations
OS	Operating Structure
SAA	Stabilisation and Association Agreement
SC	Steering Committee
VAT	Value Added Tax
MIPD	Multi-Annual Indicative Planning Document
SEI	State Environmental Inspectorate
REC	Regional environmental centre
ECENA	Enforcement and Compliance Environmental Network for Accession
BREFs	Best Available Technique Reference Document

1. Basic information

1.1 Publication reference: EuropeAid/ 135-458/IH/OPR/MK

1.2 Programme: Instrument for Pre-accession Assistance (IPA) – National Programme for 2010 under IPA Transition Assistance and Institution Building Component (TAIB)

1.3 Twining number: MK 10 IB ENV 01

1.4 Title: Strengthening the administrative capacities at central and local level for implementation and enforcement of the environmental acquis

1.5 Sector: Environment

1.6 Beneficiary country: Beneficiary country¹

2. Objectives

2.1 Overall Objective (s):

The overall objective of the project is to contribute to the improving of the environmental protection in the country at both central and local level.

2.2 Project purpose

The project purpose is to further enhance capacities of the environmental inspection bodies for enforcement of environmental legislation.

2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan

The **Accession Partnership**, in its Chapter 27 stipulates its short-term goals:

- Continue legislative alignment with the *acquis*, in particular in the fields of air quality, waste management and water quality, and improve significantly implementation of legislation and environmental monitoring;
- Strengthen the Environmental Inspectorate and other enforcement bodies, establish a credible enforcement record and ensure that fines and other sanctions are effectively applied and have a dissuasive effect;
- Strengthen administrative capacity at national and local levels and improve coordination between administrative bodies in charge of environment-related issues.

The **National Programme for Adoption of the Acquis - 2009**, in its Part 3 Ability to Assume the Obligations for Membership, Chapter 27 Environment (3.27), sets as one of

¹ As per Financing Agreement concerning the National Programme Transition Assistance and Institution Building – TAIB 2010 from the Instrument for Pre-Accession Assistance under the Transition Assistance and Institution Building Component –entered into force on 1st December 2011.

the short-term priorities the strengthening of the capacities of the State Environmental Inspectorate, through new employments, supply of equipment as well as continuous training of the current and new staff for carrying out the envisaged activities in NPAA and particularly will focus on the requirements of the Directive on liability for environmental damage and enforcement from the relevant regulations on liability for damage intended for environmental inspectors.

The project will contribute towards the implementation of the **Stabilisation and Association Agreement**, Article 80 on economic and social policies ensuring that environmental considerations are also fully incorporated from the outset, Article 68 on legal approximation, Articles 85 and 98 on ensuring environmental protection, and Article 103 (Environment and nuclear safety, point 2, line 1, and line 10) on combating environmental degradation, with the view to supporting environmental sustainability.

Link with MIPD

The *objective* for the environment sector in the MIPD (2009-2011) is to “Facilitate the strengthening of public administration capacities to implement EU legislation and related strategies, including climate change; Facilitate networking, the sharing of best practices and lessons learned between the Beneficiaries and with EU Member States.” The aim of the proposed project is to acquire the lessons learned from an EU Member State through a twinning mechanism.

One of the Strategic assertion in the MIPD is that the “compliance with the *acquis* needs further enforcement, monitoring and investment”. This project focuses on the strengthening of the capacities for enforcement and monitoring, on both local and central level.

The expected results in the MIPD include “Improved abilities of civil servants and other relevant actors to transpose and implement the environmental *acquis*; increased awareness of environmental issues, including the exchange of best practices; Alignment and enforcement of legislation and practices in the environmental sector with the EU *acquis*”. Hence, the proposed project focuses on the strengthening of the capacities for implementation, enforcement and monitoring, on both local and central level, and will be performed through exchange of best practices, through a twinning project with an EU Member State (the enforcement component).

Link with national/ sectorial investment plans

The project contributes to the realisation of the following key strategies and action plans in the sector:

- National Environmental Action Plan (NEAP) 2006;
- National Environmental Investment Strategy (NEIS);
- Operational Programme for Regional Development 2007-2009 (OPRD part environment) IPA Component 3, 2007;
- Draft Strategic Coherence Framework of the, 2007 – 2013, from July 2007;
- National Strategy for Environmental Approximation (NSEA), 2008;
- Plan for Institutional Development of Environmental Management Capacity on National and Local Levels 2009-2014, 2009,

- Second Environmental Performance Review, UNECE, 2011.

Furthermore, as part of the Horizontal Legislation Part, the key priorities in the upcoming period include:

- Enforcement of law and bylaws, with an emphasis on the procedures for Environmental Impact Assessment, Integrated Pollution and Prevention Control and Strategic Environmental Assessment;
- Strengthening the administrative capacities for implementation and enforcement of the environmental legislation;
- Preparation and adoption of strategic documents in the area of environment.

Cross Border Impact

The cross border impact of this project is reflected through the improved capacities for implementation and enforcement of the environmental legislation, improved environmental protection, increased public awareness and enhanced cooperation between the regulatory bodies of the neighbouring countries. The Beneficiary country is bordering two EU countries and two countries-signatories of the Stabilisation and Association Agreement. The capacities of the central and local level inspectorates for performing inspection on air quality, cross-border water bodies and another sector will be strengthened with this project, thus having direct effect on decreasing cross border pollution.

3. Description

3.1 Background and justification

The State Environmental Inspectorate (SEI) under the MoEPP is the competent authority for inspection and supervision over the enforcement of laws and regulations in the area of environment on national level. The role of the SEI is to control compliance with environmental standards and to prescribe measures against pollution in accordance with the Law on Environment and other environmental laws. Currently SEI is consisted of a Director, 2 Heads-Sector for Environmental supervision and Sector for Nature Protection and Waters Supervision and 19 State Environmental Inspectors (11 of them in same time are State Nature Protection Inspectors), one technical secretary and two junior collaborators.

The Law on Environment introduces for the first time authorised local inspector for environment and provides basic provisions for their work. The Law on Environment provides the local inspectors with many competencies and obligations in regard to inspection and enforcement of the obligations stipulated in the Laws.

According to the Key Findings and Recommendations of the Peer Review prepared by REC, ECENA Secretariat from 2006 of the IPPC System and the Minimum Criteria for Environmental Inspection, within the Enforcement and Compliance Environmental Network for Accession (ECENA), the following findings were established:

Capacities of the MEPP are limited. Responses to demands for information from outside clients are often put together at the last minute, causing considerable strain for already

busy EU Integration Units. However, when resources are limited, the progress monitoring becomes essential. A system for periodically reviewing progress in approximation can help the MEPP to:

- Use resources more efficiently. Regular review of programmes for transposing and implementation will facilitate early identification of potential problems and help the MEPP to allocate limited human and financial resources to priority issues;
- Increase the level co-operation within the Ministry;
- Build more stakeholder support;
- Prepare for responsibilities for membership.

The strengthening of capacities of the central level and local level inspectorates will be performed in three sectors: Water Quality, Air Quality and IPPC (inspections on A and B installations).

According to the Law on Air Quality the municipalities are responsible for issuing B licenses and drafting Elaborates, while the central level inspectors are still competent in this sector through the IPPC permits (A) and the process of monitoring emissions. This necessitates the capacities strengthening for enforcement in these two areas at both, central and local level.

As of January 1st 2010, the Water Law stipulates transfer of competences onto the Ministry of Environment and Physical Planning in the field of Water Management. In addition, with the same Law, a large portion of the competences in the field of Water Management were transferred on municipal level. In 2011, 12 pieces of implementing legislation were drafted pursuant to the Water Law. These pieces of implementing legislation shall regulate the specific requirements as regards collection, drainage and treatment of urban wastewaters, manner and conditions for design, construction and exploitation of systems and treatment plants for urban wastewaters, maximum allowed values and concentrations of the parameters of purified wastewaters for their reuse, the manner and procedure for use of sludge, the maximum values of the concentrations of heavy metals in soil where the sludge is used, the form, content and manner of submission of data and type of information for the use of the sludge and limit values of the wastewaters emissions after their purification.

In the area of IPPC, the Ministry developed 8 sectorial guidelines (BREFs) with regards to IPPC. The new, as well as the old staff from the SEI, needs training in how to implement new directive such as IPPC and in using BREFs, better enforcement in practice, and how to improve the cooperation with inspection bodies in EU member countries and neighbouring countries.

Overall, the qualifications for inspectors do not include prior environmental inspection experience, therefore continuous training and education of environmental inspectors is necessary. The foreseen twinning project is expected to contribute towards achieving an improved system of fines and other sanctions and established a credible record of inspections.

At present, the SEI keeps a database on installations that receive inspections. With the enforcement of the IPPC, Seveso II and other EU directives the need to install a capable IT system exceeding current administration standard arose. Information system for environmental inspection should meet requirements of inspectors field work at industrial and other sites (presentation of permit conditions and video documentation of important details like emissions etc.). Project will include the provision of a Management Information and Reporting System (E-inspectorate). This will also enable the inspectors to have access to database (software for electronic control for administration work of inspectors) during field inspections thereby performing better and more efficient control.

The proposed project is completely in line with the prerequisites of the Specific Environmental Directives, which are transposed in the national legislation: IPPC, Waste incineration and waste landfill, VOC, Water, and all related directives:

- Air quality²
- IPPC sector³
- Water management sector⁴

The insufficient administrative capacity for enforcement of the environmental legislation has been continuously noted in the EU Annual Progress Report:

In the 2012 Progress Report - Chapter 27 - Environment by the European Commission the following was stated: *“The **administrative capacity** for implementing and enforcing environmental and climate change legislation remains largely insufficient at both national and local levels. Coordination between administrative bodies responsible for environment-related issues is not yet effective.*

Environmental protection and climate change requirements are still not integrated well into policy-making and policy implementation. Involvement of stakeholders in decision-making has improved, but is still not sufficient. The environmental monitoring and information system needs further development. Investments in the sector continue to be very low”.

In the 2013 Progress Report - Chapter 27 - Environment by the European Commission the following was stated: *There was little effort made to strengthen **administrative capacity** for implementing and enforcing environmental and climate change legislation.*

² (Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management and Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe)

³ issuing B licenses for new installations (Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control);

⁴ (Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy)

It remains largely insufficient, both at national and at local level. Coordination between administrative bodies is not yet effective.

Stakeholders are insufficiently involved in the decision-making process. The environmental monitoring and information system needs further development. Investment in the sectors continues to be extremely low in relation to needs. Full utilisation of external funding requires strengthening of capacities and prioritisation of the sector. Environmental protection and climate change requirements are still not well integrated into policy making and policy implementation in other areas.

3.2 Linked activities (*other international and national initiatives*):

The twinning project is connected with the following on-going or recently completed projects and activities and will present their upgrading. There are no overlaps with the linked activities (projects).

1. Title: “Trainings on the procedure for issuance and drafting of B licences”

Source of funding: managed in cooperation between MoEPP & ZELS

Duration: 2008-2010

Description: The Programme had the aim of “on-the-job-training” for the staff of the Local Self Government Units (LSGU), for the issuance of B integrated ecological permits and permits for harmonization with operational plans, and facilitate the work through issuing a Guideline for the procedure and preparation of 8 pilot permits from different areas.

The first part of the three-year long programme was concluded with the issuing of a Practical Guide for the procedure of issuing a B-integrated ecological permit. Software will be developed as a kind of Cadastre for integrated ecological permits and monitoring of the implementation of the programmes for improvement/operational plans. One of the tasks of the Consultant will be to assess, upgrade and accommodate this software according to the needs.

2. Title: “Development of a Database for the State of the Environment in Municipalities”

Source of funding: REC

Duration: finished 2011

Description: Developed database included several sectors like water, air, waste, nature, soil and land use and the parameters are established by law and selected through analytical methods in order to assess various environmental impacts and their effects based on readily available data. DPSIR methodology was used in construction of database. Users’ module (municipalities) will be able to fill in the pre-defined data in an easy, systematic and transparent way.

3. **Title:** Supply of prioritised equipment - software and hardware for strengthening the capacities for implementation of environmental legislation and for environmental inspections on central and local level

Source of funding: IPA TAIB 2010 - PF 3.5 (total contract value of EUR 750 000, the financing from IPA is EUR 550 000, and the national co-financing is EUR 200 000)

Duration: expected in 2014

Description: Management Information and Reporting System (MIRS) is a system for increasing efficiency and effectiveness inspection functions. It improves inspector performance, and supports synchronized activities of different government bodies. MIRS is a system, fully in compliance with EU directives and regulations, but also customized to local legal system.

It covers all phases of inspection work: Planning; Methodology and document standardization; Risk Management; Registers of: subjects, objects, regulations; Operations; Inspector case preparation; On-field work (including on-line document creation and issuing); Postinspection work; Document management, digital archive, digital signature; Controlling, escalations, alerts; Analysis and reporting, business activity monitoring (BAM); Internet based communication with clients.

Upon purchase, the system will have to be adapted to the BC system for enforcement of the environmental legislation. For the purpose of this adaptation, this Twinning contract is expected to provide best practices and lessons learned from the MS partners as basis for improvement of MIRS.

MoEPP is also actively involved and is a part from the work of the environmental networks established and operating at EU level as follows:

- **BERCEN/ECENA:** The State Environmental Inspectorate for a number of years (from 2001) has been closely involved in the realisation of a project for BERCEN (Balkan Environmental Regulatory Compliance and Enforcement Network)/successor was ECENA (Environmental Compliance Enforcement Network for Accession), Regional project financed by the European Commission. Furthermore, the State Environmental Inspectorate is member of IMPEL.
- **IMPEL:** In the framework of IMPEL, guidance for training of inspectors, performing reviews of inspectorates and inspection practices and by projects on good practice in carrying out inspections is being carried out. The environmental inspectors take part in more IMPEL activities, first one is participation in TFS Cluster (Transfrontier shipment), inspectors enforcement day, TFS conference, TFS actions day, after that we contribute in other clusters for waste landfills, preparing on guide for environmental inspectors for on-site inspection on cement clinker industry, preparing on public reporting for environmental inspections activities, participation in Cluster for Better Regulation-Doing the right things for planning of environmental inspection. etc.

- **ECENA** facilitates assists and promotes the enforcement of regulations throughout SEE by disseminating information, finding common denominators for cooperation and developing projects of common interest with the countries participating in the network. Within the framework of ECENA we have Plenary meetings, Exchange Programmes, Study Tours, Train the Trainers programmes (Different clusters: EPER/E-PRTR, EU Industrial Directives as IPPC, SEVESO II, LCP, VOC, Waste Landfill and Waste Incineration, Environmental crime), Peer reviews on every country (former Yugoslav Republic of Macedonia, February, 2006).

Activities proposed with this project will not overlap with activities under these international networking, because only 3 state environmental inspectors were trained due to the limitation on number of participants and language barriers, and the proposed project will give more opportunity all environmental inspectors on the state level to be trained in line with EU Environmental Directives requirements and to receive knowledge's for better implementation and effective enforcement in practice during their work. Furthermore, the proposed project concerns an in-depth reform of the enforcement system. Moreover, this project will include a greater number of environmental inspectors, namely 18 central-level inspectors and about 30 local-level inspectors.

- **RENA:** From March 2010, Continuation of the ECENA network is network named as RENA-Regional Environmental Network for Accession organised in 4 thematic working groups for the first 2 years: WG 1 "Strategic Planning & Investments" , WG 2 "Climate Change", WG 3 "Cross-Border Cooperation on water, nature, EIA & SEA" and WG 4 "Implementation and Enforcement". Participation in activities under WG4 from SEI. Project close in December 2012.
- **THE THEMIS NETWORK:** is a regional cooperation initiative between the environmental law enforcement units of Albania, Bosnia and Herzegovina, Kosovo, former Yugoslav Republic of Macedonia, Montenegro and Serbia, including parts of the judiciary system. The aim is to increase administrative capacities in the relevant national authorities to tackle environmental crime and enhance regional dialogue and cooperation in the context of approximation to European Union environmental legislation. Activities during the period 2012 to 2013 are funded by the Austrian Development Cooperation. The Multi Annual Programme was revised and adjusted for the period 2012-2013 by the Executive Committee in May 2012.
- **Environment and Climate Regional Accession Network (ECRAN),** ECRAN will continue providing this assistance, building on the results of RENA and continuing to help the beneficiaries firstly to understand correctly the constantly evolving European legislation in the environment and climate fields and secondly by helping them to define their national strategies, sector specific management plans, legislation-specific implementation plans as well as awareness-raising activities in a realistic manner. The continuous and efficient preparation and organisation of the beneficiaries in the environment and climate sectors in view of

their accession to the European Union will help them come closer to the EU requirements.

3.3 Results:

The project shall provide advisory support to the State Environmental Inspectorate as the main beneficiary.

The Twinning is aimed at strengthening the administrative capacities for environmental inspections on central and local level, introducing environmental inspections capable of enforcing new environmental legislation in compliance with EU regulations; in particular IPPC, IED, Seveso II, Air Quality and Water Framework Directives.

The mandatory results to be achieved are:

Component 1

Strengthened administrative capacities for enforcement of environmental legislation

This mandatory result shall be achieved through the achievement of the following intermediary results:

1. Analysis and proposed reforms for strengthening the administrative capacities for enforcement of environmental legislation;

Measurable indicator: Report on institutional review of environmental inspection at central and local levels including key elements of environmental inspections responsibilities with recommendations for improvement; analysis of the administrative capacities for enforcement of environmental law (staff, structure, trained experts in specific areas, equipment, documentation, coordination and competences) including exploration of regional approach; prepared proposal for the adaptation of the environmental inspection structure; approved programme for strengthening the administrative capacities for environmental enforcement with regards to the inspectorates.

2. Improved procedures and protocols for environmental enforcement

Measurable indicator: Definition of standards and assessment of environmental and other relevant inspections according to implementation, enforcement and compliance with further adopted EU legislation related to environment protection; Manuals and checklists covering all relevant issues of inspection (including coordination, cooperation and communication with other stakeholders) are developed; Number of prepared guidelines published and disseminated, Developed and approved procedures, protocols, templates, notes, checklists.

3. Central and local level inspectors trained in three sectors: Water Quality, Air Quality and IPPC/IED (inspections on A and B installations);

Measurable indicator: Document on assessment of training needs; Long-term and short-term training plans approved; Training curricula and materials appropriate to all levels of the inspectorate prepared; seminars and workshops attended by approximately 100 participants; training materials prepared in English and local language (translation to be provided); workshops and seminars organised in 4

different locations in the country); study tour for representatives of the Environmental inspectorates from central and local level, for exchange of good practices and experience in environmental enforcement in areas of Air Quality, IPPC/IED and Water management for approximately 10 participants.

Component 2

Improved effectiveness of the environmental enforcement system

This mandatory result shall be achieved through the achievement of the following intermediary results:

1. Implementation of the Air Quality Framework Directive, IPPC/ IED Directive and Water Framework Directive⁵ in the environmental enforcement system;

Measurable indicator: Developed and approved procedures, protocols, templates, implementing the mentioned legislation; Number of performed standardized inspection controls of installation operation and other inspectors' activities adapted to the provisions of the new environmental legislation.

2. Environmental inspections implemented in accordance with European Recommendation for Minimum Criteria for Environmental Inspection (RMCEI)⁶.

Measurable indicator: New minimum criteria for inspections prepared and approved in accordance with new EU Recommendations; approximately 54 (19 state environmental inspectors + 35 authorized environmental inspectors on local level) of certified inspectors educated on the new criteria; assistance in performing a minimum of 3 pilot/joint practical inspections with MSs experts applying the new systematic approach (MOEPP shall select the pilot area); pilot inspections according to the new criteria shall cover 4 (four) IPPC sectors: energy, metallurgy, veterinary science, pig breeding.

Component 3

Improved management information and reporting system (MIRS) for inspections

This mandatory result shall be achieved through the achievement of the following intermediary results:

1. Improved management information and reporting system (MIRS) for inspections;

⁵ Air Quality Framework Directive: Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management and Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe; IPPC Directive: Directive 2008/1/EC of the European Parliament of 15 January 2008 concerning integrated pollution prevention and control; Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); Water Framework Directive: Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

⁶ **RMCEI:** Recommendation of the European Parliament and of the Council on 4 April 2001 providing for minimum criteria for environmental inspections in the Member States (2001/331/EC).

Measurable indicator: Written recommendations for improvement of the system prepared by MS partners in accordance with MS best practices and recommendations; MIRS is improved in accordance with possibilities of the beneficiary institution.

3.4 Activities:

The Twinning project should not be a one-way assistance from a Member State to a Beneficiary Country. It must help to introduce and share EU wide best practices in connection with EU legislation and specific needs of the Beneficiary Country in the area of implementation and enforcement of the environmental acquis.

The set of proposed activities will be further developed with the Twinning partner when drafting the Twinning work plan, keeping in mind that the final list of activities will be decided with the Twinning partner. The components are closely interlinked and need to be sequenced accordingly.

The Twinning assistance will be provided in the form of know-how transfer, and will be delivered through:

a) Advice and coaching sessions: Coaching and advice activities will be the predominant type of activity. They will help for drafting of new legal acts and/or amendments to the existing national legislation (laws and implementing regulation -by-laws) which regulates the area of implementation and enforcement of the environmental acquis, on the basis of the mentioned relevant EU legislation in force, further development of procedures, implementing provisions and control mechanisms and strengthening of the administrative and operational capacities of the SEI. They shall contribute to increased effectiveness of the national system for performing environmental inspections and its harmonisation with the mentioned relevant EU legislation and EU best practice.

b) Tailor made training programme: This project will include the development and implementation of a tailor-made training programme. The programme will be based on a training needs assessment of the target groups. The training programme will focus on all aspects of improving the capacities of the BC in the areas outlined above. The Beneficiary prefers on-the-job training, where applicable.

c) Analysis of Legal acts, Guidelines, Manuals, procedures and check-lists: The Twinning partner should propose new protocols and procedures for enforcement of the environmental acquis, other legal acts, Guidelines and Instructions and/or amendments to existing national legislation which regulates the area of environmental inspections in line with the Acquis and EU best practice, as well as more effective procedures. This task will be done in close cooperation and consultation with Beneficiaries.

d) Development: The Twinning partner will propose and provide assistance and guidance in the development of an improved system for implementation and enforcement of the environmental acquis, including the institutional set up, as well as assist in improving institutional and administrative capacities and competences to successfully enforce the new legislation. This will be done in the course of establishing and introducing new procedures, providing support to establishing sound training support and providing training to the beneficiaries of the project. This task will be done in close cooperation and consultation with the beneficiaries. In addition, the Twinning partner is expected to

provide written recommendations for improvement of the system in accordance with their experience and best practices, based on which some adaptations shall be made. Recommendations based on the Twinning partner's experience and best practice is also expected for the MIRS.

e) Study visit: Study visit will be organised for representatives of the Environmental inspectorates from central and local level, for exchange of good practices and experience in environmental enforcement in areas of Air Quality, IPPC/IED and Water management. The study visit will be useful for ensuring networking with the representatives of the national institutions of the Twinning partner, building mutual trust among the administrations as well as to see how the established systems, procedures and processes work in practice. Costs for travel by Beneficiary Country officials from their capitals to a Member State in the framework of study visit will be borne by the Beneficiary Country administration as co-financing.

3.5 Means/input from the MS Partner Administration:

The project will be implemented in the form of a twinning contract between the Beneficiary country and an EU Member State. The implementation of the project requires one Project Leader with responsibility for the overall coordination of project activities, one Resident Twinning Adviser to manage project activities and short-term experts (number to be proposed by the Member State). It is essential that the team have sufficiently broad expertise to cover all the areas included in the project description. The interested Member State institution shall include in its proposal the CVs of the designated Project Leader and Resident Twinning Adviser.

3.5.1 Profile and tasks of the Project Leader

The Project Leader from the Member State must be a high-ranking public servant of a Member State administration, but preferably the Head of a structure engaged in issues related to the area of environmental enforcement and compliance within the Ministry (or relevant institution), with relevant working experience of at least 5 years.

The MS Project Leader will continue to work at his/her Member State administration but will devote some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning Project, and ensure the attainment of the projected outputs. The Project Leader is fully responsible for co-ordination of the work of the experts.

The MS Project Leader will manage the implementation of the project with the Project Leader from the Beneficiary Country and is expected to devote a minimum of 3 days per month to the project in his/her home administration with an on-site visit at least every 3 months. The Project Leader's seniority will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. In addition, he/she should coordinate, on the Member State side, the Project Steering Committee (PSC), which will meet in Skopje at least every three months.

He/she will be supported by his/her Member State administration for logistic, accounting and administrative affairs.

Qualifications and skills:

- At least a University degree⁷;
- At least 5 years of relevant experience in a MS public administration in the field of environmental protection;
- Previous experience in the area of capacity building will be considered as an asset;
- Fluent knowledge of English language.

Tasks:

- Conceive, supervise and coordinate the overall preparation of the project;
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS TW partner;
- Co-ordinate MS experts' work and availability;
- Communicate with the beneficiary, CFCD and EUD;
- Ensure the backstopping functions and financial management;
- Guarantee the successful implementation of the Project's Work Plan;
- Co-chairing the regular Project Steering Committee meeting with the Beneficiary Country Project Leader.

Beneficiary Country Project Leader (BC PL)

The BC Project Leader will act as the counterpart of the MS PL and will ensure close cooperation in the overall steering, co-ordination and management of the project from the beneficiary side. He/she will support the Twinning project team in organizational and technical matters and will also coordinate the Project Steering Committee (PSC) on behalf of the BC. The role of the BC PL and the MS PL are complementary.

3.5.2 Profile and tasks of the Resident Twinning Adviser (RTA)

The Resident Twinning Adviser (RTA) should be an official from a relevant Member State (MC) administration (or equivalent staff) in charge of environmental enforcement and compliance, having at least 5 years' experience in the organization and the practical application of the *acquis communautaire* in the Environment inspection.

Resident Twinning Advisor (RTA) will be appointed for a period of 12 months, and he/she will be located in the premises of the MEPP in the Beneficiary country. He/she will come from an EU Member State to work on a full time and day-to-day basis with the beneficiary administration. The Resident Twinning Adviser will have a key role in the

⁷ For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

coordination of the inputs required for the successful implementation of all the project activities. He/she shall be supported by short – term experts.

Qualifications and skills:

- Be a civil servant or equivalent staff seconded to work within departments/units of the institution in charge of environmental enforcement and compliance in a Member State;
- At least a University degree⁸;
- At least 5 years of experience in MS administration in the environmental field;
- Active knowledge of English language;
- Experience in implementing EU relevant legislation concerning environmental protection.

The RTA will lead project implementation. He/she will be the primary interlocutor for both the Beneficiary and the Contracting Authority.

Tasks of the RTA:

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

- Coordination of all project activities and experts' inputs in the country;
- To provide technical advice, support and assist the beneficiary institution in the context of a predetermined work plan;
- Make recommendations on the organizational structure optimization;
- To assist the further development of a sustainable institutional framework (system and mechanisms) which would ensure the efficient and effective functioning;
- Ensuring day-to-day implementation of the Twinning project in the BC
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan;
- Ensuring smooth implementation of the different activities delivered;
- Assess continuously the Twinning Project in all stages and provide link to compare it with the specified benchmarks/results and time-frame;
- Prepare the material for regular monitoring and reporting;
- Taking corrective actions, if necessary, inside the terms of the signed contract.

3.5.3 Profile and tasks of the RTA assistants

3.5.3.1 RTA Assistant:

⁸ For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

The RTA will be provided with a full-time RTA assistant acting as an assistant for technical and organizational support. The assistant will be contracted according to Twinning rules and paid from the Twinning budget. The assistant will be selected through an open call. The role of RTA Assistant is to support the RTA in the project management. In addition, the assistant will be responsible for organisation of meetings, seminars etc. and their logistics.

3.5.3.2 Full-time translator / interpreter:

A full-time translator / interpreter will be selected through an open call. The full-time translator / interpreter will be involved in all necessary project activities (training sessions, translation of project documents/reports and materials, organizational activities, etc.). The role of the translator / interpreter will be to provide translation and editing as well as interpretation services to the Twinning project in general.

4. Institutional Framework:

The Contracting Authority for this Twinning project is the Central Financing and Contracting Department (CFCD) within the Ministry of Finance.

The State Environmental Inspectorate (SEI) will be the main beneficiary institution. SEI is functionally a part of the Ministry of Environment and Physical Planning responsible for the enforcement of the environmental legislation. SEI is responsible for provision of the available staff to maximize the benefits from the activities within this project, coordination and implementation of the project in Beneficiary Country.

So far, at the moment more than 50 per cent of the municipalities have environmental inspectors and staff devoted to environment. There are limitations on the implementation of the decentralization process in the country due to budget and human capacity constraints in several municipalities. In order to address these limitations, some municipalities are coordinating their efforts and capacities in terms of environmental decentralization. In particular, some municipalities are sharing staff devoted to environmental management and adopting coordinated plans on certain topics.

Other relevant representatives of the industry, NGO's will be informed for the results of the project and involved in certain project workshops. The Ministry of Environment and Physical Planning will be directly responsible for co-ordination and management of the project from the beneficiary side and will support the Twinning project team in organizational and technical matters.

Co-ordination mechanisms between institutions

A project Steering Committee (SC) will be established at the beginning of the project comprising senior representatives of Ministry of Environment and Physical Planning (State Environmental Inspectorate and IPA Unit), Ministry of Local Self-Government, Central Financing and Contracting Department and Delegation of EU.

The SC will monitor, supervise and co-ordinate the overall progress and implementation of the project. The SC will provide guidance for the different components of the project, will define priorities, approve and monitor budgets and approve the results.

The twinning partners shall submit reports as per Art. 6.4. Twinning Manual.

Reports will follow the templates of Annex C4 of the Common Twinning Manual. In addition to these formal reporting stages, the twinning partners are obliged to inform in writing the Contracting Authority as well as the final beneficiary of the action of any critical aspects or conditions of project implementation, or any amendments/modifications necessary within the budget.

All reports must be produced in the English in electronic and hard copy. These reports shall be signed by both project leaders. Each report must be presented in electronic format one week prior to the Steering Committee meetings and in two hard copies to the following addresses:

Central Financing and Contracting Department
Ministry of Finance
“Sveti Kiril i Metodij” 54, 1000 Skopje

The final versions should incorporate any comments and discussions during the Steering Committee meetings.

5. Budget

Title: <i>Strengthening the administrative capacities at central and local level for implementation and enforcement of the environmental acquis</i>	IPA Community Contribution	National Co-financing	TOTAL
Twinning Contract	95% 950.000,00 €	5% 50.000,00 €	1.000.000,00 €

The co-financing requirement foreseen under IPA will be considered fulfilled according to the provision of the relevant Financing Agreement.

The project will be implemented through a Twinning Contract estimated at a maximum of EUR 1.000.000 (out of which 95% IPA funds and 5% National co-financing).

Apart from the national co-financing, the beneficiary institution (MoEPP) shall provide additional co-financing for the purpose of covering costs not covered under the project budget as per Twinning manual, point 5.13, as follows:

- Direct and indirect cost of the Beneficiary administration, civil servants and national private experts working for the project;
- Organisation of seminars/ workshops/ trainings (incl. hall rental, printing seminar materials and other logistical support);

- Facilities for the Member State experts: adequately equipped office space; telephone; email services; fax; photocopiers; computer; internet access; access to information.

For the needs of the project, a full time RTA Assistant and a full-time interpreter are to be appointed under the project budget. The following expenses are also to be covered with the project funds:

- Visibility Costs and
- Audit certificate cost.

The project will be located in the premises of the (MoEPP) which will also ensure providing the Member State experts with the documents necessary for project implementation.

6. Implementation Arrangements

6.1 Implementing Agency responsible for tendering, contracting and accounting

The Central Financing and Contracting Department (CFCD) will be the Contracting Authority and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management including payment of project activities, upon conferral of management. The Head of CFCD will act as the Programme Authorizing Officer (PAO) of the project.

Contact person

Mrs. Radica Koceva (PAO)
Head of Central Financing and Contracting Department
Ministry of Finance
“Sveti Kiril i Metodij” 54, 1000 Skopje
tel. +389 2 3106 455
fax. +389 3 106 612
E-mail: radica.koceva@finance.gov.mk

6.2 Main counterpart in the BC:

Ministry of Environment and Physical Planning will be the leading beneficiary institution. Head of Department for EU in the MoEPP acts as a SPO.

Senior Programme Officer:

Mrs. Jadranka Ivanova,
Ministry of Environment and Physical Planning
Head of Department for EU,
Senior Programme Officer
Tel: +389 2 3251 440;
Fax: +389 2 3220 165;
E-mail: j.ivanova@moepp.gov.mk , jadrankaivanova@hotmail.com

In the implementation of the project the following body will be included:

RTA counterparts:

Mr. Darko Blinkov,
State Environmental Inspectorate within the MEPP,
State Environmental and Nature Protection Inspector, Skopje
Tel/Fax: +389 2 3251 550
E-mail: d.blinkov@moepp.gov.mk

BC Project Leader:

Mr. Firus Memed,
State Environmental Inspectorate within the MEPP,
Director of the State Environmental Inspectorate
Tel/Fax: +389 2 3251 556
E-mail: f.memed@moepp.gov.mk

6.3 Contracts:

The project shall be implemented through one Twinning contract.

7. Implementation Schedule

7.1 Launching of the call for proposals:

January 2014

7.2 Start of project activities:

September 2014

7.3 Project completion:

The project implementation period (duration of the work plan) is 12 months after the commencement date of the Project.

7.4 Duration of the execution period:

12 months.

The overall execution period of the Twinning project is 15 months with an implementation period of 12 months. (The execution period of the contract shall enter into force upon the date of notification by the Contracting Authority of the contract signed by all parties, whereas it shall end 3 months after the implementation period of the Action).

8. Sustainability

The main contribution of this project will be the strengthening of the administrative capacities in the prioritised sectors on central and local level, thereby contributing to the improvement of environmental management and implementation of legislation. The capacities of the State Environmental Inspectorate and Local inspectors within the

municipalities will be significantly boosted by this project which will enable further independent operation thereof.

Improved capacities for enforcement of environmental legislation and introduction of environmental standards will positively impact the overall sustainability of development in the country, while the improved capacities to develop EU compliant legislation and regulations will have a positive impact on the EU accession process.

It is expected that strengthening the public administration on local level will improve the capacity to solve local problems and disputes on local level instead of approaching central administration.

9. Crosscutting issues

9.1 Equal Opportunities and non-discrimination

The training activities may include a specific component to train municipal and ministerial staff in the implementation of the Government Gender Strategy, while reference will be made to the EC Programme of Action for the mainstreaming of gender equality in community development cooperation (2001-06). An output of this training component will be to assist the beneficiary to implement an ‘internal gender assessment’ to identify areas where it could improve its internal performance vis-à-vis gender.

9.2 Environmental considerations

The project is directly related and contributes to environmental improvement. It affects the environment positively, since it refers to strengthening of environmental management on central and local level.

9.3 Support to minorities and vulnerable groups

The twinning partners in formulation the proposal and implementation the contract shall ensure respect of Ohrid Framework Agreement, and “Race directive” 2000 (200/43/EC of 29 June), which has an important impact on employment (incl. vocational training, working conditions, social protection etc.) and is also a crucial aspect of the acquis

Whereas the main reference in the country in relation to minority groups is the Ohrid Framework Agreement, in an EU context, reference is made to the “Race directive” of 2000 (200/43/EC of 29 June), which has an important impact on employment (including vocational training, working conditions, social protection etc.) and is also a crucial aspect of the acquis. The beneficiary will be assisted to implement an ‘internal minority and vulnerable group assessment’ to identify areas where it could improve its internal performance vis-à-vis minorities or other vulnerable groups. In view of the specific sector, it is not expected that the minority aspects will be of prime relevance for the outputs of this project.

9.4 Civil Society development and dialogue

Since this project will aim to assist the municipalities in preparing for the implementation of the environmental legislation, there will be a process of raising public awareness, increasing transparency and a comprehensive dissemination of results

10. Conditionality and sequencing

A sufficient number of employees with relevant capacity in the MoEPP, LSG Units and authorised environmental inspectors in charge of environmental enforcement and compliance and project implementation should be in place prior to the implementation of this project. Project implemented through a Twinning requires full commitment and participation of the senior management of the both beneficiary institutions as well as full political support in the country.

The following conditionality predetermines the project:

- 1) Appointment of counterpart personnel by the beneficiary before the launch of the project;
- 2) Staffing of units receiving support is sufficient to implement the mandate of the unit (in principle staff should at the minimum be as per formal staff establishment decision)
- 3) Allocation of working space and facilities by the beneficiary for the Twinning partner before the launch of the tender process;
- 4) Organization, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per work plan of the project;

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)

LOGFRAME PLANNING MATRIX FOR: Strengthening the administrative capacities at central and local level for implementation and enforcement of the environmental acquis		Programme name and number: National Programme for the Republic of former Yugoslav Republic of Macedonia under the IPA Transition Assistance and Institution Building Component for 2010 CRIS number :	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Component 1 Strengthened administrative capacities for enforcement of environmental legislation This mandatory result shall be achieved through the achievement of the following intermediary results:	Objectively verifiable indicators regarding Component 1 intermediary results: 1. Report on institutional review of environmental inspection at central and local levels including key elements of environmental	- Annual performance reports; - Working	- Commitment of institutions involved; - Provision of dedicated staff in beneficiary

<p>1. Approved analysis and proposed reforms for strengthening the administrative capacities for enforcement of environmental legislation;</p> <p>2. Improved procedures and protocols for environmental enforcement</p> <p>3. Central and local level staff involved in environmental legislation trained in three sectors: Water Quality, Air Quality and IPPC/IED (inspections on A and B installations);</p>	<p>inspections responsibilities with recommendations for improvement; analysis of the administrative capacities for enforcement of environmental law (staff, structure, trained experts in specific areas, equipment, documentation, coordination and competences) including exploration of regional approach; prepared proposal for the adaptation of the environmental inspection structure; approved programme for strengthening the administrative capacities for environmental enforcement with regards to the inspectorates.</p>	<p>procedures and manuals;</p> <ul style="list-style-type: none"> - Annual inspection plans; - Inspection and monitoring records part of the developed inspection software. 	<p>institutions.</p>
<p>Component 2</p> <p>Improved effectiveness of the environmental enforcement system</p> <p>This mandatory result shall be achieved through the achievement of the following intermediary results:</p> <p>1. Implementation of the Air Quality Framework Directive, IPPC/ IED Directive and Water Framework Directive⁹ in the environmental enforcement system;</p> <p>2. Environmental inspections implemented in accordance with European Recommendation for Minimum Criteria for</p>	<p>2. Definition of standards and assessment of environmental and other relevant inspections according to implementation, enforcement and compliance with further adopted EU legislation related to environment protection; Manuals and checklists covering all relevant issues of inspection (including coordination, cooperation and communication with other stakeholders) are</p>		

⁹ Air Quality Framework Directive: Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management and Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe; IPPC Directive: Directive 2008/1/EC of the European Parliament of 15 January 2008 concerning integrated pollution prevention and control; Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); Water Framework Directive: Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

<p>Environmental Inspection (RMCEI)¹⁰.</p> <p>Component 3 Improved management information and reporting system (MIRS) for inspections</p> <p>This mandatory result shall be achieved through the achievement of the following intermediary results:</p> <p>1. Improved management information and reporting system (MIRS) for inspections.</p>	<p>developed; Number of prepared guidelines published and disseminated, Developed and approved procedures, protocols, templates, notes, checklists.</p> <p>3. Document on assessment of training needs; Long-term and short-term training plans approved; Training curricula and materials appropriate to all levels of the inspectorate prepared; seminars and workshops attended by approximately 100 participants; training materials prepared in English and local language (translation to be provided); workshops and seminars organised in 4 different locations in the country; study tour for representatives of the Environmental inspectorates from central and local level, for exchange of good practices and experience in environmental enforcement in areas of Air Quality, IPPC/IED and Water management for approximately 10 participants.</p> <p>Objectively verifiable indicators regarding Component 2 intermediary results:</p> <p>1. Developed and approved procedures, protocols, templates, implementing the mentioned legislation; Number of performed standardized inspection</p>		
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¹⁰ **RMCEI:** Recommendation of the European Parliament and of the Council on 4 April 2001 providing for minimum criteria for environmental inspections in the Member States (2001/331/EC).

	<p>controls of installation operation and other inspectors' activities adapted to the provisions of the new environmental legislation.</p> <p>2. New minimum criteria for inspections prepared and approved in accordance with new EU Recommendations; approximately 54 (19 state environmental inspectors + 35 authorized environmental inspectors on local level) of certified inspectors educated on the new criteria; assistance in performing a minimum of 3 pilot/joint practical inspections with MSs experts applying the new systematic approach (MOEPP shall select the pilot area); pilot inspections according to the new criteria shall cover 4 (four) IPPC sectors: energy, metallurgy, veterinary science, pig breeding.</p> <p>Objectively verifiable indicators regarding <u>Component 3</u> intermediary results:</p> <p>1. Written recommendations for improvement of the system prepared by MS partners in accordance with MS best practices and recommendations; MIRS is improved in accordance with possibilities of the beneficiary institution.</p>		
Activities	Means	Costs	Assumptions
The set of proposed activities will be further developed with the Twinning partner when drafting the Twinning work plan, keeping	- Twinning contract	Total EUR 1 000 000 (EUR 950 000 IPA and 50 000	- Support and commitment from involved stakeholders;

<p>in mind that the final list of activities will be decided with the Twinning partner.</p> <p>The Twinning assistance will be provided in the form of know-how transfer, and will be delivered through:</p> <p><u>a) Advice and coaching sessions</u> <u>b) Tailor made training programme</u> <u>c) Analysis of Legal acts, Guidelines, Manuals, procedures and check-lists</u> <u>d) Development</u> <u>e) Study tour</u></p>		national contribution)	<ul style="list-style-type: none"> - Sufficient administrative capacity of the municipalities involved; - Sufficient administrative capacity on central and local level for issuing of permits; - Problems with implementation of secondary legislation; - Interest by public; - Providing relevant data/information.
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2. Detailed implementation chart (optional)

3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (optional)

4. Reference to feasibility /pre-feasibility studies. For all investment projects, the executive summary of the economic and financial appraisals, and the environmental impact assessment should be attached (optional)

5. List of relevant Laws and Regulations (optional)

- Law on Environment (“Official Gazette No. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11, 123/12 and 93/13);
- Law on Nature Protection (“Official Gazette No. 67/04, 14/06, 84/07, 35/10, 47/11, 59/12 and 13/13);
- Law on Protection from Environmental Noise (“Official Gazette No. 79/07, 124/10 and 47/11.);
- Law on Waste Management (“Official Gazette No. 68/04, 71/04, 107/07, 102/08, 134/08, 09/11 and 123/12);
- Law on Ambient Air Quality (“Official Gazette No. 67/04, 92/07, 35/10, 47/11 and 100/12);
- Law on Waters (“Official Gazette No. 87/08, 6/09, 161/09, 83/10, 51/11 and 44/12);
- Law on Local Self-Governance (“Official Gazette No. 05/02);
- Law on Skopje City (“Official Gazette No. 55/04 and 158/11);
- Law on Inter-municipalities cooperation (“Official Gazette No. 79/09);
- Law on territory organization (“Official Gazette No. 55/04, 12/05, 98/08 and 106/08).

6. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc) (optional)