

## **LAW ON AMBIENT AIR QUALITY**

### **I. GENERAL PROVISIONS**

#### **Article 1 Subject of regulation**

(1) This Law shall regulate the measures for avoidance, prevention or reduction of harmful effects from ambient air pollution on human health, as well as environment as a whole, through establishment of limit values for the ambient air quality and alert thresholds, emission limit values, the establishment of unique system of ambient air quality monitoring and control and monitoring of sources of emissions, comprehensive system of ambient air quality and sources of emissions management, information system, as well as other measures aimed at protection against certain activities by legal entities and individuals having direct or indirect impact on the quality of air.

#### **Article 2 Law Application**

(2) The provisions of this Law shall be applicable with regard to the ambient air, except ambient air pollution caused by radioactive substances, noise and natural disasters and air pollution within working environments.

#### **Article 3 Goals of the Law**

The goals of this Law shall be the following:

- to avoid, prevent and reduce harmful effects on human health and the environment as a whole, including also biological diversity, natural wealth and historical and cultural heritage;
- to provide appropriate information on the quality of ambient air;
- to prevent and reduce pollutions that may lead to climate change;
- to maintain the quality of ambient air where it is good and improve it in other cases;

#### **Article 4 Definitions**

(1) Individual terms used in this Law shall have the following meaning:

- 1) **Ambient air** – shall mean outdoor air in the troposphere, excluding the air at the work place;
- 2) **Ambient air quality** – shall mean state of the ambient air presented as a level of pollution;
- 3) **Air pollution** – shall mean change in the ambient air quality resulting from human activities, through direct or indirect input of pollutants that may be harmful for human health and the environment, or cause damage on the material property or disturb or affect natural beauties and other legitimate manners of environment use;
- 4) **Air pollutant**– shall mean any substance released in the ambient air by man directly or indirectly, that may have adverse impact on human health or the environment as a whole;
- 5) **Level**- shall mean the concentration of pollutant in the ambient air or its disposition on an area for a specified period of time;
- 6) **Limit value** - shall mean the level fixed on the basis of scientific knowledge, aimed at avoiding, preventing or reducing harmful effects on human health or environment as a whole, that should be achieved within a specified period and, once achieved, should not be exceeded;
- 7) **Assessment** – shall mean any method used to measure, calculate, presume or estimate the level of a pollutant in the ambient air;
- 8) **Modeling technique** - shall mean various mathematical approaches to the presentation of physical and chemical processes in the ambient air, as well as procedures for changing these formulations, together with the input data required in order to conduct the modeling of the ambient air quality;
- 9) **Upper assessment threshold** - shall mean the level bellow which combination of measures and modeling techniques can be used for the purpose of the ambient air quality assessment;
- 10) **Lower assessment threshold** - shall mean the level bellow which only modeling techniques or techniques for objective presumption can be used for the purpose of the ambient air quality assessment;
- 11) **Target value of ambient air** – shall mean the level specified for the purpose of avoiding long-term harmful effects on human health or environment as a whole, and which should be achieved when possible within a given period of time;
- 12) **Alert threshold**- shall mean the level of pollution above which there is a human health risk at short-term exposure, i.e. the level from which the direct measures defined in this Law are initiated;
- 13) **Margin of tolerance for a limit value** – shall mean the percentage of the limit value to which this value can be exceeded under conditions defined in accordance with this Law;

- 14) **Emission-** shall mean any release of pollutants in the atmosphere;
- 15) **Emission limit value** – shall mean permissible quantity of pollutant contained in the emitted exhaust gases for a given period of time, that should not be exceeded;
- 16) **Exhaust gas** – shall mean any gas release in the ambient air containing solid, liquid or gaseous emissions. Volumetric data is expressed as cubic meters per hour at a standard temperature of 273 k and pressure of 101, 3 kPa;
- 17) **Emission source** – shall mean any point or area from which pollutants are released in the air;
- 18) **Transmission** – shall mean combined effects from the transportation and atmospheric reaction on pollutants.
- 19) **Cadastre of air polluters and pollutants** – shall mean qualitative and quantitative records of pollutants and sources of pollution releasing pollutants in the air, including also a map of polluters;
- 20) **Zone** - shall mean part of the territory of the Republic of Macedonia of well defined borders for the purposes of ambient air quality assessment and management;
- 21) **Agglomeration** - shall mean the zone in which the density of population is above 250 000 inhabitants or where the density of population is less than 250.000 inhabitants, but the density of population per km<sup>2</sup> justifies the need for ambient air quality assessment and management;
- 22) **Ambient air quality monitoring** - shall mean systematized, continuous measuring, monitoring and control of the change in the state and changes in the quality of the air;
- 23) **Outlet** - shall mean the point of release and/or discharge of pollutants from specific source of pollution into the ambient air;
- 24) **Background level** - shall mean the air within the man's inhalation zone;
- 25) **Fixed location** - shall mean the place at which polluters should be measured, measurements being conducted on fixed locations, continuously or by random sampling, where the number of measurements should be sufficient in order to provide for determination of the measured levels;
- 26) **Industrial accident** – shall mean an event in a form of large emission, fire or explosion as a result from uncontrolled development during the operation in any system involving one or more harmful and hazardous substances, and which induces, immediately or later, severe danger for human health or environment, within or outside the facility, resulting in one or more dangerous substances released in the ambient air;
- 27) **Installation** – shall mean static technical unit where one or several activities are carried out in the framework of an industrial activity that is subject to environmental impact assessment and all other activities directly related thereto or are technically connected with activities carried out on that location, that may have effects on the emissions of exhaust gases and pollutions.

28) **Competent authority for performance of professional works in the field of environment** - shall be the authority established on the basis of the Law on Environment.

## **II. PRINCIPLES OF AMBIENT AIR QUALITY AND SOURCES OF EMISSIONS MANAGEMENT**

### **Article 5**

#### **Principle of careful and responsible behaviour**

In the course of activities that may affect the quality of ambient air, everyone shall be obliged to behave in a careful and responsible manner in order to avoid and prevent ambient air pollution and harmful effects on human health and environment as a whole.

### **Article 6**

#### **Principle of time perspectivity**

The terms in plans, programmes and decisions for ambient air quality management should correspond with the time perspective of expected effects.

### **Article 7**

#### **Application of other principles**

In addition to the principles referred to in Articles 5 and 6 of this Law, principles specified in the Law on Environment shall also apply with regard to the ambient air quality protection.

## **III. SOURCES OF POLLUTION**

### **Article 8**

#### **Sources of pollution**

(1) The sources of ambient air pollution shall by this Law be:

1. installations used in technological processes and energy generation facilities (hereinafter: stationary sources);
2. internal combustion engines in locomotives, ships, aircrafts and vehicles (hereinafter: mobile sources), and
3. Fuels.

(2) The sources of air pollution referred to in paragraph 1 items 1 and 2 of this Article shall be designed, developed, equipped, maintained and operated so as not to release

harmful substances in the ambient air in quantities exceeding the specified emission limit values.

(3) The sources of pollution referred to in paragraph 1 item 3 of this Article shall not be produced, imported and let for trade unless they comply with the specified limit values with regard to the contents of harmful substances and other requirements related to the quality of fuels in accordance with the regulation referred to in Article 16 of this Law.

### **III. UNIQUE LIMIT VALUES**

#### **Article 9 Types of limit values**

- (1) For the purpose of avoiding, preventing or reducing the harmful effects on human health and the environment as a whole, the following types of limit values shall be specified:
1. Limit values of ambient air quality and alert thresholds;
  2. Emission limit values of exhaust gases and vapors from stationary sources;
  3. Emission limit values of exhaust gases from mobile sources; and
  4. Contents of harmful substances in fuels.

#### **Article 10 Limit values of ambient air quality and alert threshold**

- (1) For the purpose of achieving the ambient air quality targets, the Government of the Republic of Macedonia, at the proposal of the public administration body responsible for the affairs of the environment and the public administration body responsible for the affairs of the health, shall specify:
1. limit values for levels and types of pollutants in the ambient air (hereinafter: quality limit value) and alert thresholds;
  2. the terms for achievement of limit values for individual pollutants;
  3. margins of tolerance for the limit value;
  4. target value and long-term targets for individual pollutants.
- (2) Depending on the level and the nature of the ambient air quality pollution, the Government of the Republic of Macedonia, in the context of paragraph 1, items 1, 2 and 3 of this Article may also specify stricter quality limit values for certain areas and upon proposal by the Council of the Municipality or the Council of the City of Skopje.

## **Article 11**

### **Recommended factors**

- (1) In specifying the types of pollutants, the Government of the Republic of Macedonia shall take into account the following factors:
  1. Probability, severity and frequency of effects with regard to human health and/or environment as a whole, and particular account should be taken of unremedial effects;
  2. Overall presence and high concentration of the pollutant in the atmosphere;
  3. Transformations in the environment or metabolized changes that may lead to creation of chemicals of higher toxicity;
  4. Persistence in the environment, if the pollutant is not biodegradable and is able of accumulation in human organism, environment or food chain.
  5. Impact of pollutant:
    - on the scale of exposed population, bioresources or ecosystems;
    - existence of particularly sensitive targets in the affected zone;
    - as well as use of methods for risk assessment, as required.

## **Article 12**

### **Margin of tolerance for limit value**

- (1) In specifying the limit value for each pollutant and the time required for the implementation of measures for ambient air quality improvement, while taking into account the real level of specific pollutant, the Government of the Republic of Macedonia, at the proposal of the public administration body responsible for the affairs of the environment and the public administration body responsible for the affairs of the health, may order deviation from the specified quality limit value.
- (2) The allowable deviations referred to in paragraph 1 of this Article shall decrease progressively in order to reach the level of the quality limit value by the end of the specified period set for each pollutant, in accordance with the adopted terms for the achievement of quality limit values.

## **Article 13**

### **Emission limit values of exhaust gases and vapors from stationary sources**

- (1) The Minister managing the public administration body responsible for the affairs of the environment, in consent with the Minister managing the public administration body responsible for the affairs of the health, shall specify the limit values for

permissible levels of emissions and types of pollutants into exhaust gases and vapors emitted into the air from stationary sources (hereinafter: emission limit values) in order to ensure ambient air quality in compliance with the established quality limit values specified in the provisions of Article 10 of this Law.

- (2) As an exception from paragraph 1 of this Article, depending on the nature of ambient air pollution and sources of emission in a given zone and agglomeration, at the proposal of the the Council of the Municipality or the Council of the City of Skopje in terms of paragraph 1 of this Article, stricter emission limit values may be prescribed.

#### **Article 14**

##### **Emission limit values for mobile sources**

- (1) The emission limit values for and types of pollutants in exhaust gases from mobile sources of pollution (hereinafter: emissions from mobile sources) shall be specified by the Minister managing the public administration body responsible for the affairs of the environment, in consent with the Minister managing the public administration body responsible for the affairs of the health.

#### **Article 15**

##### **General obligations**

- (1) The prescribed emission limit values referred to in Article 13 of this Law shall be compulsory for all facilities and installations in a stage of designing, construction, reconstruction or exploitation, regardless of whether they perform production or non-production activity.
- (2) The prescribed emission limit values referred to in Article 14 of this Law shall be compulsory for all mobile sources of pollution in accordance with this Law.

#### **Article 16**

##### **Contents of harmful substances in fuels**

Limit values for the contents and types of harmful substances, as well as other requirements for the fuels quality, shall be specified by the Minister managing the public administration body responsible for the affairs of the economy, in consent with the Minister managing the public administration body responsible for the affairs of the environment.

### **IV. AMBIENT AIR QUALITY MANAGEMENT**

#### **Article 17**

##### **Manner of management**

- (1) The ambient air quality management shall be performed through:
1. ambient air quality assessment; and
  2. adoption and implementation of planning documents.

## **1. AMBIENT AIR QUALITY ASSESSMENT**

### **Article 18 Subject of assessment**

(1) The assessment of the ambient air quality on the territory of the Republic of Macedonia shall be performed on the basis of regular measurements through national network, as well as through local networks and measurements of emissions from stationary and mobile sources of pollution conducted in the course of not less than one year, with a possibility to use modelling techniques.

### **Article 19 Responsible authorities**

(1) The public administration body responsible for the affairs of the environment shall carry out the assessment of ambient air quality.

(2) The public administration body responsible for the affairs of the health shall carry out the assessment of health risk associated with the ambient air quality.

### **Article 20 Methodology of assessment**

(1) The Minister managing the public administration body responsible for the affairs of the environment, and the Minister managing the public administration body responsible for the affairs of the health shall prescribe the criteria, the methods, and the procedures of ambient air quality assessment.

### **Article 21 Preliminary assessment**

(1) For the purpose of preparing and establishing monitoring networks for the ambient air monitoring and measurement, preliminary assessment of the ambient air quality should be carried out.

(2) The preliminary assessment shall be based on the existing and/or representative measurements of the concentrations of pollutants at least for the last five years.

(3) Where no existing measurements are available, representative measurements supplemented by data from the cadastre of polluters and pollutants in the air should be used, as well as ambient air quality modeling.

**Article 22**  
**Lists of zones and agglomerations**

(1) On the basis of the ambient air quality assessment for the territory of the Republic of Macedonia, lists of zones and agglomerations shall be established in the following manner:

1. Lists comprising zones and agglomerations where the levels of one or more pollutants exceed the quality limit value plus the margin of tolerance;
2. Lists comprising zones and agglomerations where the levels of one or more pollutants are between the quality limit value and the quality limit value plus the margin of tolerance; and
3. Lists comprising zones and agglomerations where the levels of one or more pollutants are below the quality limit value.

(2) The lists of zones and agglomerations referred to in paragraph (1) of this Article shall be adopted and published by the public administration body responsible for the affairs of the environment.

(3) The public administration body responsible for the affairs of the environment, depending on the results of the ambient air quality assessment, shall review once in a year the lists referred to in paragraph (1) items 1 and 2 of this Article, and the lists referred to in item 3 at least once in 5 (five) years.

**2. PLANNING THE PROTECTION OF THE AMBIENT AIR QUALITY**

**Article 23**  
**Basic planning documents**

(1) For the purpose of achieving the set goals of the ambient air quality in accordance with this Law, as well as for the purpose of their planning and implementation, the following documents shall be developed:

1. National Plan for the ambient air quality protection (hereinafter: Plan); and
2. Programme for air pollution reduction and ambient air quality improvement (hereinafter: Programme).

**Article 24**  
**Strategic assessment**

(1) Strategic assessment of documents referred to in Article 23 of this Law shall be carried out only in cases and under conditions determined by the Law on Environment.

## **Article 25**

### **National Plan for the ambient air quality protection in the Republic of Macedonia**

(1) The National Plan referred to in paragraph 1 item 1 of Article 23 of this Law shall determine the ambient air quality protection, that will particularly provide:

1. Maintenance of the quality of ambient air in zones where the quality limit values have not been exceeded;
2. Improvement of the quality of ambient air in zones where the quality limit values have been exceeded;
3. Undertaking of measures aimed at reducing the emissions from individual stationary sources of pollution;
4. Adoption of measures necessary for minimization and full elimination of adverse effects on the quality of the ambient air;
5. Adoption of measures necessary for minimization and full elimination of adverse effects on the quality of the ambient air in a transboundary context;
6. Implementation of obligations deriving from multilateral agreements ratified or acceded to by the Republic of Macedonia;
7. Establishment of zones and agglomerations of priority importance depending on the degree of exceedence of the quality limit values and depending on the danger posed to human health, as well as activities to be undertaken by the Municipalities and the City of Skopje;

(2) The Minister managing the public administration body responsible for the affairs of the environment, in consent with the Minister managing the public administration body responsible for the affairs of the health and the Minister managing the public administration body responsible for the affairs of the economy, shall prescribe the detailed contents and the manner of preparation of the Plan;

(3) The Government of the Republic of Macedonia, for the purpose of the Plan implementation, shall adopt Annual Programme of measures for achievement of the goals of ambient air quality, with financial plan for implementation.

(4) The Plan shall be adopted for a period of at least 8 (eight) years.

(5) The Government of the Republic of Macedonia, at the proposal of the public administration body responsible for the affairs of the environment, in consent with the public administration body responsible for the affairs of the health and the public administration body responsible for the affairs of the economy, shall adopt the Plan.

(6) The Government of the Republic of Macedonia, at the proposal of the public administration body responsible for the affairs of the environment, in consent with the public administration body responsible for the affairs of the health and the public administration body responsible for the affairs of the economy, can make amendments or supplements of the Plan.

(7) The public administration body responsible for the affairs of the environment shall be responsible for the implementation of the Plan referred to in paragraph 1 of this Article.

(8) The public administration body responsible for the affairs of the environment shall be obliged to report to the Government of the Republic of Macedonia at least once in two years on the implementation of the Plan.

(9) Determinations contained in the Plan should be taken into account in the development of long-term documents which formulate the policy and the goals of space use and planning and development of individual economic branches.

## **Article 26**

### **Programme for air pollution reduction and ambient air quality improvement**

(1) Programme referred to in paragraph 1 item 2 of Article 23 of this Law shall be adopted in zones and agglomerations referred to in paragraph 1 items 1 and 2 of Article 22 of this Law.

(2) At the proposal of the Mayor, the Council of the Municipality and the Council of the City of Skopje, to the area of which zones and agglomerations referred to in paragraph 1 items 1 and 2 of Article 22 of this Law belong, shall adopt the Programme

(3) The main goal of the Programme referred to in paragraph 1 of this Article is to undertake all required measures for reduction of the levels of pollutants and achievement of the respective specified quality limit values within the determined period of time in accordance with regulation adopted on the basis of this Law.

(4) In case more than one pollutant exceeds the quality limit values, the Council of the Municipality and the Council of the City of Skopje may adopt integrated programme covering all relevant pollutants.

(5) If zones and/or agglomerations cover territories of more municipalities, a joint programme may be adopted.

(6) If zones and/or agglomerations comprise territory of two or more states, the programme shall be elaborated in cooperation and coordination with the public administration body responsible for the affairs of the environment in agreement with the involved states, in a manner and through procedure specified by the Law on Environment.

(7) Data of the programmes and other measures specified in this chapter shall constitute an integral part of the Plan.

## **Article 27**

### **Contents of the Programme**

(1) The Programme referred to in paragraph 1 item 2 of Article 23 of this Law shall contain the following elements:

1. Localization of exceeded pollution
2. General information
3. Responsible authorities
4. Pollution nature and assessment
5. Origin of pollution
6. Analysis of the state
7. Details on those measures or projects for improvement existing prior to the entry of this Law into force
8. Details on adopted measures or projects in terms of pollution reduction, listing and description of all measures envisaged in the project.
9. Details on measures or projects planned.

(2) The Programme shall also include goals and terms for their achievement, required financial resources for the programme implementation, responsible authorities for the control and assessment of implemented activities.

## **Article 28**

### **Obligations of other entities**

(1) Individuals and legal entities owning or using installations that are sources of ambient air pollution shall be obliged to apply and finance the measures for reducing the emissions specified in the Programme.

## **Article 29**

### **Priority zones and agglomerations**

(1) With regard to the zones and agglomerations specified as a priority in accordance with Article 25 paragraph 1 item 7 of this Law, the Programme shall be adopted by the Government of the Republic of Macedonia, at the proposal of the public administration body responsible for the affairs of the environment, in cooperation with the affected Municipalities and the City of Skopje.

## **Article 30**

### **Action plan and reporting obligation in alert situations**

(1) With regards to the zones and agglomerations within which the monitoring or other data show that there is realistic risk of exceedence of prescribed quality limit values exists or the alert threshold for individual pollutants is frequently exceeded, resulting from specific meteorological conditions and other factors, the Municipality and the City of Skopje shall also adopt an action plan and other acts.

(2) Based on the action plan and other acts, depending on appeared conditions that may affect human health and lives of people, the Municipality and the City of Skopje shall undertake short-term measures aimed at reducing and eliminating the risk and restricting the duration of such conditions, and especially investigation and identification of causes for appeared conditions and undertaking of appropriate preventive measures.

(3) With the measures referred to in paragraph 2 of this Article, depending on individual conditions, certain activities that contribute to such conditions, can be restricted or suspended, including also measures for restriction or suspension of the traffic.

(4) With regard to the undertaken measures and each exceedence of alert threshold, the Mayor of the Municipality and the City of Skopje, in cooperation with the public administration body responsible for the affairs of the health and the competent Information and Warning Centre shall compulsory and continuously inform the affected public on the state, as well as on the measures that need to be undertaken in a manner specified in a separate act of the Municipality and the City of Skopje.

(5) While conducting the activities referred to in paragraph 4 of this Article, the Mayor of the Municipality and of the City of Skopje shall be obliged to take also into account information that need to be presented to the public, specified in separate regulation adopted on the basis of this Law.

### **Article 31**

#### **Integrated protection**

In the development and implementation of the Action Plan referred to in Article 30 of this Law, regulations for integrated approach towards the environment protection and applicable regulations in the area of health protection and other relevant applicable regulations shall be taken into account.

### **Article 32**

#### **Cooperation**

(1) While developing the Programme and the Action Plan, the Municipality and the City of Skopje shall cooperate with the relevant bodies of the public administration, scientific and professional organizations, including individuals and legal entities that own or use installations which are sources of ambient air pollution.

### **Article 33**

#### **Public information and participation**

(1) The Mayor of the Municipality and of the City of Skopje shall be obliged to undertake all measures necessary to inform the interested parties and provide access to information and participation related to the development and adoption of programmes, including integrated programmes referred to in Article 26 paragraph 3 of this Law, in a manner and through procedure specified by law.

### **Article 34**

## **Reporting**

(1) The Mayor of the Municipality and of the City of Skopje shall be obliged to submit to the public administration body responsible for the affairs of the environment, annual Report on the implementation of Programmes referred to in Article 26, as well as Report on the implementation of the Action Plan referred to in Article 30 of this Law.

## **Article 35**

### **Zones with levels bellow the specified limit values**

Preventive approach shall be applied in zones and agglomerations referred to in Article 22 paragraph 1 item 3 of this Law, in order to maintain the levels of pollutants bellow the specified quality limit values and efforts shall be made to preserve the best quality of the ambient air in accordance with the principles of sustainable development.

## **VI. MONITORING OF AMBIENT AIR QUALITY AND SOURCES OF EMISSION**

## **Article 36**

### **Goals of the monitoring**

(1) The monitoring of the state of and the changes in the ambient air (hereinafter: monitoring) shall be conducted in a manner and under conditions specified by this Law.

(2) The goal of the ambient air quality monitoring in the Republic of Macedonia shall be to establish uniformity in the creation and functioning of the systems for monitoring and control, as well as maintenance of comprehensive database required for the management and reviewing the state related to the ambient air quality, through:

1. systematic monitoring, observation, analysis and assessment of the impact of the pollution on the ambient air quality;
2. identification and distribution of the sources of pollution;
3. assessment of the impact of the polluted ambient air on human health and the environment;
4. specification and proposal of measures for ambient air quality improvement;
5. use of other techniques for ambient air quality assessment, especially modeling and identification of future problems;

## **Article 37**

### **National network**

(1) For the purpose of the ambient air quality monitoring on the territory of the Republic of Macedonia, the Government of the Republic of Macedonia shall establish national ambient air quality monitoring network (hereinafter: national network).

(2) The national network shall provide for continuous ambient air quality monitoring as an integral part of the overall monitoring of the environment.

(3) Competent authority for performance of professional matters in the area of environment shall carry out ambient air quality monitoring through the national network and shall manage the national network.

### **Article 38**

#### **Programmes for ambient air quality monitoring**

(1) With regard to the operation of the national network, the competent authority for performance of professional matters in the area of environment shall adopt annual Programme for ambient air quality monitoring in consent with the public administration body responsible for the affairs of the environment;

(2) The competent authority for performance of professional matters in the area of environment shall submit annual report on the implementation of the Programme referred to in paragraph 1 of this Article to the public administration body responsible for the affairs of the environment;

### **Article 39**

#### **Local networks**

(1) For the purpose of measurement and monitoring of the ambient air quality in settlements and industrial areas, Municipalities and the City of Skopje, upon prior consent by the competent authority for performance of professional matters in the area of environment, under conditions and in manner specified by this Law, may establish local networks.

### **Article 40**

#### **Measuring stations and measuring points**

The ambient air quality monitoring shall be carried out through measuring stations and measuring points for:

1. background air pollution measuring (the state of the ambient air quality in non-populated areas);
2. measuring of transboundary air pollutants transportation;
3. measuring related to international obligations of the Country;
4. ambient air pollution measuring in the areas of national parks, parks of nature, protected areas, sensitive ecosystems, as well as cultural and natural heritage and measurement of ambient air pollution in settlements and industrial areas.

**Article 41**  
**Methodology of monitoring**

(1) The Minister managing the public administration body responsible for the affairs of the environment, in consent with the Minister managing the public administration body responsible for the affairs of the health, shall prescribe the manner, the conditions and the procedure for the establishment and operation of all networks and the methodology of monitoring, as well as the manner, the conditions and the procedure for ambient air quality monitoring information and data reporting.

(2) The Minister managing the public administration body responsible for the affairs of the environment, in consent with the Minister managing the public administration body responsible for the affairs of the health, shall prescribe the criteria for selection of measuring points from which the impact of mobile sources of pollution on the ambient air will be monitored.

**Article 42**  
**Monitoring performance**

(1) Certain professional matters related to the ambient air quality monitoring may be performed by accredited scientific professional organizations and institutions and other legal entities under conditions and in manner specified by this Law.

(2) The entities referred to in paragraph 1 of this Article, in order to perform certain professional matters related to the ambient air quality monitoring, shall fulfill the following conditions:

1. have employed at least three persons of higher education and required working experience of at least 3 years in the field of air quality monitoring; and

2. to possess the required equipment, devices approved by means of verification procedure applicable for measuring devices by law, instruments and appropriate business premises for activity performance.

(3) The specific conditions concerning the performance of certain types of professional matters, concerning required professional staff, equipment, devices, instruments and appropriate business premises that have to be fulfilled by the entities referred to in paragraph 1 of this Article shall be specified by the Minister managing the public administration body responsible for the affairs of the environment, in consent with the Minister managing the public administration body responsible for the affairs of the health.

**Article 43**  
**Responsibilities for monitoring in a transboundary context**

The body responsible for the performance of professional matters in the area of environment and the body of the public administration responsible for the matters in the area of hydrometeorology shall carry out the monitoring and the control over the

transboundary transportation of pollutants into the atmospheric air, as well as the impact by the atmospheric air pollution on the climate processes in the atmosphere.

#### **Article 44**

##### **Data and information reporting**

(1) Public administration bodies, the Mayor of the Municipality and of the City of Skopje and other entities performing ambient air quality monitoring in accordance with this Law or other law shall be obliged to submit, free of any charge, monitoring data and information, to the body responsible for the performance of professional matters in the area of environment.

(2) The body responsible for the performance of professional matters in the area of environment shall submit reports from the monitoring as required by the public administration body responsible for the matters in the area of health, institutes for health protection and regional institutes for health protection, public administration responsible for the matters in the area of hydrometeorology, competent centre for information and warning, as well as to the Mayor of the Municipality and of the City of Skopje and other public bodies and institutions.

(3) The body responsible for the performance of professional matters in the area of environment shall submit the collected, processed and validated data and information from ambient air quality monitoring and on sources of emission, in accordance with a regulation adopted on the basis of this Law, at least once in a month, and upon request within shorter term, to the public administration body responsible for the matters in the area of environment.

(4) The public administration body responsible for the matters in the area of environment, for the purpose of implementing the obligations deriving from the international agreements ratified by or acceded to by the Republic of Macedonia shall be the competent body with regard to the presentation of ambient air quality data and emissions in ambient air.

#### **Article 45**

##### **Monitoring of emissions from stationary sources**

(1) Legal entities and individuals possessing or using certain installations that are sources of ambient air pollution, that are included in the national and/or local monitoring networks shall, by this Law, be obliged to

1. install and maintain in proper functioning condition the measuring instruments to monitor the emissions at the source;

2. provide regular monitoring, measurement and processing of data on emissions from the source of pollution and keep records thereon;

(2) The legal entities and individuals shall be obliged to submit the data referred to in paragraph 1 item 2 of this Article, on monthly basis, to the body responsible for the performance of professional matters in the area of environment.

(3) The content and the form of the application for submitting the data referred to in paragraph 1 of this Article and the form, the contents and the manner of records keeping shall be prescribed by the Minister managing the public administration body responsible for the affairs of the environment.

(4) The entities referred to in paragraph 1 of this Article shall be obliged to keep the data on emissions for at least 5 years, after which it will be archived in accordance with the law.

#### **Article 46**

##### **Methodologies for monitoring of emissions from stationary sources**

(1) The Minister managing the public administration body responsible for the affairs of the environment shall prescribe the methodology, the manners, the procedures, the methods and means for measuring the emissions from stationary sources.

(2) The Minister managing the public administration body responsible for the affairs of the environment shall prescribe the methodology for inventory taking and identification of the levels of emissions of pollutants in the ambient air in tons per year for all types of activities, as well as other data required to be submitted under the Programme for air monitoring in Europe (EMEP).

#### **Article 47**

##### **Monitoring of ambient air quality and sources of emissions from specific individual stationary sources of pollution**

(1) The legal entities and individuals in possession of or using installations that are sources of emissions of pollutants in the ambient air that are not covered by the national or local monitoring networks shall be obliged to develop a system for monitoring the source of emissions and control over the quality of the ambient air in the area of the installation.

(2) The entities referred to in paragraph 1 of this Article may perform the monitoring and the measurement through their own services or through scientific or professional organizations or other legal entities provided they are accredited for ambient air quality monitoring in accordance with this Law or with other law.

## **VII. INFORMATION SYSTEM**

#### **Article 48**

### **Ambient air quality information system**

(1) The public administration body responsible for the affairs of the environment shall establish and manage the unique ambient air quality information system (hereinafter: information system), as a part of the overall information system of the environment.

(2) Data and information collected, processed and validated and the information referred to in Article 44 paragraph 3 of this Law shall represent an official database for the purpose of ambient air quality management and protection.

### **Article 49**

#### **Ambient air quality database**

(1) The ambient air quality information system shall contain:

1. data from the ambient air quality monitoring by national network;
2. data from the ambient air quality monitoring by local networks;
3. data from monitoring of emissions from mobile sources;
4. data from monitoring of emissions and ambient air quality by individual stationary sources;
5. data on emissions from stationary sources;
6. data on ambient air pollution at alert threshold and on the measures for human health and environment protection;
7. data on the ambient air quality from scientific and professional organizations and institutions and other legal entities;
8. data on air quality monitoring from international institutions;
9. data from public bodies, scientific and professional organizations, institutions and other legal entities conducting ambient air quality measurements and monitoring from all sources of pollution; and
10. data from ambient air quality assessment.

### **Article 50**

#### **Public information**

(1) The public administration body responsible for the affairs of the environment, through the Macedonian Environmental Information Centre, shall prepare and publish annual reports on the emissions, annual reports on the ambient air quality and periodical reports on the implementation of the obligations deriving from this Law, in accordance with the law and other regulation, as well as other reports in accordance with the obligations deriving from the international agreements ratified by or acceded to by the Republic of Macedonia.

(2) The body responsible for the performance of professional matters in the area of environment shall be obliged to disseminate the programmes for the ambient air quality monitoring;

(3) The Mayor of the Municipality and of the City of Skopje shall be obliged to disseminate the programmes referred to in Article 26 and action plans referred to in Article 30 of this Law, as well as to inform on other measures for ambient air quality management and on measures and activities for improvement of the general state within its area, implemented in the course of the previous year, and the activities envisaged for the next year.

(4) The Minister managing the public administration body responsible for the affairs of the environment shall prescribe the contents and the manner of transmission of data and information on the status of the ambient air quality management.

(5) The public administration body responsible for the affairs of the environment shall be obliged, in the course of the year, to inform the public in a timely and accurate manner, on the current status of the ambient air quality, on the achieved progress, on future plans and guidelines for the status improvement, as well as to make assessment of the current status and its comparison with the former status of the ambient air quality management.

#### **Article 51** **Access to information**

(1) The data and the information of the ambient air quality information system shall be publicly accessible information.

(2) Competent authorities and other legal entities possessing data and information on the ambient air quality shall be obliged to provide to the public an access to data and information, in a form, manner and through procedure prescribed by the Law on Environment and other law.

#### **Article 52** **Cadastre of air polluters and pollutants**

(1) For the purpose of establishing the level of the ambient air pollution, sources of pollution, as well as their harmful impact on the quality of the air, Cadastre of air polluters and pollutants shall be established (hereinafter: Cadstre).

(2) The Cadastre shall be managed and maintained by the body responsible for the performance of professional matters in the area of environment.

(3) The Cadstre shall contain the following data:

1. Basic details on the legal entities and individuals in possession of installations that are sources of emissions of pollutants in the ambient air;
2. Location of the facility;
3. Brief description of activities and technical and technological process;

4. Relevant data concerning emissions of pollutants;
  5. Data related to consents, permits and changes in permits and consents and other relevant data;
  6. List of potential pollutants that affect or may affect the quality of the ambient air; and
  7. Data on conducted controls, relevant results and undertaken measures.
- (4) The form, the methodology and the manner of Cadastre management and maintenance shall be prescribed by the Minister managing the public administration body responsible for the affairs of the environment.
- (5) Legal entities and individuals, for the purpose of the establishment and maintenance of the Cadastre, shall be obliged to submit the data referred to in paragraph 3 of this Article, as well as other required data, to the body responsible for the performance of professional matters in the area of environment, upon request.
- (6) Data of the Cadastre shall be publicly accessible in size, form and manner prescribed in a regulation adopted on the basis of the Law on Environment.
- (7) The Cadastre referred to in paragraph 1 of this Article shall be a part of Environmental Cadastre.

## **VIII. AMBIENT AIR QUALITY PROTECTION AGAINST POLLUTION**

### **Article 53**

#### **Prohibition**

- (1) Any activity leading to the ambient air pollution through
- emission of pollutants from ambient air pollution sources;
  - failure to undertake activities that prevent the ambient air pollution from ambient air pollution sources,
- unless allowed under conditions specified by this Law, shall be prohibited.

### **Article 54**

#### **Stricter conditions**

- (1) Emission of pollutants in the ambient air shall be carried out only within the specified emission limit values referred to in Article 13 paragraph 1 of this Law.
- (3) In cases in which the ambient air protection requires application of stricter emission limit values, the stricter emission limit values referred to in Article 13 paragraph 2 of this Law shall apply.

#### **1. Ambient air protection against pollution from stationary sources**

**Article 55**  
**Stationary sources of pollution**

(1) With regard to facilities and installations that pollute the ambient air or require A or B integrated environmental permit in accordance with the Law on Environment, the permit shall be issued in a manner and through procedure specified in the Law on Environment.

(2) Projects requiring environmental impacts assessment in accordance with the List contained in the regulation based on the Law on Environment, including projects for which, according to the Law on Environment, the need for environmental impact assessment is assessed on case by case basis, such assessment shall be carried out in a manner and through procedure specified in the Law on Environment.

**Article 56**  
**Existing installations**

(1) Operators of certain existing installations that are sources of pollution of the ambient air and which by their operation pollute the ambient air through emissions and which are not able, due to the level of technical and technological development and type of raw materials used, to achieve the prescribed emission limit values in accordance with a regulation adopted on the basis of this Law, shall be obliged to obtain permit for achieving compliance based on operational plan as precondition for continuation or initiation of the operation in the installation, in a manner and through procedure specified in the Law on Environment.

(2) If operators of installations referred to in paragraph 1 of this Article possess A or B integrated environmental permit, they shall be obliged to provide for general environmental audit in accordance with the Law on Environment.

**Article 57**  
**Other installations**

(1) Facilities and installations which do not require integrated environmental permit according to the law, shall be constructed, equipped and maintained in a manner to prevent, reduce or control the adverse impact on the quality of ambient air.

(2) The Minister managing the public administration body responsible for the affairs of the environment shall prescribe the manner and the measures for prevention and elimination of ambient air pollution from facilities and installations referred to in paragraph 1 of this Article.

**2. Ambient air protection from mobile sources**

**Article 58**  
**Mobile sources of pollution**

(1) Owners of mobile sources of pollution shall be obliged to provide for compliance with the emission limit values for emissions from mobile sources specified for each individual type of source of pollution of the ambient air in accordance with the regulation referred to in Article 14 of this Law.

(2) On the occasion of automobile inspection and registration of mobile sources of pollution in accordance with the law, it shall be compulsory to control regularly the compliance of their emissions with the prescribed limit values for emissions from this type of sources.

(3) The control the compliance of emissions from individual mobile sources of pollution may also be carried out through extraordinary control, in cases when monitoring data or other data indicate realistic risk of exceedence of prescribed quality limit values and alert thresholds.

**Article 59**  
**Other measures for protection against mobile sources**

The Minister managing the public administration body responsible for the affairs of the health in consent with the Minister managing the public administration body responsible for the affairs of agriculture, forestry and water economy may restrict or prohibit the performance of certain activities and use of plant production carried out on lands along transportation roads if air pollution from automobile transportation means has effect thereon in accordance with the regulations on food safety.

**3. Obligations for undertaking other measures for prevention and reduction of ambient air pollution**

**Article 60**  
**Other obligations**

(1) Legal entities and individuals that are owners or users of installations that are sources of ambient air pollution shall be obliged to:

1. notify the public administration body responsible for the affairs of the environment, not later than within 30 days, on the source of ambient air pollution, raw materials, technological processes, devices, as well as on the forthcoming changes in raw materials and technological processes that will lead to changes in the conditions and requirements related to the assurance of the ambient air quality, as well as on the reparation works on air purification devices and equipment;

2. notify the public administration body responsible for the affairs of the environment, not later than within 30 days, as of the appearance of the change in the scope of activity, as well as on the change in the operator of the installation and persons responsible for environment preservation;

3. notify the State Inspectorate of Environment and the State Sanitary-Health Inspectorate immediately and without any delay on any industrial accident appearing during the production or other incidents that can lead to increased emissions or cause decrease in the quality of the ambient air, and to undertake measures in accordance with this Law and in accordance with regulations regulating this matter upon the appearance of the accident and incident;

4. ensure unlimited access of competent inspectors to sources of ambient air pollution, as well as to all documents and data related to the emissions and provide assistance in the execution of such functions.

(2) Data referred to in paragraph 1 items 1 and 2 of this Article shall be submitted to the Mayor of the Municipality and of the City of Skopje with regard to installations requiring B integrated environmental permit or permit for achievement of compliance with the operational plan, in accordance with the Law on Environment.

#### **Article 61** **Outlet devices**

(1) Production and ventilation gas flows - carriers of emissions, shall be released only through devices for outlet into the ambient air.

(2) The height of outlet shall be determined in a manner by which the result in the solution of concentrations of pollutants in the background layer shall not exceed quality limit values.

#### **Article 62** **Protection against accidents**

(1) Legal entity or individual that own or perform activity in a production process (hereinafter: operator), transportation or storage system (hereinafter: system) in which harmful and hazardous substances are present, and which may immediately or through prolonged activity initiate serious danger to human health or environment in or outside the system, as a result of which one or more harmful and hazardous substances are released in the ambient air, shall be obliged to envisage, in their internal emergency plans, measures to be undertaken for the purpose of ambient air protection against potential accidents in accordance with the Law on Environment.

### **IX. FINANCING**

#### **Article 63** **Sources of financing**

(1) Financial resources for ambient air quality protection and improvement shall be provided from the Budget of the Republic of Macedonia and other financial sources specified by law.

(2) Financial resources referred to in paragraph 1 of this Article shall be used to finance the National Plan for Ambient Air Protection in the Republic of Macedonia, the Programme for Ambient Air Quality Monitoring and other measures undertaken on the basis of this Law.

(3) Financial resources for implementation of the programme in priority zones and agglomerations referred to in Article 29 of this Law shall be provided from the Budget of the Republic of Macedonia and other financial sources specified by law.

(4) Financial resources for establishment, operation, maintenance and development of the national network shall be provided from the Budget of the Republic of Macedonia and other financial sources specified by law.

#### **Article 64**

##### **Financial resources from the budgets of the units of the local self-government**

(1) Budgets of municipalities and of the City of Skopje shall allocate financial resources for ambient air quality protection and improvement, as well as other financial sources specified by law.

(2) Financial resources referred to in paragraph 1 of this Article shall ensure implementation of the Programmes for pollution reduction and ambient air quality improvement, action plans referred to in Article 30 of this Law, implementation of activities in priority zones and agglomerations referred to in Article 29 of this Law as well as other measures undertaken on the basis of this Law.

(3) Financial resources for establishment, operation, maintenance and development of the local networks shall be provided from the budgets of the municipalities and of the City of Skopje and other financial sources specified by law.

### **VIII SUPERVISION AND RESPONSIBLE BODIES**

#### **Article 65**

##### **Responsible bodies**

(1) The public administration body responsible for the affairs of the environment shall carry out supervision over the enforcement of this Law and regulations adopted on the basis of this Law.

(2) Inspection supervision over the enforcement of this Law and regulations adopted on the basis of this Law shall be carried out by State Inspectorate of Environment through inspectors of environment.

(3) Authorised inspectors of environment of municipalities and authorised inspectors of environment of the City of Skopje shall carry out supervision over activities within the competence of the municipalities and the City of Skopje, in accordance with this Law.

(4) Regular control over emissions from mobile sources of air pollution shall be carried out by the body responsible for determination of technical functionality of individual mobile sources, in accordance with this or other law.

(5) Extraordinary control over emissions from mobile sources of air pollution shall be carried by authorised inspector of environment of municipalities and by authorised inspector of environment of the City of Skopje for determination of technical functionality of individual mobile sources, in accordance with this or other law.

(6) The State Sanitary and Health Inspectorate, within competencies regulated by law, shall be the competent body with regard to the control over the health safety of plant production carried out on lands along roads, as well as in cases when the assessment of ambient air quality indicates presence of risk for human life and health, resulting in the need for undertaking appropriate measures.

(7) The State Market Inspectorate, within competencies regulated by law, shall carry out control over the quality of fuels with regard to prescribed limit values for the contents of harmful substances and other requirements related to the quality of fuels.

(8) Direct control and supervision over emissions from certain installations and sources of ambient air pollution shall be carried out at least twice a year, and control over mobile sources shall be carried out at least once a year.

## **Article 66**

### **Scope of activity of state inspector of environment**

(1) For the purpose of performing inspection supervision under his/her scope, the state inspector of environment (hereinafter: inspector) shall have the right:

1. to carry out control and inspect if conditions for ambient air quality protection and improvement, contained in A integrated environmental permit (Article 55), or permit for achievement compliance under operational plan (Article 56) have been fulfilled;
2. to check whether the performer of certain professional works related to ambient air quality fulfills conditions concerning the required staff, equipment, devices and instruments for performing such works (Article 42 paragraph 2);

3. to carry out control and inspection whether measuring instruments for emission monitoring are installed and maintained in functional state (Article 45 paragraph 1 item 1);
4. to check whether the procedure for the manner and frequency of emission measurement or calculation of quantity of emission and the manner of records keeping (Article 45 paragraph 1 item 2) is complied with.
5. to check whether data on emissions are sent to the competent body (Article 45 paragraph 2);
6. to check whether system for emission monitoring at the source and control over the ambient air quality is constructed at the site of the facility (Article 47 paragraph 1);
7. to check if requirements concerning the height of outlet device in accordance with the requirements for best available techniques are complied with (Article 61 paragraph 2);
8. to undertake other measures for which he/she is authorized by law.

(2) At the request of the inspector, the authorized person from the public administration body responsible for the affairs of the internal affairs shall be obliged to participate in the performance of activities under paragraph 1 of this Article.

## **Article 67**

### **Decision making by the state inspector of environment**

(1) In carrying out the inspection supervision, the inspector of environment may by decision:

1. restrict or suspend the operation of installations if they fail to comply with the conditions for ambient air against pollution contained in the A integrated environmental permit (Article 55) or conditions contained in the permit for achievement of compliance under the operational plan (Article 56) in duration of less than 60 days within which causes that have resulted in such state should be removed;
2. restrict or suspend the operation of legal entity performing certain professional activities for ambient air quality monitoring if it does not comply with the requirements for performance of such activities (Article 42 paragraph 2) in duration of less than 30 days within which causes that have resulted in such state should be removed;
3. restrict or suspend the operation of legal entity or individual if they have no measuring instruments installed to monitor the emissions or such instruments are not in functional state (Article 45 paragraph 1 item 1) in duration of less than 30 days within which causes that have resulted in such state should be removed;
4. restrict or suspend the operation of legal entity or individual if they fail to comply with the procedure for the manner and frequency of emission measurement or calculation of quantity of emission and the manner of records keeping (Article 45 paragraph 1 item 2) in duration of less than 30 days within which causes that have resulted in such state should be removed;

5. restrict or suspend the operation of legal entity or individual if they fail to send data on emissions to the competent body (Article 45 paragraph 2) in duration of less than 30 days within which causes that have resulted in such state should be removed;

6. restrict or suspend the operation of legal entity or individual if he/she finds that the system for emission monitoring at the source and control over the ambient air quality is not constructed at the site of the facility (Article 47 paragraph 1) in duration of less than 30 days within which causes that have resulted in such state should be removed;

7. restrict or suspend the operation of installation in case of failure to comply with the standards concerning the height of outlet device in accordance with the requirements for best available techniques are complied with (Article 61 paragraph 2) in duration of less than 30 days within which causes that have resulted in such state should be removed;

(2) In case of identified direct danger to human life and health, the inspector of environment shall issue oral order for immediate and without any delay removal of identified deficiencies recorded in minutes in cooperation with the State Sanitary and Health Inspectorate and shall notify other competent inspectorates or public bodies on the identified deficiencies and shall request their intervention;

(3) In cases referred to in paragraph 2 of this Article, the inspector of environment shall issue written decision within 48 hours as of the issuance of the oral order;

(4) In case the violation referred to in paragraph 1 item 2 of this Article is repeated for the second time in the course of the year, the inspector of environment shall impose prohibition for performance of the activity in duration of less than 60 days within which causes that have resulted in such state should be removed;

(5) For the purpose of performing the activities referred to in paragraph 1 item 1 of this Article, the inspector of environment shall be entitled to undertake other measures specified in the Law on Environment.

## **Article 68**

### **Scope of activity of authorised inspector of environment**

(1) For the purpose of performing inspection supervision under his/her scope, the authorized inspector of environment of the Municipality and the authorized inspector of environment of the City of Skopje (hereinafter: authorized inspector of environment) shall have the right:

1. to inspect if conditions for ambient air quality protection and improvement, contained in B integrated environmental permit (Article 55), or permit for achievement compliance under operational plan (Article 56) have been fulfilled;

2. to carry out control and inspection whether measuring instruments for emission monitoring are installed and maintained in functional state (Article 45 paragraph 1 item 1);

3. to check whether the procedure for the manner and frequency of emission measurement or calculation of quantity of emission and the manner of records keeping (Article 45 paragraph 1 item 2) is complied with.

4. to check whether data on emissions is sent to the competent authority (Article 45 paragraph 2);

5. to carry out control and inspection whether requirements related to prevention, reduction and control of the adverse impact on ambient air quality from installations that are not subject to integrated environmental permitting (Article 57) are fulfilled.

6. to undertake other measures for which he/she is authorized by law.

(3) At the request of the authorized inspector of environment, the authorized person from the public administration body responsible for the affairs of the internal affairs shall be obliged to participate in the performance of activities under paragraph 1 of this Article.

(4) The authorized inspector of environment shall perform the activities within the scope of inspection supervision referred to in paragraph 1 items 1, 2, 3 and 4 with regard to installations that according to the Law on Environment are obliged to possess B integrated environmental permit.

## **Article 69**

### **Decision making by the authorized inspector of environment**

(1) In carrying out the inspection supervision, the authorized inspector of environment may by decision:

1. restrict or suspend the operation of installations if they fail to comply with the prescribed emission limit values specified in the B integrated environmental permit (Article 55) or conditions specified emission limit values contained in the permit for achievement of compliance under the operational plan (Article 56) in duration of less than 30 days within which causes that have resulted in such state should be removed;

2. restrict or suspend the operation of legal entity or individual if they have no measuring instruments installed to monitor the emissions or such instruments are not in functional state (Article 45 paragraph 1 item 1) in duration of less than 30 days within which causes that have resulted in such state should be removed;

3. restrict or suspend the operation of legal entity or individual if they fail to comply with the procedure for the manner and frequency of emission measurement or calculation of quantity of emission and the manner of records keeping (Article 45 paragraph 1 item 2) in duration of less than 30 days within which causes that have resulted in such state should be removed;

4. restrict or suspend the operation of legal entity or individual if they fail to send data on emissions to the competent body (Article 45 paragraph 2) in duration of less than 30 days within which causes that have resulted in such state should be removed;

5. restrict or suspend the operation of installation if the requirements related to prevention, reduction and control of the adverse impact on ambient air quality from

installations that are not subject to integrated environmental permitting (Article 57) are not fulfilled, in duration of less than 30 days within which causes that have resulted in such state should be removed;

(2) In case of identified direct danger to human life and health, the authorized inspector of environment shall issue oral order for immediate and without any delay removal of identified deficiencies recorded in minutes in cooperation with the State Sanitary and Health Inspectorate and shall notify other competent inspectorates or public bodies on the identified deficiencies and shall request their intervention;

(3) In cases referred to in paragraph 2 of this Article, the inspector of environment shall issue written decision within 48 hours as of the issuance of the oral order;

(4) In case the violation referred to in paragraph 1 item 5 of this Article is repeated for the second time in the course of the year, the authorized inspector of environment shall impose prohibition for performance of the activity in duration of less than 60 days within which causes that have resulted in such state should be removed;

(5) For the purpose of performing the activities referred to in paragraph 1 item 1 of this Article, the authorized inspector of environment shall be entitled to undertake other measures specified in the Law on Environment.

#### **Article 70**

##### **Other competencies**

(1) The inspector of environment and the authorized inspector of environment of the Municipality and of the City of Skopje shall be obliged to initiate criminal and offense proceedings before the competent courts provided he/she finds grounds therefor while conducting supervision.

(2) If the inspector of environment and the authorized inspector of environment of the Municipality and of the City of Skopje fails to undertake the actions referred to in paragraph 1 of this Article, he/she will be deemed to have committed serious breach of duty.

#### **Article 71**

##### **Procedure for recovery**

(1) An appeal may be raised against the decision issued by the inspector of environment within 8 days as of the day of receipt of the decision to the Minister managing the public administration body responsible for the affairs of the environment.

(2) An appeal may be raised against the decision issued by the authorized inspector of environment within 8 days as of the day of receipt of the decision to the Minister managing the public administration body responsible for the affairs of the environment.

(3) The raised appeal referred to in paragraphs 1 and 2 of this Article shall not postpone the execution of the decision.

## **Article 72**

### **Obligations of legal entities and individuals**

Legal entities and individuals shall be obliged to enable the inspectors to carry out supervision and control of the documentation, to provide the required information, explanations and notifications that are in the interest of the proper performance of the supervision.

## **Article 73**

### **Supervision over the legality of the work of municipal bodies**

(1) The supervision over the legality of the work of municipal bodies or the bodies of the City of Skopje shall be based on the principle of legality, responsibility and independence in the exercise of their competencies.

(2) The supervision referred to in paragraph 1 of this Article shall be carried out by the public administration body responsible for the affairs of the environment.

(3) While carrying supervision over the work of municipal bodies or the bodies of the City of Skopje, the public administration body responsible for the affairs of the environment shall:

1. monitor the the work of municipal bodies or the bodies of the City of Skopje and undertake measures and activities and submit initiatives with regard to the exercise of competencies by the Municipality and the City of Skopje concerning preparation, adoption and implementation of programmes, plans and other acts;

2. assess whether municipal bodies and the bodies of the City of Skopje perform the preparation, adoption and implementation of programmes, plans and other acts and submit reports on their implementation in accordance with the procedures specified by this Law;

3. notify municipal bodies and the bodies of the City of Skopje in case of exceeded limit of competence as specified by this Law and propose appropriate measures for overcoming such situation;

4. indicates certain material and procedural deficiencies in the performance of the municipal bodies and the bodies of the City of Skopje that could prevent the exercise of the right of the public to an access to information and participation in decision making and other rights and obligations specified by this or by other law;

5. make recommendations for consistent execution of the competencies of municipal bodies and the bodies of the City of Skopje with regard to matters they are obliged to perform on the basis of this Law, upon request by the municipality and the City of Skopje;
6. monitor the timely adoption of planning documents and other acts by the municipality and the City of Skopje;
7. submit initiatives and proposals to the municipal bodies and the bodies of the City of Skopje if failure to implement this Law is found as a result from conflict of competencies between them;
8. monitor the legality of decisions made by the Mayor in the course of settlement of individual rights, obligations and interests of legal entities and individuals in accordance with this Law.
9. issue opinions and provide professional assistance with regard to proposed planning documents and other acts deriving from this Law;
10. inform in a timely manner the municipal bodies and the bodies of the City of Skopje on the states found in their work and measures undertaken while carrying out the supervision;
11. monitor the exercise of transparency in the work of the municipality and the City of Skopje in terms of execution of competencies specified by this Law concerning regular, timely, true and full information of citizens.

#### **Article 74**

##### **Withdrawal of competencies**

- (1) If municipal bodies and the bodies of the City of Skopje, despite notification and undertaking of measures and activities, fail to provide for execution of activities for which they hold competencies under this Law, performance of activities shall be withdrawn from their competence;
- (2) Execution of withdrawn activities shall be taken over by the public administration body responsible for the affairs of the environment for no longer than one year as of the day of their taking over on behalf and in the name of the municipality and the City of Skopje.
- (3) With regard to the taking over of activities referred to in paragraph 1 of this Article, the public administration body responsible for the affairs of the local self-government and the public administration body responsible for the affairs of the finance shall be informed.

#### **IX. PENALTY PROVISIONS**

## **Article 75**

(1) A fine in an amount of 200.000-300.000 denars shall be imposed to a legal entity for an offence:

1. -if it releases polutants into the air above the prescribed emission limit values (Article 15, paragraph 1);
2. produces or imports means of transportation that do not comply with the prescribed emission limit values for mobile sources of emission (Article 15 paragraph 2);
3. produces, imports or lets into trade certain products that do not comply with the prescribed limit values for contents of harmful substances and other requirements related to the quality of fuels (Article 16);
4. fails to fulfil the obligations for application of measures envisaged in programmes (Article 28);
5. acts contrary to the specified prohibition or restriction in alert situations for the purpose of preventing or control of phenomena (Article 30, paragraph 3);
6. acts contrary to the order for restriction or prohibition for performance of certain activities (Article 59);
7. fails to inform the competent inspectorate on accidents in production or other incidents, as well as failure to undertake appropriate measures in such conditions (Article 60 paragraph 1 item 3)
8. releases pollutants outside outlet devices into the ambient air (Art 61, paragraph 1);

(2) A fine in an amount of 30.000 to 50.000 denars shall be imposed to the responsible person of the legal entity for actions referred to in paragraph 1 of this Article.

(3) For actions referred to in paragraph 1 items 1, 2 and 3 of this Article, the legal entity, in addition to the fine, shall be imposed a measure for prohibition of performing certain activity for safety reasons from six months to three years.

(4) For actions referred to in paragraph 1 items 1, 2, 3, 7 and 8 of this Article, the responsible person of the legal entity, shall be imposed a measure for prohibition of performing profession, activity or duty for safety reasons, from three months to one year.

(5) A fine in an amount of 10.000 to 30.000 denars shall be imposed to an individual for a offence for actions referred to in paragraph 1 of this Article.

## **Article 76**

(1) A fine in an amount of 100.000 to 200.000 denars shall be imposed to a legal entity for an offence:

1. if it performs professional activities in the field of ambient air monitoring, and fails to comply with the prescribed conditions (Article 42, paragraph 2);
2. if it fails to install and maintain in proper operation condition the measuring instruments for emissions monitoring (Article 45, paragraph 1, item 1);
3. if it fails to provide for regular monitoring, measuring and emission data processing and fails to keep records on the source of emissions in the prescribed manner (Article 45, paragraph 1, item 2);
4. if it fails to submit data on the emission and on the sources thereof, within the specified term, to the body responsible for the performance of professional matters in the area of environment (Article 45, paragraph 2);
5. if it fails to develop monitoring system for source of emissions monitoring and control of the quality of the ambient air in the area of the facility (Article 47, paragraph 1);
6. if it fails to enable access to information and data on the ambient air quality (Article 51 paragraph 2);
7. if it fails to submit the prescribed and other required data to the developer and/or maintainer of the Cadstre (Article 52 paragraph 5);
8. if it fails to fulfil the conditions for prevention, reduction and control of adverse impact on the ambient air quality (Article 57);
9. if it fails to notify the body responsible for the performance of professional matters in the area of environment or the Municipality or the City of Skopje on the source of pollution, change in raw materials and technological processes, as well as forthcoming repair works for devices and equipment (Article 60 paragraph 1 item 1);
10. if it fails to notify, within the prescribed term, the body responsible for the performance of professional matters in the area of environment or the Municipality or the City of Skopje on the change in the scope of activity, change in the operator of the installation and persons responsible for environmental protection (Article 60 paragraph 1 item 2);
11. if it fails to enable free access to the sources of ambient air pollution and documents and data related to emissions (Article 60, paragraph 1 item 4);

(2) With regard to offences referred to in paragraph 1 of this Article, a fine in an amount from 10.000 to 30.000 denars shall be imposed to the responsible person of the legal entity.

(3) With regard to offences referred to in paragraph 1 of this Article, a fine in an amount from 5.000 to 15.000 denars shall be imposed to the individual.

#### **Article 77**

(1) A fine in an amount from 30.000 to 50.000 denars shall be imposed to the official and responsible person of the Municipality and the City of Skopje for an offence if he/she fails to act in accordance with the provisions referred to in Article 30 paragraphs 1, 4 and 5, Article 34 and Article 50 paragraph 3 of this Law.

## **X. TRANSITIONAL AND CLOSING PROVISIONS**

### **Article 78**

The Plan referred to in Article 25 and the Programmes referred to in Article 26 of this Law shall be adopted within 6 (six) years as of the first day of application of this Law.

### **Article 79**

- (1) Specific regulations for this Law implementation shall be adopted within 3 (three) years as of the first day of application of this Law.
- (2) Untill regulations referred to in paragraph 1 of this Article enter into force, existing regulations shall apply.

### **Article 80**

- (1) On the day of entry of this Law into force, the validity of the Law on Air Protection against Pollution "Official Gazette of the Socialist Republic of Macedonia" No.20/74, 6/81, 10/90 and "Official Gazette of RM" No. 50/92, 62/93), shall cease, except Article 4 paragraphs 1, 2, 3, 4, 5, and 6, which shall apply until specific regulations are adopted and as of the first day of application of this Law.

### **Article 81**

- (1) This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of RM", and shall apply as of the day of constitution of the Councils of the Municipalities and of the City of Skopje and the election of Mayors of the Municipalities and of the City of Skopje, following the completion of the first next local elections in accordance with the Law on Local Elections ("Official Gazette of the Republic of Macedonia" No. 46/96, 12/2003, 35/2004, 52/2004 and 60/2004).