

PROPOSED LAW ON AMENDING AND REVISING THE LAW ON PROTECTION AND PROMOTION OF ENVIRONMENT AND NATURE

Article 1

Article 2, paragraph 1, item 6 of the Law on Protection and Promotion of Environment and Nature (Official Gazette of the Republic of Macedonia 69/96, 13/99, 41/00 and 96/00) is changed and reads:

Cadastre of pollutants is a database of the type, quantity, manner and place of emission of polluting substances in the environment media, also containing names of entities releasing the same.

Four new items 17, 18, 19 and 20 are added after item 16 and read:

17. Registry of sources of emissions is a sum of general data on legal entities and individuals, which possess source of emissions and their location in the space.

18. Evaluation of the impact on the environment means estimating the potentially important influence of projects and activities and determining the manner of promotion of projects, which prevent, minimize, extenuate, remedy or compensate the harmful influence on the environment and nature.

19. Project in the sense of evaluation of the impact on the environment is a developing document, which provides for technical and economical analysis of planned solutions and defines the final solutions for use of natural and artificial values and governs the construction of facilities and plants which have impact on the environment, nature and human health.

20. Facility in the sense of evaluation of the impact on the environment means planned or implemented project of engineering and technological aggregate (complex), which contains all technical and technological processes for the anticipated function of the facility.

Article 2

The words “legal entities and individuals” in Article 4 are replaced by the words “domestic and foreign legal entities and individuals” (hereinafter legal entities and individuals”).

Article 3

New paragraph 3 is added in Article 5, which reads:

“The Minister of Environment and Physical Planning may, with a special act, prohibit or limit the release for sale or use of certain animal or plant varieties.”

Article 4

Paragraph 2 of Article 8 is changed and reads:

The realization of the information system under paragraph 1 of this Article, within the Ministry of Environment and Physical Planning shall be carried out by the Macedonian Environmental Information Center (hereinafter: the Center).

New paragraph 4 is added in Article 8, which reads:

“The cadastres of pollutants and polluting substances from the field of environment (water, air, soil, waste, etc.), shall be updated and administered by the Ministry of Environment and Physical Planning.”

Article 5

After the words “The Ministry of Environment” in Articles 8a, 10, 16, 21a, 24a, 25 and 30, the following words are added “and Physical Planning”.

Article 6

After the words “the Minister of Environment” in Articles 8a, 17, 21b and 43b, the following words are added “and Physical Planning”.

Article 7

The words “The Environment Agency” in Article 10 are replaced by the words “Environment Office”.

Article 8

Article 11 is changed and reads:

“Certain types of professional activities for protection and promotion of the environment and nature may be carried out by scientific and professional organizations and other domestic and foreign legal entities, which have been registered for performing such activities.

The Minister of Environment and Physical Planning shall authorize the entities pertaining to paragraph 1 of this Article, provided that they fulfill the following requirements:

1. to have at least three employees, possessing a university degree from the field of protection of environment and nature;
2. to possess the necessary equipment and appropriate business premises for performing the activity.

The Minister of Environment and Physical Planning shall more closely prescribe the types of professional activities under paragraph 1 and requirements under paragraph 2 of this Article.

Article 9

Article 14 is changed and reads:

“Domestic and foreign legal entities and individuals may use the natural wealth, exploit mineral raw materials, construct new facilities and reconstruct the existing ones or perform other activities, as well as produce, under condition not to cause damages, pollute or cause significant changes in the natural wealth and bio resources or in any way degrade the environment and nature by exceeding the prescribed principles.

The Investor shall be obligated to prepare a Study assessing the impact on the environment for projects that may pollute the environment or represent potential risk for the environment and human health. The Study assessing the impact on the environment shall contain evaluation of possible impacts of the project on the environment and human health and provide protection of the environment and human health according to a law.

The Study assessing the impact on the environment shall be a constituent part of the technical documentation of the project and prepared in the procedure for preparation of the planned project, i.e. prior the issuance of a construction license or other type of a license for a project for which the issuance of a construction license is not needed.

The Minister of Environment and Physical Planning shall prescribe:

1. The type of projects for which a Study assessing the impact on the environment is prepared;
2. The methodology for preparation, content and manner of evaluation and verification of the estimated impact and other issues important for the study and check up of its authenticity.

The investor shall pay the costs for preparation of the Study for assessing the impact on the environment.

Article 10

Article 14a is changed and reads:

“Approval for detailed geological, hydro-geological researches and exploitation of mineral raw materials shall be issued upon a prior approval by the Ministry of Environment and Physical Planning.

Article 11

New Article 14b is added after Article 14a, which reads:

“Assessment of the impact on the environment in cross-border contexts is a mandatory procedure for investment facilities stated in Attachment I of the Convention for Assessing the Impacts on the Environment in Cross-border Context (Official Gazette of the Republic of Macedonia 44/99).

Assessment of the impact on the environment in cross-border context shall be administered by the Ministry of Environment and Physical Planning.

Article 12

Paragraph 1 of Article 15 is changed and reads:

“Domestic and foreign legal entity and individual, which by using mineral raw materials, disposal of waste, barren substances, ash and slag and by performing other activities degrade the soil, shall be obligated, without any delay, to immediately re-cultivate or in some other way rehabilitate the same soil, according to a previously prepared technical documentation for re-cultivation, in compliance with law.

New paragraph 2 is added after paragraph 1, which reads:

“Domestic and foreign legal entity and individual shall be obligated to finish the re-cultivation or rehabilitation of soil within 3 years the latest, following the completion of use of mineral raw materials, disposal of waste, barren substances, ash and slag and other wastes in compliance with a previously prepared technical documentation for re-cultivation.

Paragraph 2 becomes paragraph 3, in which after the word “environment” the following words are added: “physical planning”.

Article 13

Article 18 is changed and reads:

“Producers of consumption products, excluding the producers of food products, drinks and pharmaceuticals, shall tend to apply techniques and technologies in their production processes and turnover, and waste disposal that are less burden to the environment.

Producers of such products, which compared to other products of the same group are less harmful for the environment, shall be entitled to an ecological sign.

The ecological sign may be granted to both domestic and foreign legal entities and individuals which provide services, and which compared to other service providers of the same group of services, significantly contribute to the protection and promotion of the environment and nature.

The ecological sign is granted by the Committee established by the Minister of Environment and Physical Planning.

The Minister of Environment and Physical Planning Requirements shall more closely prescribe the procedure for acquiring the ecological sign, its appearance and use.

Article 14

Article 18a is changed and reads:

“The Minister of Environment and Physical Planning shall prescribe the manner for voluntary participation of companies and the industrial sector, as well as the sector of services, in the system for environmental management and revision (EMAS).

Article 15

The words “not permitted” in Article 19, paragraph 9, which stand before the word “degradation” are deleted and at the end of the paragraph, after the word “environment” the following words are added: “and physical planning”.

The words “and physical planning” are added after the word “environment” in paragraph 2.

Article 16

In Article 21, paragraph 2, the words “the Government of the Republic of Macedonia” are replaced by the words “The Minister of Environment and Physical Planning”, while the words “by a special act” are replaced by the words “by special acts”.

After paragraph 4, new paragraph 5 is added which reads:

“The form and content of forms necessary for cross-border transfer of dangerous waste shall be announced by the Minister of Environment and Physical Planning”.

Article 17

After the word “environment” in Article 23, paragraph 2, the words “and physical planning” are added.

In paragraph 3, after the word “environment” the words “and physical planning” are added, while after the word “the soil” the word “and” is deleted, and after the words “Registry of waste, dangerous and hazardous substances” the following words are added “and Registry of biological variety”.

In paragraph 4, the words “and physical planning” are added after the word “environment”.

Article 18

In Article 24, new paragraph 4 is added, which reads:

“Legal entities and individuals shall be obligated to submit evidence data pertaining to paragraph 3 of this Article, to the Ministry of Environment and Physical Planning for each month separately, in particular, within 5 days after the end of the month.

Article 19

In Article 26, new paragraph 2 is added, which reads:

“The Minister of Environment and Physical Planning may, by special acts, put under protection and determine a special regime for use and acting with certain types of wild animals and plants.

Article 20

Article 27 is changed and reads:

“Domestic and foreign, legal entities and individuals, which manage with protected special natural wealth, shall be obligated to prepare and keep registries of natural rarities, to prepare a program for protection thereof and to submit them to the Ministry of Environment and Physical Planning.

Article 21

After Article 27, new Article 27a is added, which reads:

“Import and export of protected wild animals and plants is prohibited.

For scientific and research purposes, exchange, exhibition and alike, import and export of certain protected wild animals and plants pertaining to paragraph 1 of this Article is permitted, on a selective basis and in limited number, upon a previously issued license by the Ministry of Environment and Physical Planning.

The Minister of Environment and Physical Planning shall, with a special act, prescribe the content and form of documentation, which is submitted together with the application for licenses for import, export and transit of protected wild animals and plants.

Article 22

After the word “user” in Article 29, the words “or owner” are added.

Article 23

After the word “environment” in Article 33, paragraph 1, the words “and physical planning” are added.

In paragraph 2, the word “Republic” is changed by the word “State”.

Article 24

In Article 34, paragraph 1, the word “Republic” is changed by the word “State” and the words “the main national inspector” are replaced by the word “Director”.

In paragraph 2, the word “Republic” is replaced by the word “State”, while the words “graduated geologist” are added, after the words “graduated biologist”.

Paragraph 3 is deleted.

Article 25

Item 4 of Article 40 is changed and reads:

“Protected movable natural goods shall be exported, re-exported and imported upon a prior approval issued by the Ministry of Environment and Physical Planning.”

Article 26

In Article 44, paragraph 2, the words “Government Commission of the Republic of Macedonia for Managing Administrative Affairs of Second Instance in the Areas of Urban Planning, Construction and Environment and Nature Protection” are replaced by the words “Decision-making Commission in an Administrative Procedure of Second Instance in the Area of Transport and Connections and Environment (transport and connections, urban planning and construction and physical planning)”.

Article 27

In Article 45, the words “Ministry of Environment” are replaced by the words “Ministry of Environment and Physical Planning”.

Item 5 is changed and reads:

“to advertise and label and release for sale a product, marked with the ecological sign, which is not in compliance with the manners and criteria set forth by the Minister of Environment and Physical Planning (Article 18).

Article 28

In Article 50, paragraph 1, item 1, the word “goods” is replaced by the word “wealth”.

After item 2, new item 3 is added, which reads:

“if s/he does not show a valid document for identification, provides untrue and incomplete data for him/herself or for other person, or in any other way refuse to identify him/herself.”

Item 3 becomes item 4.

Article 29

In Article 52, paragraph 1, item 4, after the words “inspection surveillance” the following words are added “or to refuse to identify him/herself”, while after the word “information” the words “data, documents for personal identification and other documentation” are added.

In paragraph 2, item 1, 2 and 3 are deleted.

Article 30

Domestic and foreign, legal entities and individuals, which have received authorizations for performing certain professional activities from the field of protection and promotion of environment and nature, before entering into force of this Law, shall be obligated to put in conformity their authorizations with Article 11 of this Law, within 6 months as of the date of its enactment.

Article 31

Legal Commission shall be authorized to determine the final text of the Law on Protection and Promotion of the Environment and Nature.

Article 32

This Law shall enter into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Macedonia.