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LAW ON WASTE MANAGEMENT

Skopje, October 2004

CONTENTS OF THE LAW ON WASTE MANAGEMENT

I. GENERAL PROVISIONS

Article 1

Subject of regulation

(1) This Law shall regulate the waste management; plans and programs for waste management; rights and obligations of the legal entities and individuals related to waste management; the manner of and conditions for waste collection, transportation, treatment, processing, storage and disposal; waste import, export and transit; monitoring; information system and financing.

Article 2

Application of the Law

(1) The provisions of this Law shall apply to all kinds of waste listed in the List of Wastes, except to:

1. radioactive waste;
2. waste generated during research, exploitation, processing and storage of mineral raw materials and the working of quarries;
3. gaseous effluents emitted into the atmosphere;
4. wastewater, except liquid waste;
5. animal waste (carcasses, manure, excrement etc.), as well as other types of non-hazardous materials of natural origin used in agriculture; and
6. decommissioned explosives and dispersing devices and materials.

Article 3

Objectives of the Law

(1) The objectives of this Law shall be to provide:

1. avoidance and reduction to the maximum possible extent of the amount of waste generation;
2. re-use of usable components of the waste;
3. sustainable development through protection and saving of natural resources;
4. prevention of negative impacts of waste on the environment, human life and health;
5. environmentally acceptable waste disposal; and
6. high level of protection of the environment, human life and health;

Article 4

Activity of public interest

(1) Waste management shall be considered an activity of public interest performed in accordance with the provisions of this Law and the regulations enacted on the basis of this Law.

Article 5
Application of the provisions of the law

- (1) The Law on Environment shall apply to waste management as well, unless otherwise regulated by this Law.
- (2) The Law on General Administrative Procedure shall apply to the procedures stipulated in this law, unless otherwise regulated in this law.

Article 6
Definitions

- (1) Certain expressions used in this Law shall have the following meaning:
 1. **“Waste”** shall mean any substance or object that the generator or the holder discards, intends to discard or is required to discard;
 2. **“Hazardous waste”** shall mean any waste that has one or more hazardous properties such as: explosive, reactive (oxidizing), flammable, irritant, corrosive, toxic, infectious, carcinogenic, mutagenic, toxic to reproduction, eco-toxic, and properties of toxic gasses release when getting in contact with water, air or acid, specified in accordance with this Law or other regulation, and listed and specifically designated as hazardous in the List of Wastes, including any waste that is mixed with hazardous waste;
 3. **“Non-hazardous waste”** shall mean any waste which does not possess the properties of a hazardous waste;
 4. **“Inert waste”** shall mean any waste that is resistant and that does not undergo any significant physical, chemical or biological transformations, does not dissolve, burn out or react otherwise physically or chemically, does not biodegrade, and the waste and its leachate do not affect another substance they come in contact with in a manner that could endanger the environment and human life and health;
 5. **“Municipal waste”** shall mean non-hazardous waste generated by individuals in the households, as well as commercial waste;
 6. **“Commercial waste”** shall mean any other waste generated by legal entities and individuals while performing commercial, industrial, trade, service, administrative and similar activities, which is similar to the waste from households in nature or composition;
 7. **“Industrial non-hazardous waste”** shall mean any waste generated during production processes in industry and does not possess hazardous characteristics, while it differs from municipal waste in its features, composition and quantity;
 8. **“Biodegradable waste”** shall mean any waste that can be decomposed through anaerobic (no oxygen present) or aerobic (oxygen present) decomposition processes;
 9. **“Waste oils”** shall mean any mineral, synthetic or industrial oils in liquid or semi-liquid state that have become unfit for the use they had been originally intended, and in particular used oils for internal combustion engines, oils for gearbox, as well as oils for turbines and hydraulic oils;
 10. **“Polychlorinated biphenyls”** shall mean polychlorinated biphenyls (hereinafter referred to as **PCBs**), polychlorinated terphenyls (hereinafter

referred to as **PCTs**), monomethyl-tetrachlorodiphenyl methane, monomethyl-dichloro-diphenyl methane, monomethyl-dibromo-diphenyl methane, and any mixture containing any of the above-mentioned substances in a total amount of more than 0,005 % of the mass;

11. **“Equipment containing PCBs”** shall mean transformers, capacitors, receptacles containing PCB residues, as well as other equipment that contains or had contained PCBs and that has not been decontaminated;
12. **“Used PCBs”** shall mean all PCBs that the generator or holder is discarding, intends to discard or is required to discard;
13. **“Batteries and accumulators”** shall mean sources of electricity generated by direct transformation of the chemical energy, consisting of one or more primary cells that cannot be recharged or of secondary cells that can be recharged;
14. **“Used batteries and accumulators”** shall mean any battery and accumulator that cannot be used again and that is intended for processing or disposal;
15. **“Waste electric and electronic device”** shall mean any electric and electronic device which the generator and/or holder is discarding, intends to discard or is required to discard, including all parts and components which are integral parts of the device at the time of discarding;
16. **“Packaging”** shall mean all products made of any material that are used for storage, protection, handling, delivery and presentation of goods, from the producer to the user or the consumer, regardless of whether the goods are raw materials or processed goods.
17. **“Packaging waste”** shall mean any packaging or packaging material that the generator or holder is discarding, intends to discard or is required to discard, except for the residues from the production;
18. **“Used vehicles”** shall mean vehicles with terminated usability which the owner has discarded, intends to discard or is required to discard;
19. **“Medical waste”** shall mean waste generated in medical and health institutions (dispensaries, hospitals, polyclinics and outpatient departments, dental clinics, veterinary stations etc.), which originated as a product of used items and materials during diagnosing, medical treatment and prevention of diseases in humans and animals;
20. **“Waste from scientific and research institutions”** shall mean any waste originated from the use of items and materials during research and developmental activities;
21. **“Waste titanium dioxide”** shall mean any residue from production, processing and use of titanium dioxide that the generator is discarding, intends to discard or is required to discard;
22. **“Waste asbestos”** shall mean any residue from the production, processing and use of asbestos, as well as the substances, materials and products containing asbestos, which the generator is discarding, intends to discard or is required to discard.
23. **“Generator”** shall mean any legal entity or individual whose operations or activities generate waste (original generator), and/or any person conducting operations of treatment, mixing or other operations resulting in a change in the nature or in the composition of the generated waste (secondary generator);
24. **“Holder”** shall mean any natural or legal entity in possession of waste;

25. **“Waste handling”** shall mean collection, selection, transportation, treatment, processing, storage and disposal of waste, including the supervision of these operations, as well as the measures for protection of the environment and of human life and health during the operation of the facilities and installations for waste disposal, and the care taken after the termination of their operations.
26. **“Service Provider”** shall mean a public enterprise established by the Municipalities or the City of Skopje and a legal entity or individual that has concluded an Agreement for providing service of public interest of local importance;
27. **“Waste management”** shall mean avoidance and reduction of waste generation and of its negative impact on the environment and human life and health, including waste handling.
28. **“Waste Manager”** shall mean a person in charge of the implementation of the waste management program of the legal entity or individual that generates, processes or disposes waste.
29. **“Waste processing”** shall include the operations specified by this Law intended for utilization of the usable substances and components of waste, including the procedures for reuse, recycling and use of waste as energy source, with the exception of waste burning for definite disposal of waste.
30. **“Waste Processor”** shall mean any legal entity or individual processing waste, regardless of whether it had generated the waste itself or is processing it for third parties;
31. **“Waste treatment”** shall mean the mechanical, physical, thermal, chemical or biological processes, including sorting, that result in change in the properties of the waste, with a view to reducing the volume or hazardous nature thereof, facilitating the handling or making it more suitable for processing;
32. **“Waste recycling”** shall mean obtaining substances from waste (secondary raw materials) and their utilization as a substitution of the primary raw materials, or use of properties of the substances contained in the waste for their initial purpose, or for other purposes, excluding the direct use of the energy of the waste;
33. **“Waste disposal”** shall mean the operations providing a final solution for the waste that can not be re-used or processed, during which the environment and human life and health are not endangered;
34. **“Waste collection”** shall mean a set of organized activities including procedures that prepare the waste for transportation;
35. **“Transfer station”** shall mean a facility in which the waste is off-loaded in order to prepare it for further transportation to the facilities and installations for storage, processing, treatment and disposal of waste;
36. **“Storage”** shall mean any organized activity for storing the generated waste in facilities that fulfil the prescribed requirements for this purpose, for a period of less than 3 years if the stored waste is intended for treatment and processing, or for a period of less than 1 year if the waste is intended for disposal;
37. **“Landfill”** shall mean a facility intended for waste disposal by way of tipping it above or under the ground;
38. **“Landfilling”** shall mean an operation for waste disposal at landfills;
39. **“Incineration plant”** shall mean any stationary or mobile technical unit

and equipment for thermal treatment of the waste, with or without recovery of the heat resulting from the incineration, including waste incineration through oxidation, as well as other processes for thermal treatment such as pyrolysis, gasification or plasma processes, for as long as the substances obtained with the treatment are consecutively burning out. The installation includes the location, all the lines for thermal treatment, the facilities and equipment for reception, storage and pre-treatment of the waste at the location, the systems for re-supply of waste, fuel and air, the boiler, the facilities for waste gasses treatment and for treatment and storage of wastewater and incineration residues, the chimney and the appliances and systems for control, recording and monitoring of the incineration conditions.

40. **“Co -incineration plant”** shall mean any stationary or mobile plant the main purpose of which is energy generation or production of material products, where the waste is used as regular or additional fuel, i.e. a plant in which the waste is thermally treated for the purpose of disposal, including the location, all the lines for thermal treatment, the facilities and equipment for reception, storage and pre-treatment of the waste at the location, the systems for re-supply of waste, fuel and air, the boiler, the facilities for waste gasses treatment and for treatment and storage of waste waters and combustion residues, the chimney and the appliances and systems for control, recording and monitoring of the combustion conditions.
41. **“Responsible body for carrying out expert activities in the field of environment”** shall be the body established according to the Law on Environment.
42. **“Individual service provider”** shall mean any individual providing service of public interest of local importance as profession, handles waste and is enrolled in the relevant court registry for the activity performance, and complies with the conditions specified by this Law.

Article 7

Priorities in waste management

(1) The waste generators shall avoid the waste generation as much as possible and reduce the negative impacts of the waste on the environment and human life and health.

- (2) In waste management, after prior selection, the waste should be:
- processed by means of recycling, reuse or other process for extraction of the secondary raw materials, or
 - used as a source of energy.

Article 8

Principle of environmental protection in the waste management

(1) When undertaking certain activities regarding waste management, the legal entities and individuals shall provide high level of environmental and human life and health protection.

(2) The legal entities and individuals undertaking certain activities in the process of production shall use raw materials that generate less waste during their

processing, shall apply technologies that provide for cleaner production and save the natural resources, and shall manufacture products that, while produced and used, do not pollute the environment, or reduce the pollution to the lowest possible level in accordance with the sustainable development principles.

(3) The processing and the disposal of the waste must be done by using the best available techniques and technologies.

Article 9 Precautionary Principle

(1) Where, in light of the modern scientific, technical and technological knowledge, it is concluded that certain activities or the performance of certain activity related to waste management might cause harmful effects on the environment and human life and health, appropriate measures and activities for removal of the danger shall be undertaken prior to obtaining scientific evidence that the harmful effects might occur.

Article 10 Proximity principle

(1) The waste shall be processed primarily at the location of its generation.

(2) The waste that cannot be processed at the location of its generation due to justified technical and technological or economic reasons, shall be transferred for processing or disposal to the nearest locations designated for that purpose.

Article 11 Principle of universality of service

(1) The universality of service with regard to waste management shall be provided through:

1. non-discrimination;
2. sustainability of the service;
3. quality and efficiency;
4. transparency;
5. economically acceptable price; and
6. full coverage of the area of service provision.

Article 12 "Polluter pays" principle

(1) The generator and/or holder of waste shall cover all the costs generated during waste management, including the costs for waste collection, transportation, treatment, storage, disposal, prevention and monitoring, as well as the costs for the rehabilitation measures for the damage caused by the waste or the damage that might be caused by the waste.

Article 13 System of deposit

(1) When buying certain products, the buyer shall pay a certain added value to

the price of the product, which shall be returned to him/her upon restitution of the used products and the packaging to the seller, provided that there is a possibility for the used products and the packaging to be processed, for which they need to be labelled in a manner established by law and another regulation.

Article 14
Common principles

(1) The bodies of the state administration, the Municipalities and the City of Skopje, as well as the legal entities and individuals that deal with waste management shall, when undertaking measures and activities of waste management, apply the principles set out in Articles 7, 8, 9, 10, 11, 12 and 13 of this Law and the principles set out in the Law on Environment.

II. STRATEGY, PLANS AND PROGRAMMES ON WASTE MANAGEMENT

Article 15

Planning in waste management

(1) The responsible authorities of the Republic of Macedonia, the Municipalities and the City of Skopje, as well as legal entities and individuals dealing with waste management on the basis of this Law shall adopt and implement strategic, planning and programme documents regarding the waste management in order to:

1. protect the environment and human life and health;
2. achieve the objectives and guidelines laid down in the National Environmental Action Plan;
3. implement the general principles and guidelines regarding the waste management;
4. establish an integrated national network of installations and plants for waste processing and disposal; and
5. fulfil the obligations with regard to the waste management undertaken by the Republic of Macedonia on an international level;

(2) Within the procedure for adoption of strategies, plans and programmes provided for in this Law, strategic environmental assessment shall be undertaken in accordance with the Law on Environment.

Article 16

Strategy on Waste Management

(1) The Government of the Republic of Macedonia shall, upon a proposal of the body of the public administration responsible for the affairs of the environment, adopt a Strategy on Waste Management.

2) The Strategy referred to in paragraph 1 of this Article shall determine:

1. basic guidelines for management of all types of waste;
2. improvement of the general situation in the area of waste management;
3. the necessary legal measures for implementation of the Waste Management Plan;
4. the long-term needs of the Republic of Macedonia in the area of waste management;
5. strategic approach to the development of the public awareness and education in relation to the waste management; and
6. other issues of importance for the development of the waste management.

(3) The Strategy referred to in paragraph 1 of this Article shall be valid for a period of twelve years.

Article 17
Waste Management Plan of the Republic of Macedonia

(1) For the purpose of the implementation of the Strategy on Waste Management, the body of the public administration responsible for the affairs of the environment shall adopt a Waste Management Plan of the Republic of Macedonia.

(2) The Plan referred to in paragraph 1 of this Article shall be adopted for a period of six years, and shall include in particular:

1. description and assessment of the existing status of waste management;
2. predictions of future trends in the waste management;
3. incentives for implementation of the activities for avoidance and reduction of waste generation, as well as for re-use, recycling or use of the waste as a source of energy;
4. manners of disposal of the waste that can not be avoided and processed;
5. specification of the type and quantity of waste according to which the obligation for the legal entities and individuals for preparation of waste management programs is assigned;
6. application of the monitoring system during waste management;
7. concrete measures and activities for reducing the biodegradable components in the waste intended for disposal and the time schedule and extent for the implementation thereof,
8. assessment of the needs of the Republic of Macedonia for construction of facilities and installations for waste processing and disposal;
9. locations and installations for waste disposal;
10. data on the integrated national network for waste disposal and installations for waste processing;
11. technical and other conditions to be fulfilled when dealing with waste management;
12. measures for remediation of illegal landfills and polluted areas;
13. activities undertaken by the local self-government units concerning the waste management;
14. educational and public awareness raising measures concerning the waste management;
15. estimation of the costs for the waste processing and disposal operations; and
16. financial instruments for the implementation of the Waste Management Plan;

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

(4) The body of the public administration responsible for the affairs of the environment shall, at every third year as of the commencement of the implementation of the Waste Management Plan of the Republic of Macedonia, submit a report on the Plan implementation to the Government of the Republic of Macedonia, upon prior consent issued by the body of the public administration responsible for the affairs of the environment.

Article 18
Waste Management Plans of the Municipalities and the City of Skopje

(1) For the purpose of the implementation of the Waste Management Plan of the Republic of Macedonia, the Councils of the Municipalities and of the City of

Skopje shall adopt a Waste Management Plan for the respective Municipality, i.e. the City of Skopje, upon a proposal of the Mayor of the Municipality and the City of Skopje.

(2) The Plan referred to in paragraph (1) of this Article shall be issued for a period of no less than three and no more than six years.

(3) The Plan referred to in paragraph (1) of this Article shall in particular contain the data of the Plan of the Republic of Macedonia referred to in Article 17 paragraph (2) on the territory of the Municipality and the City of Skopje.

(4) The Mayor of the Municipality and of the City of Skopje shall be responsible for the implementation of the Plan referred to in paragraph (1) of this Article.

(5) The Mayor of the Municipality and of the City of Skopje shall submit the Plan referred to in paragraph (1) of this Article for an approval to the body of the public administration responsible for the affairs of the environment.

Article 19

Waste Management Programmes

(1) The implementation of the Waste Management Plan of the Republic of Macedonia shall be carried out through one-year programs on waste management, adopted by:

1. The body of the public administration responsible for the affairs of the environment,
2. The Councils of the Municipalities and of the City of Skopje, upon a proposal of the Mayors of the Municipalities and of the City of Skopje, and
3. The legal entities and individuals dealing with waste management, determined in accordance with this Law and other regulations.

(2) The Programmes referred to in paragraph (1) of this Article shall be in accordance with the Waste Management Plan of the Republic of Macedonia and with the waste management plans of the Municipalities and of the City of Skopje, and the Programmes referred to in items 2 and 3 of paragraph (1) of this Article shall also be in accordance with the Programme referred to in item 1, paragraph (1) of this Article.

(3) The Programmes referred to in paragraph (1) of this Article shall specify the sources of funding of measures and activities, as well as the instruments for the waste management programmes implementation.

(4) The Programmes referred to in paragraph (1) item 2 of this Article shall in particular contain data of the Programme referred to in Article 20 paragraph (2) of this Law, except item 11.

Article 20

Content of the Waste Management Programme adopted by the responsible body for carrying out expert activities in the field of environment

(1) The Waste Management Programme adopted by the body of the public administration responsible for the affairs of the environment shall stipulate the measures and activities to be undertaken by the entities managing the waste in the ongoing year for the purpose of implementation of the Waste Management Plan, as well as concrete measures for improvement of the general state of waste management

and environmental protection.

(2) The Programme referred to in paragraph 1 of this Article shall in particular contain:

1. estimate of the type and quantity of waste generated in the Republic of Macedonia at annual basis;
2. measures and activities for avoidance and reduction of waste generation;
3. manner of fulfilment of the obligations by legal entities and individuals dealing with waste management;
4. measures and activities for selection of waste, including separation of hazardous components from the waste;
5. measures and activities for encouraging the composting of biodegradable waste;
6. modes for education and raising of the public awareness of waste management;
7. fulfilment of the obligations for reduction of the amount of biodegradable waste disposed of at landfills;
8. manner of operation of the waste processing and disposal facilities and installations;
9. manner of functioning of the integrated network for waste processing and disposal;
10. implementation of the monitoring and information system in the area of waste management;
11. implementation of measures for carrying out import, export and transit of waste through the territory of the Republic of Macedonia; and
12. other measures of relevance for the implementation of the Waste Management Plan.

(3) The body of the public administration responsible for the affairs of the environment shall, in the month of September during the ongoing year, make the Programme for the next year referred to in paragraph 1 of this Article accessible to the public.

Article 21

Waste Management Programs of the legal entities and individuals

(1) Legal entities and individuals which annually generate, **process and dispose** waste types in excess of the amount specified in the Waste Management Plan of the Republic of Macedonia shall prepare Waste Management Programmes for the ongoing year.

(2) The legal entities and individuals referred to in paragraph 1 of this Article shall submit the Waste Management Programmes for the next year to the Mayors of the Municipalities and the City of Skopje no later than September in the ongoing year.

(3) The legal entities and individuals referred to in paragraph 1 of this Article generating industrial non-hazardous waste and hazardous waste shall also submit the Waste Management Programmes to the body of the public administration responsible for the affairs of the environment.

(4) The Waste Management Programme of legal entities and individuals shall in particular contain:

1. existing level of waste generation according to types, quantities and sources of waste generation, and anticipation of the type and quantity of

- waste to be generated in the next year;
2. existing and planned technical, organizational and other measures for avoidance and reduction of the waste generation and reduction of the waste harmfulness;
 3. data on organizational and technical capacities of the legal entities and individuals;
 4. existing and planned technical, organizational and other measures (including investment undertakings) for waste handling (selection, treatment, processing, energy use, storage and removal);
 5. measures for protection against harmful impact of the waste on the environment and human life and health;
 6. introduction of international systems of environmental protection (ISO 14000 etc.);
 7. planned activities for education and training of the staff involved in waste management; and
 8. other measures of relevance for the implementation of the Waste Management Programme.
- (5) Bodies referred to in paragraphs (2) and (3) of this Article may request that the legal entities and individuals referred to in paragraph (1) of this Article amend and supplement their programmes, if they find out they are contrary to the Waste Management Plan of the Republic of Macedonia referred to in Article 20 paragraph (1) item 1 of this Law.

Article 22

Responsibility of the Municipalities and the City of Skopje regarding the municipal and other non-hazardous waste management

(1) According to the Waste Management Plan of the Republic of Macedonia, the Municipalities and the City of Skopje shall:

1. take care of the public hygiene and of the abandoned waste;
2. issue acts in order to regulate the selection, collection and transportation of the municipal and other non-hazardous waste;
3. cooperate with the other Municipalities and the City of Skopje with regard to the municipal and other non-hazardous waste management;
4. implement projects and undertake investments for improvement of the general state of waste management; and
5. act in accordance with the general rules on municipal and other waste treatment.

(3) Two or more municipalities may enact a joint Waste Management Programme for municipal and other types of non-hazardous waste.

Article 23

Reporting on the implementation of the Waste Management Programmes

(1) The body of the public administration responsible for the affairs of the environment shall, in the month of March for the ongoing year, submit an annual Report on the implementation of the Waste Management Programme for the previous year to the Government of the Republic of Macedonia.

(2) The Mayors of the Municipalities and of the City of Skopje shall submit

Reports on the implementation of their waste management programmes to the body of the public administration responsible for the affairs of the environment on an annual basis, upon prior consent obtained by the Councils of the Municipalities and the Council of the City of Skopje.

(3) The Reports referred to in paragraph (2) of this Article on the Programme for the previous year shall be submitted in February of the ongoing year.

(4) The legal entities and individuals referred to in Article 21, paragraph (1) shall submit an annual Report on the implementation of their Waste Management Programmes to the Mayors of the Municipalities and the City of Skopje, no later than January in the ongoing year, on the Programme for the previous year.

(5) The legal entities and individuals referred to in Article 21, paragraph (1) managing hazardous waste shall submit the Reports referred to in paragraph (4) of this Article to the body of the public administration responsible for the affairs of the environment.

(6) On the basis of the results from the Reports on the implementation of the Waste Management Programmes, the body of the public administration responsible for the affairs of the environment may change and supplement the Waste Management Plan of the Republic of Macedonia.

III. WASTE HANDLING

Article 24 Rules for waste handling

(1) The handling of waste shall be conducted with due attention and in a manner that would enable avoidance of:

1. endangering of the environment, human life and health;
2. water, air and soil pollution above the prescribed limits;
3. causing of noise and unpleasant odour,
4. destruction of the natural living conditions of the flora and fauna;
5. destruction of the protected natural areas and the protected cultural heritage;
6. ugly and neglected structures and space in urban zones and in areas outside urban zones.

Article 25 List of wastes

(1) Categories of waste in the sense of this Law shall be:

1. residues of the production or consumption of products;
2. off-specification products;
3. products with expired date of use;
4. materials spilled, lost or having undergone other mishap, including materials, equipment, etc. contaminated as a result of the mishap;
5. materials contaminated or spoiled as a result of the planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.);
6. unusable parts (e.g. rejected batteries, exhausted catalysts, etc.);
7. substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.);
8. residues of industrial processes (e.g. slags, distillation residues, etc.);
9. residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters, etc.);
10. residues from mechanical/finishing works (e.g. lathe turnings, mill scales, etc.);
11. residues from raw materials extraction and processing (e.g. mining residues etc.);
12. adulterated materials (e.g. oils contaminated with PCBs, PCTs etc.);
13. materials, substances or products the use of which has been banned by law;
14. products that the holder will no longer use (e.g. agricultural, office, commercial discards and discards from shops and households etc.);
15. contaminated materials, substances or products resulting from actions the purpose of which is land re-cultivation;
16. materials, substances or products which are not included in the above categories.

(2) On the basis of the categories of waste referred to in paragraph 1 of this article, the Minister managing the body of the public administration responsible for the affairs of the environment, shall prescribe the List of Wastes.

(3) The waste which belongs to the category of hazardous waste according to its characteristics shall be marked on the List of Wastes in a specific manner.

Article 26

Obligations of waste generators and holders

(1) The generator and/or holder of waste shall be obliged to:

1. select the waste;
2. classify the waste according to the List of wastes;
3. specify the characteristics of waste;
4. control the impacts of waste on the environment, human life and health;
5. store the waste on locations intended for that purpose;
6. process the waste, and if such processing is not technically feasible and cost-effective, to hand it over to another legal entity or individual holding a permit for waste collection and transportation, processing, removal and/or export.

(2) If the waste has one or more hazardous characteristics, the generator and/or the holder thereof shall classify the waste into a hazardous waste category, and to handle it as hazardous waste.

(3) Individuals in households shall be obliged to comply with the obligations referred to in paragraph (1) items 1 and 4.

Article 27

Waste collection and transportation

(1) The waste collection and transportation shall be performed by means and equipment specially designed and strictly intended for waste collection and transportation.

(2) The waste generator and/or holder shall hand the waste over to the legal entities and individuals authorized for performing waste collection and transportation activities on the basis of a license issued in accordance with the law.

(3) The legal entities and individuals authorized for performing waste collection and transportation shall be responsible for safe transportation of the waste from its collection point to the hand-over point.

(4) The Minister of Transport and Communications, in consent with the Minister of Environment and Physical Planning, shall prescribe the minimum technical conditions to be fulfilled by the waste transportation vehicles.

Article 28

Waste processing

(1) Waste containing usable substances shall be processed if there are technical and technological conditions for it and if further use of the waste and its contents is possible.

(2) Waste shall be processed without applying processes or methods endangering the environment and human life and health.

(3) If the waste processing endangers the environment and the human life and

health, and/or if the costs for processing of the waste are extremely high and economically unworthy, the waste should temporarily or permanently be exported from the Republic of Macedonia to the closest countries where the waste can be processed or disposed.

(4) The obligation for compulsory waste processing referred to in paragraph 1 of this Article shall not be applied if the waste disposal causes less danger to the environment and human life and health than the waste processing, by especially taking into consideration:

1. The consumption of natural resources;
2. The energy that would be used for processing or resulting from the waste;
3. Content of hazardous substances in the waste after the processing; and
4. The emission of substances and energy in the air, water and soil.

Article 29 **Operations for waste processing**

(1) Waste shall be processed by applying one or more of the following operations:

1. Use principally as a fuel or other means to produce energy;
2. Solvents reclamation/regeneration;
3. Recycling/reclamation of organic substances which are not used as solvents (including composting and other processes of biological transformation);
4. Recycling/ reclamation of metals and metal compounds;
5. Recycling/ reclamation of other inorganic materials;
6. Regeneration of acids or bases;
7. Recovery of components used for pollution abatement;
8. Recovery of components from catalysts;
9. Oil re-refining or other reuses of oil;
10. Land treatment resulting in benefit to agriculture or environmental improvement;
11. Use of waste obtained from any of the operations numbered 1 - 10 of this paragraph;
12. Exchange of wastes for submission to any of the operations referred to in 1 – 11 of this paragraph; and
13. Storage of wastes pending any of the operations referred to in 1 – 12 of this paragraph (excluding temporary storage, pending collection, and storage on the site where it is produced).

(2) Operations referred to in paragraph (1) of this Article, in waste import, export and transit movement, shall be marked with the letter (R) in accompanying documents, to be followed by the number of the relevant processing operation.

Article 30 **Construction permits for installations for processing, treatment, storage and disposal of waste**

(1) The application for a construction permit for installations for processing, treatment, storage and disposal of waste shall be submitted by the investor to the

competent issuing authority in accordance with the Law on Construction.

(2) An environmental impact assessment procedure shall be undertaken in such manner and procedure laid down in the Law on Environment for the projects of construction of installations for storage, treatment, processing and disposal of waste.

(3) Construction permit for an installation for storage, treatment, processing and disposal of waste shall not be issued unless the investor has obtained a Decision approving the environmental impact assessment study by the body holding competence for performance of expert activities in the area of environment in a manner and procedure laid down in the Law on Environment.

(4) Attached to the application for a construction permit, the investor shall submit an evidence issued by the competent body that the procedure for integrated environmental permit has been initiated in accordance with the Law on Environment.

(5) The Decision for use of the installation for waste storage, treatment, processing and disposal shall not be issued until the competent body has issued the integrated environmental permit in accordance with the Law on Environment.

Article 31

Adjustment plans and environmental audit of the installations for processing, storage and disposal of waste

(1) The existing installations for storage, processing and disposal of waste shall apply for permit for adjustment of adjustment plans according to the Law on Environment.

(2) Operators of the installations for storage, treatment, processing and disposal of waste holding A or B integrated environmental permit shall provide a general environmental audit in accordance with the Law on Environment.

Article 32

License for storage, treatment and processing of waste

(1) Legal entities and individuals performing waste storage, treatment and/or processing shall hold a license for performing the activity of waste processing, treatment or storing.

(2) The entities referred to in paragraph 1 of this Article shall submit an application for a license for processing, treatment and/or storing of waste to the the body of the public administration responsible for the affairs of the environment.

(3) In order to be able to engage in the business of storage of hazardous waste, treatment and/or processing of waste, the entities referred to in paragraph 1 of this Article shall have at least one person in the staff with a University degree in natural and/or technical sciences, as well as appropriate technical conditions to perform the activity, including for the later the business of storing the non-hazardous waste.

(4) The license referred to in paragraph 1 of this Article shall be issued by the body of the public administration responsible for the affairs of the environment for a period of no longer than 15 years.

(5) The applicant may lodge an appeal against the decision rejecting the application for obtaining a permit for processing of waste, with the Second-instance commission for administrative issues of Government of the Republic of Macedonia within 30 days upon the receipt of the decision.

(6) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the form and the contents of the application for obtaining a license for processing, treatment and/or storing of waste

referred to in paragraph 2 of this Article, the form and the content of the license for waste processing, as well as the minimum technical conditions to perform the activity referred to in paragraph 3 of this Article.

Article 33

Storage of waste

(1) The waste that can be re-used, processed and/or used as a source of energy, may be stored at special locations designated for that purpose provided that the waste storage will not endanger the environment and human life and health.

(2) The legal entities and individuals which generate and/or process hazardous waste can temporarily store the hazardous waste close to the location of its generation, after having obtained consent from the body of the public administration responsible for the affairs of the environment.

(3) The Mayors of Municipalities and of the City of Skopje shall determine the locations for temporary storage of non-hazardous close to the place of its generation.

(4) The storage of waste cannot be longer than 3 years if it is intended for treatment and processing, or 1 year if it is intended for disposal.

(5) The conditions and manner of waste storage, as well as the conditions to be fulfilled by the locations for waste storage, shall be prescribed by the Minister managing the body of the public administration responsible for the affairs of the environment.

Article 34

Waste disposal

(1) The waste that cannot be re-used, processed or used as a source of energy shall be disposed by using special operations for waste disposal referred to in Article 35, paragraph 1 of this Law.

(2) Prior to the disposal, the waste shall be subjected to physical, chemical, thermal or biological treatment in order to reduce its quantity, volume and negative impact on the environment and on human life and health.

(3) Before a waste disposal operation is started, the waste shall be selected and classified according to the List of Wastes.

(4) The waste that cannot be selected and classified according to the List of Wastes must be assessed for its hazardous characteristics in order to decide how this waste shall be handled.

(5) The disposal of waste shall be performed at specially designated sites and locations, as well as in specially constructed premises and installations intended for waste disposal that have obtained A or B integrated environmental permit.

Article 35

Operations for waste disposal

(1) Operations for waste disposal shall include:

1. Deposit into or onto land (e.g. landfill, etc.);
2. Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.);
3. Deep injection (e.g. injection of pumpable discards into wells or naturally occurring repositories – caves, pits, etc.);

4. Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.);
5. Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.);
6. Release into major water bodies, except seas/oceans;
7. Release into seas/oceans, including sea-bed insertion;
8. Biological treatment not specified elsewhere in this Law which results in final compounds or mixtures which are discarded by means of any of the operations referred to in items 1 to 12 of this paragraph;
9. Physical-chemical treatment not specified elsewhere in this Law which results in final compounds or mixtures which are discarded by means of any of the operations referred to in items 1 to 12 of this paragraph (e.g. evaporation, drying, calcination, etc.);
10. Incineration on land, in accordance with the provisions of this Law and the other regulations relating to burning;
11. Incineration at sea;
12. Permanent storage (e.g. placement of containers in a mine, etc.);
13. Blending or mixing prior to submission to any of the operations referred to in items 1 to 12 of this paragraph;
14. Repackaging prior to submission to any of the operations referred to in items 1 to 12 of this paragraph; and
15. Storage pending any of the operations referred to in items 1 to 14 of this paragraph (excluding temporary storage, pending collection, and storage on the site where it is produced).

(2) The disposal of waste by application of the operations referred to in paragraph 1 of this Article shall be considered permanent solution in waste management.

(3) Operations referred to in paragraph (1) of this Article, in waste import, export and transit movement, shall be marked with the letter (D) in accompanying documents, to be followed by the number of the relevant processing operation.

Article 36 **Integrated waste disposal network**

(1) In order to provide the safest and cost-effective waste disposal in the installations closest to the place of waste generation, as well as to use the most appropriate methods and technologies providing for a high level of environmental protection and protection of human life and health, the plants and facilities intended for waste disposal need to be interlinked in an integrated waste disposal network.

(2) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the manner and the conditions of functioning of the integrated waste disposal network.

Article 37 **Waste transfer stations**

(1) The waste intended for storage, processing or disposal, may be transported from the place of its generation to transfer stations from where it will be transported to

the plants and facilities for storage, processing and disposal.

(2) The non-hazardous waste may be stored in the transfer station for a maximum period as specified in the regulation adopted on the basis of paragraph (5) of this Article.

(3) The Mayors of Municipalities and of the City of Skopje shall specify the locations where transfer stations can be built/placed.

(4) The transfer stations shall be an integral part of the waste disposal network.

(5) The Minister of Environment and Physical Planning, in consent with the Minister of Transport and Communications, shall prescribe the minimum technical conditions and the conditions regarding the environmental protection to be fulfilled by the transfer stations, as well as the conditions to be fulfilled by the locations on which transfer stations are built/placed, as well as the terms of waste storage in transfer stations in accordance with the types of waste.

Article 38 **Waste manager**

(1) The legal entities and individuals referred to in Article 21 paragraph (1) of this Law shall contract persons holding an authorization for waste managers.

(2) The waste manager shall be responsible to the competent authorities for accomplishment of the tasks associated with waste management.

(3) The waste manager shall:

1. Undertake measures and activities for avoidance and reduction of waste generation;
2. Oversee the procedures applied during the treatment and processing of the waste from generation until disposal;
3. Control the waste generation in technological processes;
4. Control the implementation of the procedures for waste processing;
5. Control the type and quantity of waste generated, processed and disposed;
6. Apply procedures and methods for processing and reduction of the hazardous characteristics of the waste;
7. Monitor the ongoing situation in waste management;
8. Inform the managerial bodies of legal entities and individuals about possible endangering of the environment or human life and health resulting from the generation, treatment, processing and disposal of waste, and propose specific solutions;
9. Implement the annual program of the legal entities and individuals referred to in Article 21 of this Law; and
10. be responsible for proper waste management.

(4) Persons holding a University degree in the area of natural and technical sciences and work experience of at least 5 years in waste management may work as waste managers.

(5) The authorization for performing the activity of a waste manager shall be obtained after passing an exam taken before a Commission established by the Minister managing the body of the public administration responsible for the affairs of the environment.

(6) The person that has passed the exam shall be issued a certificate for waste manager.

(7) Under the law, the body of the public administration responsible for the

affairs of the environment may withdraw the certificate for waste manager from the person who abused his/her powers .

(8) The Minister managing the body of the public administration responsible for the affairs of the environment shall adopt the program according to which the exam will be taken, and prescribe the manner of taking the exam for performing the activity of a waste manager, the form of the certificate for waste manager, as well as the amount and the manner of payment of the fee for taking of the exam.

Article 39 **Obligation for keeping records and reporting**

(1) Legal entities and individuals dealing with collection, transportation, storage, treatment, processing and disposal of waste shall keep records on the following:

1. The type, quantity and origin of the treated waste;
2. Temporarily stored waste;
3. Waste handed over to the waste collector and transporter;
4. Waste used or processed by the waste generators;
5. Waste handed over to other legal entities and individuals processing waste, if the waste processing was not performed by the waste generator;
6. Data about the application of the operations for processing waste referred to in Article 35, paragraph 1 of this Law;
7. Waste intended for disposal;
8. Waste processed or disposed of abroad; and
9. The starting and the final destination of waste transportation.

(2) The records referred to in paragraph 1 of this Article shall be kept daily in a journal.

(3) Legal entities and individuals referred to in paragraph 1 of this Article shall be obliged, when handling waste for transportation, to issue to the entity authorised for transportation an identification and transportation forms.

(4) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the form and the content of the journal referred to in paragraph (2) of this Article, as well as the form, the content and the manner of treatment of the forms referred to in paragraph (3) of this Article.

(5) Legal entities and individuals referred to in paragraph (1) of this Article shall be obliged to keep the forms referred to in paragraph (3) of this Article as constituent parts of the overall records of waste treatment.

(6) Legal entities and individuals referred to in paragraph 1 of this Article shall be obliged, once in a year, to submit the data of the records as a consolidated report on the prescribed form to the body responsible to perform expert activities in the field of environment, at the latest by 31 January in the ongoing year for the previous year.

(7) Notwithstanding paragraph 6 of this Article, the legal entities and individuals collecting and transporting municipal and other types of non-hazardous waste shall submit the data of the records once a year to the Mayors of the Municipalities and of the City of Skopje as a consolidated report on the prescribed form, at the latest by 31 January in the ongoing year for the previous year.

(8) The Mayor of the Municipality and of the City of Skopje shall submit the data referred to in paragraph 7 of this Article as a consolidated annual report on a

prescribed form to the body responsible to perform expert activities in the field of environment, by 31 March at the latest in the ongoing year for the previous year.

(9) Legal entities and individuals shall keep the data of the records referred to in paragraph 1 of this Article for at least 5 years, except landfill operators which are obliged to keep the data of the records until the end of the period designated for operation of the landfill as well as during the phase of further care after the closure of the landfill.

(10) The form and the content of the forms referred to in paragraphs 6 and 8 of this Article shall be prescribed by the Minister managing the body of the public administration responsible for the affairs of the environment.

Article 40

Handling of waste located on a private property

(1) The handling of waste located on a private property with consent of the owner or user, which could cause the effects referred to in Article 24 of this Law, shall be an obligation of the property owner or user.

(2) Should the owner or user of the property fail to remove or refuse to remove the waste in a manner stipulated by this Law, the waste shall be removed by the service provider or legal entity or individual authorised for waste collection and transportation on the basis of an act issued by the Mayor of the Municipality or of the City of Skopje at the expense of the property owner or user.

(3) In case the waste is left on a private property without the consent of the owner or the user of the property, the owner or the user of the property shall inform the Mayor of the Municipality or of the City of Skopje, who shall undertake appropriate measures for waste removal, as well as actions against the offender.

Article 41

Maintenance of public cleanliness

(1) The Mayor of the Municipality or of the City of Skopje shall maintain the public cleanliness and handle the abandoned waste on the public and traffic areas in both the urban and non-urbanized space within its territory.

(2) The manner and conditions for fulfilment of the obligations referred to in paragraph 1 of this Article shall be prescribed by the Council of the Municipality and the Council of the City of Skopje, upon the proposal of the Mayor of the Municipality or of the City of Skopje.

Article 42

Authorization for undertaking precaution measures

(1) The Minister managing the body of the public administration responsible for the affairs of the environment shall, in cooperation with other responsible ministries, state institutions, organizations, and legal entities and individuals, be authorized to undertake all necessary measures for removal of the immediate danger, if an estimate can be made, on the basis of the knowledge arising from the existing level of development of the science and technique, that certain activities related to waste management could produce negative effects on the environment and on the life

and health of people, prior to generating scientific evidence that the harmful effects will occur.

IV. HANDLING OF NON-HAZARDOUS WASTE

IV.1. Handling of municipal waste

Article 43

Rules on municipal and other non-hazardous waste handling

(1) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the general rules for handling municipal and other types of non-hazardous waste.

(2) The specific rules on the manner of handling the municipal and the other types of non-hazardous waste shall be prescribed by the Council of the Municipality and of the City of Skopje, by means of separate regulation.

(3) The Legal entities and individuals generating municipal and other types of non-hazardous waste shall select the waste according to its type and characteristics, in accordance with the regulations referred to in paragraphs 1 and 2 of this Article and regulations adopted on the basis of this Law.

(4) Legal entities and individuals referred to in paragraph 3 of this Article shall collect their waste and hand it over to the service providers authorized to collect the municipal and other types of non-hazardous waste on the territory of the Municipality or the City of Skopje.

(5) Legal entities and individuals referred to in paragraph (3) of this Article, prior to handling over the waste in accordance with paragraph (4) of this Article, shall hand over the useful components of the municipal waste to the collection points designated for collection of selected waste.

(6) The municipal and other types of non-hazardous waste shall be collected and transported by the legal entities and individuals holding a license for collection and transportation of waste in accordance with Article 45 of this Law.

(7) Legal entities and individuals generating and/or holding municipal and other types of non-hazardous waste in smaller amounts than the ones prescribed in the Waste Management Plan of the Republic of Macedonia, shall use the services of the service providers in accordance with paragraph (4) of this Article.

(8) Generators of commercial waste shall conclude a separate contract for collection and transportation of the waste with the service provider on the territory of the Municipality or the City of Skopje.

(9) Legal entities and individuals that in the course of a year generate and/or hold municipal and other types of non-hazardous waste in bigger amounts than the ones prescribed in the Waste Management Plan of the Republic of Macedonia, notwithstanding paragraph (4) of this Article, may conclude a contract for collection and transport of the waste with licenced legal entities or individuals.

Article 44

Municipal waste collection and selection

(1) Legal entities and individuals shall leave the waste they have generated at locations for collection and selection of municipal waste designated by the Mayor of the Municipality and the City of Skopje.

(2) The legal entities and individuals shall separate from the municipal waste the hazardous parts and leave it at locations for collection of the hazardous parts of municipal waste designated by the Mayor of the Municipality and the City of Skopje.

(3) The service providers shall provide that waste collection containers are available at the locations referred to in paragraph 1 of this Article, which will enable waste separation prior to collection, in particular separate collection of the hazardous part contained in the municipal waste.

(4) The conditions that should be fulfilled by the locations referred to in paragraph 1 of this Article, the manner of designation and the minimum technical conditions that should be fulfilled by the waste collection containers and other equipment for waste collection, shall be specified by the Minister managing the body of the public administration responsible for the affairs of the environment.

(5) The Mayor of the Municipality and the City of Skopje shall manage the fulfilment of the obligation prescribed by paragraph (3) of this Article.

Article 45

Licenses for collection and transportation of municipal and other types of non-hazardous waste

(1) Collection and transportation of municipal and other types of non-hazardous waste may be carried out by legal entities and individuals holding a license issued by the body of the public administration responsible for the affairs of the environment.

(2) The entities referred to in paragraph 1 of this Article shall submit an application for obtaining a license for collection and transportation of municipal and other types of non-hazardous waste to the body of the public administration responsible for the affairs of the environment.

(3) In order to be eligible for engaging in the business of collection and transportation of municipal and other types of non-hazardous waste, the entities referred to in paragraph 1 of this Article shall have at least one employee with a University degree in technical sciences, as well as appropriate equipment and technical means.

(4) The legal entity or the individual that has submitted the application is entitled to appeal before the Commission of the Government of the Republic of Macedonia for Settling Issues in the Area of Environment, against a decision rejecting the issuance of licence, within 15 days as of the day of the receipt of the decision.

(5) The License for collection and transportation of municipal and other types of non-hazardous waste shall be issued for a period not longer than 20 years.

(6) Legal entities and individuals referred to in paragraph (1) of this Article shall submit report on their technical equipment and personnel capacity, as well as on their financial operations, at every five years, to the body of the public administration responsible for the affairs of the environment.

(7) In case changes appear in technical and personnel conditions for activity performance, legal entities and individuals referred to in paragraph (1) of this Article shall apply for their licence renewal.

(8) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the form and the content of the application, the form and the content of the license for collection and transportation of municipal and other types of non-hazardous waste, as well as the minimum technical

conditions required for performance of the activity referred to in paragraph (3) of this Article.

Article 46

Manner of execution of the public service by Municipalities and the City of Skopje

(1) The collection and transportation of municipal waste, the maintenance of public cleanliness, the municipal waste treatment, as well as the management and maintenance of the locations for selective waste collection shall represent public service of local importance.

(2) At the proposal of the Mayor of the Municipality and of the City of Skopje, the Council of the Municipality and the Council of the City of Skopje can establish a public enterprise for collection and transportation of municipal and other types of non-hazardous waste.

(3) For the purpose of performing the activity referred to in paragraph 2 of this Article, two or more municipalities, as well as municipalities and the City of Skopje, can establish a joint Public Enterprise.

(4) The Mayor of the Municipality and of the City of Skopje may entrust the collection and transportation of municipal and other types of non-hazardous waste to legal entities and individuals, by means of a Contract for performance of activities of public interest of local importance for one or more municipalities or the City of Skopje, in accordance with the public tendering procedure.

(5) The public enterprises referred to in paragraphs (2) and (3) of this Article and legal entities and individuals referred to in paragraph (4) of this Article shall have a license for collection and transportation of waste issued in accordance with Article 45 of this Law.

(6) The procedure and the manner of awarding the contract for performing the activities referred to in paragraph (2) of this Article shall be conducted in accordance with the provisions of the Law on Concessions.

(7) The Contract referred to in paragraph (4) of this Article shall enter into force on the day of the issuance of the approval by the Council of the Municipality and of the City of Skopje.

(8) The Contract referred to in paragraph (4) of this Article shall contain provisions on the conditions and the manner of operation of service provider, the price and the manner of fee collection and the territory on which service is provided.

(9) In cases referred to in paragraph (3) of this Article, as well as when the Contract referred to in paragraph (4) of this Article refers to two or more Municipalities or the City of Skopje, Municipalities or the City of Skopje shall conclude mutual contract.

(10) Municipalities and/or the City of Skopje that have concluded the contract referred to in paragraph (9) may withdraw from the contract only if all parties to the agreement agree to such withdrawal from the contract.

(11) In case the licence for collection and transportation of municipal waste is denied from the service provider, the Mayor of the Municipality of the City of Skopje shall initiate procedure for termination of the Contract referred to in paragraph (4) of this Article, in accordance with the Law on Concessions.

Article 47

Ensuring the application of the principle of universality of service at local level

(1) At the proposal of the Mayor of the Municipality or of the City of Skopje, the Council of the Municipality and of the City of Skopje, based on the general rules adopted in accordance with Article 43 paragraphs (1) and (2), and in accordance with the principle of universality of the service shall prescribe the conditions, the manner and the schemes for collection and transportation of municipal and other types of non-hazardous waste, as well as the procedures for separating the hazardous components from the municipal and other types of non-hazardous waste.

(2) The regulation referred to in paragraph 1 of this Article shall also prescribe:

1. the areas where the universal service shall be carried out;
2. the conditions to be fulfilled by the service provider;
3. the manners in which the services will be used;
4. the types of penalties and incentives;
5. technical and other requirements regarding the provision of services for collection and transportation of municipal waste and maintenance of the public cleanliness; and
6. the manner of calculating the fee for the provided services.

(2) The Mayors of the Municipalities and of the City of Skopje shall, in addition to the publication in the official gazettes of the Municipalities and of the City of Skopje, inform the service users on the acts adopted on the basis of paragraph (1) of this Article.

IV.2. Treatment of special types of non-hazardous waste

1. Handling of Packaging Waste

Article 48

General responsibilities of the producer

(1) While designing the product and its packing, the producer shall use technology that would enable the most efficient use of the material and the energy, stimulate re-use and processing of the product and the packaging, and at the end of the life cycle of the product and the packaging, the producer shall enable an environmentally sustainable treatment, use, processing and disposal of the used product and packaging.

(2) During the process of production, the producer should use such raw materials, substances and intermediate products that reduce the use of energy and substances thus reducing the waste generation.

Article 49

Informing the sellers and consumers

(1) The product producer and importer shall inform the seller and the consumer on the important characteristics of the product and the packaging with regard to waste management, as well as on the action to be taken in case of end of the life cycle of the product and the packaging.

(2) The producer and importer shall label each product or packaging in a

manner that will provide data on the re-use of the product and packaging, data on the possibility to renew the product and the packaging, as well as data on how to proceed in the case of end of the life cycle of the product and the packaging.

(3) The data referred to in paragraph (2) of this Article shall be labelled at a visible spot on the product or packaging.

(4) The producer and importer may establish a system for a return receipt of the used products and packaging.

(5) The enforcement of the provisions of this Law regarding the labelling should not interfere with the trade relations and with the equal position on the market between the domestic and foreign producers and distributors, in accordance with the principles of equality and non-discrimination.

(6) The Ministry of Economy, in agreement with the body of the public administration responsible for the affairs of the environment, shall prescribe the manner of labelling of the product and the packaging, the types of labels as well as the contents and treatment thereof.

Article 50

Money return and recovery of used products and packaging

(1) In selling products and packaging for which payment of deposit is envisaged, the seller shall collect such deposit and issue appropriate receipt or confirmation thereof to the buyer, to serve as evidence for the paid deposit.

(2) The seller referred to in paragraph (1) of this Article shall return the paid deposit to the buyer provided the latter has returned the used product and/or packaging, for which he/she presents an evidence of deposit collected by the seller referred to in paragraph (1) of this Article.

(3) The seller referred to in paragraph (1) of this Article, as well as the producer or importer, as the case may be, shall take back the used product and/or packaging they sell or produce or import.

(4) The producer, the importer and/or the seller may establish joint system for collection and storage of used products and packaging, as well as system for return of the deposit paid for the product and for the packaging.

(4) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the affairs of the environment in consent with the Minister of Economy, shall adopt the list of products and packagings subject to compulsory deposit payment, the level of the deposit, the manner of product or packaging labelling for the purpose of acceptance upon return and deposit, as well as the manner of public information on the compulsory payment of deposit.

Article 51

License for establishment of the system for collection and recovery of used products and packaging

(1) Legal entities and individuals that intend to establish a system for collection and recovery of used products and packaging shall have a license.

(2) The license referred to in paragraph 1 of this Article shall be issued by the body of the public administration responsible for the affairs of the environment, upon

written application including in particular:

1. identification of the applicant;
2. type of used products and packaging being collected;
3. organizational and technical conditions for the activity performance;
4. data on the system for collection and recovery of used products and packaging waste;
5. time period for which the license is required;
6. certificate that the applicant has not been pronounced a security measure: prohibition for executing a business.

(3) The license referred to in paragraph 1 shall be issued for a period that shall not exceed 10 years.

(4) The Minister managing the body of the public administration responsible for the affairs of the environment, in agreement with the Minister of Economy, shall prescribe the form and the contents of the license for recovery of used products and packaging.

Article 52

Obligation of the seller, producer or importer

(1) Products and packaging that may cause negative impacts on the environment and can be re-used and/or processed shall be returned to the seller after their use.

(2) Products and packaging referred to in paragraph (1) of this Article shall be marked by a special label.

(3) The seller of products referred to in paragraph (2) of this Article shall take back the used products and packaging, provided the buyer brings them back to the seller and presents evidence that the product and the packaging has been sold to him/her by the same seller.

(4) The seller of products referred to in paragraph (1) of this Article shall conclude a contract for receipt or purchase of the used products and packaging with the producer, importer or another authorized legal entity or individual that can process the used products and the packaging, as well as to establish joint system for products and packaging return.

(5) Producer or importer of products and packaging referred to in paragraph (1) of this Article may establish system for products and packaging return for products and packaging referred to in paragraph (1) of this Article.

(6) The buyer shall return to the seller or to the producer or importer, as the case may be, or to the legal entity or individual duly authorised by their side, the used products and packaging referred to in paragraph (1) of this Article.

(7) The Minister managing the body of the public administration responsible for the affairs of the environment, in agreement with the Minister of Economy, shall prescribe the list of products and packaging referred to in paragraph (1) of this Article, the manner and the form of marking the product and the packaging for compulsory return, as well as the manner of public information thereon.

Article 53

Obligation of the consumer

(1) The consumer shall use the product and the packaging according to the directions for use given by the producer or importer, as the case may be, in a manner that would not endanger the environment or human life and health.

(2) The consumer shall select the waste generated from the used product and the packaging, and hand them to:

1. The seller who sold the product to him/her or to the producer or importer, as the case may be, provided that the product is appropriately labelled with regard to the treatment of used product and packaging;

2. Legal entities and individuals collecting and transporting waste, or;

3. Legal entity or individual that has a license for waste processing.

2. Handling of inert waste

Article 54

Rules for handling inert waste

(1) The handling of inert waste shall be carried out in accordance with the provisions of this Law.

(2) Legal entities and individuals handling inert waste shall provide evidence that the inert waste shall not: dissolve, burn or react physically or chemically in another way, biodegrade or otherwise affect another substance it gets in contact with, which would endanger the environment and human life and health.

(3) The legal entities and individuals that while performing construction, processing, handicraft and other works generate inert waste (construction waste) with no characteristics of municipal waste shall collect and transport it on their own to the places designated by the Municipalities and the City of Skopje, or hand them over to the relevant legal entities and individuals collecting and transporting waste.

(4) Legal entities and individuals referred to in paragraph (3) of this Article shall possess a proof that the construction waste and other inert waste generated during the activities of paragraph (3) of this Article is handed over in the manner provided for in paragraph (3) of this Article.

(5) The Councils of the Municipalities and of the City of Skopje shall, at the proposal of the Mayor of the Municipalities and the City of Skopje, determine the places for inert waste treatment and disposal, in accordance with the waste management plans of the municipalities, i.e. the City of Skopje, and in accordance with the spatial and urban plans.

3. Handling of industrial non-hazardous waste

Article 55

Rules for handling of industrial non-hazardous waste

(1) The generator and/or holder of industrial non-hazardous waste shall process the waste resulting from the accomplishment of the activities in a manner established by this Law.

(2) The handling of the industrial non-hazardous waste shall be carried out in accordance with the provisions of this Law.

Article 56

Identification form for industrial non-hazardous waste

(1) The legal entities and individuals handling industrial non-hazardous waste shall produce an identification form if the waste is intended for transportation, in accordance with Article 39 of this law.

(2) The legal entities and individuals handling industrial non-hazardous waste shall be accountable for the accuracy of the data listed in the Identification form referred to in paragraph 1 of this Article.

(3) The legal entities and individuals handling industrial non-hazardous waste must not take the waste without receiving first the Identification form.

(4) The legal entities and individuals handling industrial non-hazardous waste shall submit a copy of the Identification form to the Mayors of the Municipalities and of the City of Skopje.

V. HANDLING OF HAZARDOUS WASTE

V.1. Rules for handling hazardous waste

Article 57

General rules for handling hazardous waste

(1) Hazardous waste shall be handled separately from the handling of the other types of waste.

(2) It shall be prohibited to discharge and discard hazardous waste in soil, waters, containers for municipal waste, sewerage and other infrastructural systems and facilities, as well as to store and dispose the hazardous waste at locations not intended for that purpose.

(3) It shall be prohibited to burn or combust hazardous waste at locations not designated for that purpose, and to use devices and installations that could endanger the environment as well as the life and the health of the people.

(4) The Minister managing the body of the public administration responsible for the affairs of environment shall prescribe detailed conditions for handling of hazardous waste.

Article 58

Prohibition for mixing hazardous waste

(1) It shall be prohibited to mix hazardous waste with other types of hazardous waste, as well as to mix hazardous with non-hazardous waste.

(2) Notwithstanding paragraph 1 of this Article, the responsible body for carrying out expert activities in the area of environment shall, upon written request of the person authorized for hazardous waste management, allow mixing of different types of hazardous waste and mixing of hazardous with non-hazardous waste if it concludes that this will improve the safety of the waste handling and provided that the mixing would not endanger the environment or human life and health.

Article 59

Handling of mixed waste

(1) Where hazardous waste is already mixed with other types of wastes, substances and materials, a compulsory notification is sent to the responsible body for carrying out expert activities in the area of environment

(2) With regard to the waste referred to in paragraph 1 of this Article, a separation procedure is compulsory, provided the separation procedure is technically and economically feasible and justified and that it reduces the danger to the environment and human life and health.

(3) The procedure referred to in paragraph 1 of this Article and the initiation of the procedure referred to in paragraph 2 of this Article shall be carried out on the basis of request for obtaining an approval from responsible body for carrying out expert activities in the area of environment

(4) Attached to the application for the approval referred to in paragraph 3 of this Article, the applicant shall submit a certificate confirming that an assessment of the characteristics of the waste has been completed.

Article 60

Obligatory recording and classification of the hazardous waste

(1) The hazardous waste generator as well as the legal entities and individuals handling hazardous waste shall keep records as referred to in Article 39 of this Law, especially records on the hazardous characteristics of the generated hazardous waste, and classify it according to the List of Wastes.

(2) The hazardous waste generator, holder and processor shall keep records on the hazardous waste stored at the location of its generation, i.e. handed to the public or private enterprise authorized for hazardous waste collection and transportation.

(3) The operator of the landfill, as well as the operator of the hazardous waste disposal installations shall register and identify the hazardous waste received for disposal.

(4) The data referred to in paragraphs 1, 2 and 3 of this Article shall be submitted in a form of a Report to the responsible body for carrying out expert activities in the area of environment once a year, in accordance with Article 39 of this Law.

(5) The legal entities and individuals referred to in paragraphs 1, 2 and 3 managing the hazardous waste shall keep the data as per Article 39 of this Law.

Article 61

Identification Form for hazardous waste

(1) The legal entities and individuals handling hazardous waste shall issue an identification form accompanied by waste characteristics record, if the waste is intended for transportation, in accordance with Article 39 of this Law.

(2) The legal entities and individuals handling hazardous waste shall be accountable for the accuracy of the data listed in the Identification form referred to in paragraph 1 of this Article.

(3) The legal entities and individuals handling hazardous waste must not take the waste without receiving first the Identification form.

(4) The legal entities and individuals handling hazardous waste shall submit a copy of the Identification form to the responsible body for carrying out expert activities in the area of environment.

Article 62

Assessment of the characteristics of the waste

(1) Anybody having doubts that the generated waste has hazardous characteristics, i.e. that it does not correspond to the data declared, shall notify the competent authorities.

(2) The assessment of the characteristics of the waste shall be carried out by an accredited body for performing waste assessment.

(3) In case when the doubts about the hazardous characteristics of the waste have proved to be justified, the costs for the assessment of the waste shall be covered by the generator/holder of the waste.

(4) The accredited body for assessment of the characteristics of the waste shall issue a certificate on the characteristics of the waste to the applicant.

(5) The accredited body for assessment of the characteristics of the waste shall submit a copy of the certificate to the responsible body for performing expert activities in the area of environment.

Article 63

Conditions for obtaining accreditation for assessment of the waste characteristics

(1) In order to acquire the status of an accredited body for performing waste assessment, the legal entities must have at least three employees with a University degree in the field of natural sciences (faculties of metallurgy and chemistry or faculty in the field of environment) and work experience of 5 years in waste management, as well as appropriate technical means, equipment and facilities.

(2) The accreditation referred to in paragraph (3) of this Article shall be issued with a validity term of 5 years at the most.

(3) The accredited body must not issue a certificate on the characteristics of the waste for which it is responsible - as a generator or holder.

(4) The responsible body for carrying out expert activities in the area of environment shall keep records on the legal entities and individuals having obtained accreditation for waste assessment which is available to the public.

(5) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the detailed conditions concerning the technical means, equipment and facilities that need to be fulfilled by the accredited bodies in order to be eligible for carrying out waste assessment.

Article 64

Appropriate packaging and labelling of the hazardous waste

(1) The hazardous waste intended for transportation, processing, storage and disposal shall be packed and labelled in the prescribed manner providing full protection of the environment and human life and health.

(2) The packaging of hazardous waste shall take place in special containers designed according to the type of waste (flammable, explosive, infective and similar), on which the label "Hazardous waste" must be placed.

(3) The Minister of Environment and Physical Planning shall proscribe the manner of packaging and labelling of the hazardous waste.

(4) It shall be prohibited to transport hazardous waste that is not packed and labelled in accordance with this Law and the regulations enacted on the basis of this Law.

Article 65

Contract for collection and transportation of hazardous waste

(1) Legal entities and individuals generating or holding hazardous waste may conclude a contract for collection and transportation of hazardous waste with legal entities possessing a license for collection and transportation of hazardous waste.

(2) The transportation of the hazardous waste shall be carried out in accordance with the Law on Transportation of Hazardous Substances, as well as in accordance with the international conventions regulating this area.

(3) The legal entities referred to in paragraph 1 of this Article shall establish schemes for collection and transportation of hazardous waste from the site of its generation in accordance with the Waste Management Plan of the Republic of Macedonia.

(4) The body of the public administration responsible for environmental affairs shall approve the established scheme referred to in paragraph (3) of this Article.

(5) The legal entities and individuals generating smaller amounts of hazardous waste may store the latter in accordance with law and other regulation, and shall inform the legal entities referred to in paragraph 1 of this Article when to come to collect and transport the hazardous waste.

Article 66

License for collection and transportation of hazardous waste

(1) The license for collection and transportation of hazardous waste shall be acquired upon a written request submitted to the body of the public administration responsible for the affairs of environment, which should include in particular:

1. identification of the applicant;
2. data on the organizational and managerial capacities of the applicant;
3. data on the technical equipment and on the means for hazardous waste collection and transportation;
4. specification of the type and quantity of hazardous waste that needs to be collected and transported;
5. the period for which the license is required to be issued; and
6. evidence that the applicant has not been pronounced a security measure, i.e. prohibition for performing in a business.

(2) The body of the public administration responsible for the affairs of environment shall have the right to request additional data if it concludes that the data listed in the application are not sufficient for issuing the license.

(3) The legal entity that submitted the application referred to in paragraph 1 of this Article shall have the right to lodge an appeal to the Commission of the Government of the Republic of Macedonia for Settling Administrative Matters in the Area of Environment against the Decision refusing the license, within 15 days from the day of receipt of the Decision.

(4) The License for collection and transportation of hazardous waste shall be

issued for a period not longer than 15 years.

(5) The Minister managing the body of the public administration responsible for the affairs of the environment in accord with the Minister of Transport and Communications shall prescribe the form and the content of the license for collection and transportation of hazardous waste.

Article 67

Undertaking measures in case of a great danger

(1) Legal entities and individuals performing activities of waste collection, transportation, processing, storage and disposal shall prepare internal plan for emergency situations in accordance with the Law on Environment.

(2) Legal entities and individuals referred to in paragraph 1 of this Article shall notify the body of the public administration responsible for the affairs of the environment of the security and major accident prevention measures undertaken in accordance with the Law on Environment.

(3) In case of major accidents resulting from inappropriate waste management, the legal entities and individuals shall have the responsibility to undertake all necessary measures to remove the consequences on environment and human life and health according to their internal plans for emergency situations, in accordance with the Law on Environment.

(4) In case when a major accident is large in scale and it is likely that the legal entities and individuals referred to in paragraph 1 of this Article cannot deal with the accident and remove the negative effects on the environment, human life and health, the body of the public administration responsible for the affairs of the environment shall undertake all the necessary measures to eliminate the threat in a manner consistent with the Law on Environment.

V.2 HANDLING OF SPECIAL TYPES OF HAZARDOUS WASTE

Article 68 Handling of waste oils

(1) It is hereby prohibited to discharge waste oils in soil, water, containers for municipal waste, sewerage and other infrastructural systems and facilities, as well as to store and dispose of the waste oils at locations not intended for that purpose.

(2) It is hereby prohibited to mix waste oils with non-hazardous and hazardous waste, especially to mix waste oils with PCB/PCTs during their collection, transportation, storage, processing and disposal.

(3) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the procedures and manner of collection, transportation, processing, storage and disposal of waste oils, the manner of keeping records and submission of data.

Article 69 Handling of PCB/PCT

(1) It is hereby prohibited to:

1. produce, import and trade in PCB/PCT
2. re-use and recycle used PCB/PCT
3. recharge and top up equipment with PCB/PCT

(2) The legal entities and individuals holding PCBs, used PCBs and equipment shall register the quantities, origin, nature and content of PCBs, used PCBs, as well as equipment, with the responsible body for carrying out expert activities in the area of environment within one year from the day on which this Law entered into force.

(3) The legal entities and individuals shall label the equipment that contains or had contained PCBs.

(4) The legal entities and individuals handling PCBs, used PCBs and equipment shall keep records in accordance with this Law and other regulations.

(5) The Minister of Environment and Physical Planning shall prescribe the manner and conditions for handling of PCBs, the manner and the conditions to be fulfilled by installations and facilities for disposal and decontamination of PCBs, used PCBs, as well as the manner of labelling the equipment containing PCBs.

Article 70 Handling of used batteries and accumulators

(1) It is hereby prohibited to produce, import and trade in batteries and accumulators containing more than 0,0005 mass mercury percentage, including the ones incorporated in the devices and equipment

(2) The prohibition referred to in paragraph 1 of this Article shall not apply to button-shaped cells and the batteries containing button-shaped cells with not more than 2 mass mercury percentage.

(3) It is hereby prohibited to produce, import and trade in non-labelled batteries and accumulators which contain:

1. more than 25 mg mercury per cell, except the alkaline manganese batteries,

2. more than 0,025 % mass cadmium
3. more than 0,4 % mass lead

(4) The prohibition referred to in paragraph 3 of this Article shall not apply for the batteries and accumulators which are labelled according to the law and other regulation.

(5) The legal entities and individuals handling used batteries and accumulators shall provide for their separate collection, storage and disposal.

(6) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the manner of organizing the collection and recovery of the used batteries and accumulators, as well as the manner of labelling the batteries and accumulators.

Article 71

Handling of used electric and electronic devices

(1) The consumer shall return to the seller or producer used electric and electronic devices, in accordance with the provisions of Article 52 of this Law regulating the collection and recovery of the used products and packaging.

(2) The seller or producer shall inform the consumers about the functioning of the recovery system and the schemes for collection of electric and electronic devices.

(3) The seller or producer shall select the collected electric and electronic devices and hand them over to legal entities and individuals authorized for treatment and processing of electric and electronic devices.

(4) The legal entities and individuals that treat and process the used electric and electronic devices shall hold a license issued according to article 32 of this Law.

(5) The Minister managing the body of the public administration responsible for environmental affairs, in agreement with the Minister of Economy, shall specify the electric and electronic devices that will be involved in selective collection, recovery, treatment and processing

Article 72

Handling of end-of-life vehicles

(1) The legal entities and individuals licensed to collect, transport, treat, process, store and dispose end of life vehicles and components and materials thereof shall act in accordance with this Law and other regulations.

(2) The legal entities and individuals referred to in paragraph 1 of this Article shall separate from the end-of-life vehicles the components representing hazardous waste and/or containing such waste, then select them and hand them over to the enterprise licensed for collection and transportation of hazardous waste.

(3) The legal entities and individuals collecting, transporting, storing, treating, processing and disposing of end-of-life vehicles and parts thereof shall hold a license issued in accordance with this Law.

(4) The legal entities and individuals collecting end-of-life vehicles and parts and materials thereof may establish a system for collection of the vehicles and of parts thereof.

(5) The entities referred to in paragraph 1 of this Article shall issue a certificate to the owner of the end-of-life vehicle that he/she had handed it over.

(6) The Minister managing the body of the public administration responsible

for environmental affairs shall prescribe the special conditions and the manner of handling the end-of-life vehicles.

Article 73
Handling of Medical Waste

(1) The handling of medical waste shall be carried out according to the provisions on hazardous waste of this Law.

(2) The Minister managing the body of the public administration responsible for environmental affairs, in agreement with the Minister of Health, shall prescribe in detail the manner of handling medical waste, the labelling and forms related to medical waste handling, as well as the types of medical waste the processing of which shall be prohibited.

Article 74
Handling of titanium dioxide

(1) It shall be prohibited to dispose of waste generated from titanium dioxide, as well as disposal of the products of processing of this waste under the water surface.

(2) The legal entities and individuals generating, producing or processing titanium dioxide shall submit data to the responsible body for carrying out expert activities in the area of environment about the waste from titanium dioxide that is intended for disposal.

(3) The data referred to in paragraph 2 of this Article shall include in specific:

1. physical, chemical, biochemical and biological properties of the waste;
2. physical state;
3. toxicity, physical, chemical and biological stability of the waste;
4. accumulation and biotransformation with life organisms or sediments;
5. waste predisposition towards physical, chemical and biochemical transformations and their reaction in contact with certain medium or other organic and inorganic substances;
6. manner of packaging and the methods for protection against waste dispersion; and
7. precautionary measures for environment and human life and health protection.

(4) The generator, holder and processor of titanium dioxide and of waste from titanium dioxide shall monitor the soil, water and air at the locations where the waste from the titanium dioxide is being processed, stored and disposed of, as well as the surrounding zone which is considered non-polluted.

(5) The legal entities and individuals producing titanium dioxide shall include additional information in the reports they are submitting to the responsible body for carrying out expert activities in the area of environment on the content of sulphates and chlorides in the waste for each produced tone of titanium dioxide.

(6) If, on the basis of the data obtained from the monitoring, it is established that the hazardous characteristics and effects from the disposal of the waste from titanium dioxide could cause harmful and long-term effects on the environment and human life and health, the Minister managing the body of the public administration responsible for environmental affairs, in agreement with the Minister of Economy may prohibit the production and treatment of titanium dioxide, as well as the disposal of waste from titanium dioxide.

(7) The legal entities and individuals producing and processing titanium dioxide shall carry out additional analyses of the waste from titanium dioxide and of its effects on the water, soil, air, as well as of the conditions for monitoring of landfills and repositories for the waste from titanium dioxide.

(8) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the manner of handling the waste from titanium dioxide as well as the form, content and manner of data submission.

Article 75

Rules for handling waste from asbestos and from asbestos containing products

(1) The legal entities and individuals handling waste from asbestos and from asbestos containing products shall act with due care and undertake all necessary measures for prevention of release of asbestos particles, threads and asbestos dust in the air, as well as prevention of discharge of fluids containing asbestos threads.

(2) Wastes containing and releasing asbestos particles, threads or asbestos dust may be stored and disposed of at locations designated strictly for that purpose and shall be separated from the other wastes, selected and appropriately packed.

(3) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the manner of handling waste from asbestos as well as the waste from asbestos containing products.

(4) The Minister managing the body of the public administration responsible for environmental affairs, in agreement with the Minister of Economy, shall prescribe the type of asbestos products and the conditions and manner of use thereof which negatively affect the environment and human life and health.

Article 76

Rules for handling of the waste generated from scientific-research activities

(1) The waste generated by the scientific-research activities shall be processed and made free from harmful substances if it is possible, in order to avoid harmful impact on the environment, life and human health.

(2) The handling of the waste generated during scientific-research activities shall be carried out in accordance with the provisions of this Law and other regulations on hazardous waste.

Article 77

Handling of other types of waste

(1) The Minister managing the body of the public administration responsible for environmental affairs, in agreement with the Ministers of Economy and Health, shall proscribe other types of waste and handling thereof, which, with the development of scientific facts, will be determined to be threatening the environment and the human life and health.

VI. LANDFILLS

Article 78

Classes of landfills

(1) According to the type of waste being disposed of, the landfills shall be

classified in the following way:

1. Landfills for hazardous waste;
2. Landfills for non-hazardous waste;
3. Landfills for inert waste.

Article 79 **Conditions to be fulfilled by the landfill**

(1) In order to prevent and reduce the harmful impact of the waste and the landfills on the environment and human life and health, the Minister managing the body of the public administration responsible for environmental affairs shall more closely prescribe the conditions to be fulfilled by a landfill with regard to the following:

1. The location of the landfill;
2. Control of the waters entering the landfill
3. Control of the leachate;
4. Protection of the soil and water against pollution;
5. Control of the landfill gas;
6. Reduction of the dangers originating from the landfill through emission of dust, smell, noise, traffic, dispersion of materials, fire, creation of aerosols;
7. Stability of the waste in the landfill; and
8. Physical securing of the landfill.

Article 80 **Conditions for establishing a landfill**

(1) A landfill for hazardous waste may only be established by the Government of the Republic of Macedonia, according to the Waste Management Plan of the Republic of Macedonia referred to in Article 17 of this Law.

(2) A landfill for non-hazardous and inert waste may be established by one or more Municipalities or the City of Skopje or by a domestic and/or foreign legal entity if the establishment of the landfill is in accordance with the Waste Management Plan of the Republic of Macedonia referred to in Article 17 of this Law, by submitting a request for landfill establishment to the body of the public administration responsible for environmental affairs.

(3) The body of the public administration responsible for environmental affairs shall reply to the request within 90 days from the day of submission.

(4) If the landfill referred to in paragraph (2) of this Article is established by two or more Municipalities and/or the City of Skopje, the request shall be accompanied by a contract for establishment of a joint landfill.

(5) If the landfill referred to in paragraph (2) of this Article is established by a domestic and/or foreign legal entity, the request shall be accompanied by an approval in a form of contract with the Municipalities and/or the City of Skopje regulating mutual obligations concerning waste management.

(6) The request for establishment of the landfill referred to in paragraph (2) of this Article shall contain data on the planned location for the landfill construction, financial resources needed for the construction, the number of inhabitants covered by the collection of waste, as well as other data necessary to justify the construction of

the landfill.

(7) The Minister managing the body of the public administration responsible for environmental affairs shall proscribe, by means of separate regulation, the form and content of the request for establishment of a landfill referred to in paragraph (2) of this Article.

(8) The Minister managing the body of the public administration responsible for environmental affairs may request, as a condition to the issuance of permit for establishment of a landfill, that the founder join other municipalities to the contract provided, if doing so, it contributes to more economic and improved waste management, in accordance with the Waste Management Plan of the Republic of Macedonia.

(9) The request for establishment of a landfill shall be submitted prior to the request for construction of the landfill.

(10) Without the permit referred to in paragraph (3) of this Article, the procedure for landfill construction shall not be initiated.

(11) The Municipalities and/or the City of Skopje that concluded contracts referred to in paragraph (5) and (6) may resign from the contract only if all parties in the contract agree on the resign and on the conditions for resign.

(12) Towards the aim of environment and human health protection, the Government of the Republic of Macedonia may, if the Municipalities or the City of Skopje fail to agree or fail to establish a landfill, establish a landfill on account of the Municipalities and/or the City of Skopje, which can establish landfills as provided for in the Waste Management Plan of the Republic of Macedonia.

Article 81

Operation plans and environmental audit for landfills

(1) The current landfill operators shall submit a request for obtaining a permit for harmonization with operation plans according to the Law on Environment.

(2) If the operators of the landfills hold integrated environmental permit, they shall provide general environmental audit according to the Law on Environment.

Article 82

Entities that can engage in the business of landfilling

(1) The activity of waste landfilling may be performed by:

1. public enterprises or other public services in accordance with Law; and
2. legal entities, on the basis of a license and a contract for performing works of public interest of local importance concluded with the Municipalities and/or the City of Skopje.

(hereinafter: landfill operators)

(2) The entities referred to in paragraph 1, item 2 of this Article may carry out the activity referred to in paragraph (1) on the basis of a contract for concession.

(3) Operator of a landfill for hazardous waste shall be a public enterprise established by the Government of the Republic of Macedonia.

Article 83

Securing of contracts

(1) When the operator is not able to cover the expenditures for operations, maintenance, monitoring and control of the landfill in the operational phase, closure and after-care phase, the expenditures shall be covered by the financial guarantee specified in the contract for performance of activities of public interest and in the concession contract.

(2) The period of the contract for performance of activities of public interest and of the concession contract shall cover the time needed for construction, operation and further care of the landfill following its closure.

(3) If the contract for performance of activities of public interest and the concession contract are terminated by the operator prematurely, the assets for securing of the contract shall be provided from the financial guarantee.

Article 84

License for landfill operator

(1) For the performance of the landfilling activity, the operator of the landfill must have a license issued by the body of the public administration responsible for environmental affairs.

(2) The operator of the landfill shall submit an application for obtaining a license to the body of the public administration responsible for environmental affairs..

(3) After the receipt of the application for obtaining of permit, the body of the public administration responsible for environmental affairs shall check whether:

1. the operator is capable of performing the activity in material and technical sense;
2. the organizational and managerial capacities of the operator allow for a conscientious management of the landfill;
3. the number of staff and the training of the employees handling waste provide for an uninterrupted and safe functioning of the landfill;
4. the technical equipment and resources (compactors, bulldozers, scales, disinfection devices, transport means, etc) are sufficient for the performance of the activity;
5. the capacity of the landfill corresponds to the time period for which the license is requested;
6. the type and amount of waste that should be disposed of at the landfill is in compliance with the class and the capacity of the landfill;
7. a Program for work, monitoring and control of the operations of the landfill has been developed and whether it is in accordance with the provisions of this Law and the regulations enacted on the basis of this Law;
8. the person designated to be landfill waste manager fulfils the conditions laid down in this Law;
9. programs for continued in-service training of the people employed in the landfill have been developed;
10. plans and programs for avoidance and reduction of the consequences from major accidents have been developed and adopted;
11. the amount of the financial guarantee can cover the costs for fulfilment of the

- obligations of the landfill during operations, closure and after-care;
12. the project of the landfill is in agreement with the plans for waste management enacted in accordance with this Law.
 13. evidence that the applicant has not been pronounced a security measure - prohibition for performing an activity is available.

(4) In order to be able to engage in the business of waste landfilling, the operator of the landfill must have at least 3 employees with a University degree in the field of natural and technical sciences, as well as appropriate equipment and technical means.

(5) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the conditions with regard to the technical means and equipment for performing of the activity of waste disposal, as well as the conditions, the manner and the programme for the staff training.

(6) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the form and the content of the application for issuing of the license, as well as the form and content of the license for landfill operator.

(6) The legal entity or individual that submitted the application has the right to lodge a complaint with the Commission of the Government of the Republic of Macedonia for Settling Administrative Matters in the Area of Environment against the decision on refusal of the license issuance within 15 days from the day of receipt of the decision.

Article 85

Construction of a landfill

(1) The construction of a landfill shall follow the provisions of Article 30 of this law.

Article 86

Wastes not acceptable for the landfills

(1) The following wastes shall not be accepted in a landfill:

1. liquid waste;
2. waste which, in the conditions of a landfill, is explosive, corrosive, oxidizing, highly flammable or flammable;
3. medical and other clinical wastes originating from medical or veterinary establishments, which are infectious;
4. waste generated as a result of scientific research, which is new or can not be identified, and the characteristics thereof can endanger the environment and human life and health;
5. whole used tires, except for the tires used as engineering material, and shredded used tires (excluding bicycle tires and tires with an outside diameter above 1.400 mm);
6. waste mixed with other substances solely in order to meet the waste acceptance criteria.
7. waste with high content of biodegradable components (ex. paper, vegetable waste etc).

Article 87

Disposal of the waste that is not acceptable for landfills

(1) Waste disposal operations should be applied appropriately, depending on the type and characteristics of the waste being disposed of, with the purpose of protecting the environment and human life and health.

(2) The disposal of waste that is not acceptable for landfills shall be done through appropriate use of the operations listed in Article 35, paragraph 1 of this Law.

(3) Disposal of waste referred to in Article 86 of this Law, may be executed on prior consent obtained from the responsible body for carrying out expert activities in the area of environment .

(4) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the amount of biodegradable components in the waste which is allowed for disposal on landfills.

(5) When accepting the waste on the landfills, the landfill operators shall act in accordance with the Waste Management Plan of the Republic of Macedonia with regard to reduction of the quantities of biodegradable waste that are accepted on landfills.

Article 88

Acceptance of waste in different classes of landfills

(1) It shall be forbidden to dispose of waste in inappropriate classes of landfills, and of waste that had not been subjected to treatment.

(2) Landfills for inert waste shall be used only for landfilling inert waste.

(3) As an exception, the inert waste can be disposed of on landfills for non-hazardous waste if the treatment and processing thereof is technically unfeasible or economically non-worthy.

(4) The landfill for non-hazardous waste can be used for the following:

1. municipal waste;

2. non-hazardous waste of any origin, which fulfills the criteria for acceptance of waste in a landfill for non-hazardous waste;

3. stable, non-reactive wastes (e.g. hardened, transformed into slag), with a leaching quality equal to the one of the non-hazardous waste referred to in item 2, fulfilling the relevant criteria for acceptance, under the condition that they are not landfilled in cells intended for bio-decomposable harmless waste.

(5) Waste listed in the List of Wastes as hazardous shall be landfilled only in a landfill for hazardous waste.

(6) The hazardous waste that does not react physically and chemically with the other types of waste after the treatment shall be landfilled in separate sections of the landfills for non-hazardous waste, after obtaining consent for that from the responsible body for carrying out expert activities in the area of environment.

(7) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the criteria for acceptance of the waste in each class of landfills, the preparatory procedures for acceptance of the waste, as well as the general procedures for testing, sampling and acceptance of the waste.

Article 89
Expenditures of the landfill operators

(1) The body of the public administration responsible for environmental affairs shall undertake measures so as to ensure that all the expenditures involved in the construction and operation of one landfill, including the expenditures of the financial guarantee or the equivalent thereof, as well as the estimated expenditures for closure and further care of the location after the closure for a period of at least 30 years, shall be covered by the price charged by the operator for disposal of any type of waste on the landfill and at proposal of the responsible body for carrying out expert activities in the area of environment undertakes appropriate measures to provide all of the costs.

Article 90
Fee for disposal of the waste on landfills

(1) The fee for landfilling of the waste shall be set by the operator in the Tariff list for waste landfilling.

(2) The Tariff list for waste landfilling shall be established on the basis of the calculation of the overall costs including the investment costs, construction costs, operation costs, maintenance costs and the costs for after-care of the landfill.

(3) The Government of the Republic of Macedonia shall approve the fee from the Tariff list for landfilling of hazardous waste.

(4) The Council of the Municipalities or the City of Skopje shall approve the fee from the Tariff list for landfilling of municipal and other non-hazardous waste.

(5) The tariff list referred to in paragraph 3 of this Article shall be published in the *Official Gazette of the Republic of Macedonia*, whereas the tariff list referred to in paragraph 4 of this Article shall be published in the Official newsletters of the Municipalities or the City of Skopje.

Article 91
Obligation for monitoring and reporting to the competent authorities

(1) The landfill operator shall carry out the Program for Waste Management and perform monitoring and control of the landfill's impact on the environment.

(2) The landfill operator shall notify the responsible body for carrying out expert activities in the area of environment in writing of any significant adverse effects on the environment revealed through the procedures for control and monitoring.

(3) Accredited laboratories shall carry out control of the quality of the analytical procedures and methods applied by the landfill operator when analysing the physical and chemical properties of the waste.

(4) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the manner and procedures for the work, monitoring, and control of the landfill in the operation phase, as well as the monitoring and control of the landfill in the closing phase and in the after-care phase.

Article 92
Termination of the operations of a landfill

(1) A landfill or a part of it shall stop operating:

1. by decision of the body of the public administration responsible for

environmental affairs when the conditions and/or time limits stated in the license for operating a landfill are met;

2. by decision of the body of the public administration responsible for environmental affairs after a request for closing down a landfill has been filed by the founder or the operator; and

3. by decision of the body of the public administration responsible for environmental affairs when further operation of the landfill or of part of it is considered to pose a danger to the environment and human life and health.

Article 93

After-care

(1) A landfill or part of it can be considered as definitely closed only after the body of the public administration responsible for environmental affairs has carried out a final on-site inspection, has evaluated all the reports submitted by the operator and has submitted to the operator a decision for termination of the work. After a landfill has been definitely closed, the operator shall be responsible for its maintenance, monitoring and control in the after-closure phase, within the time limit specified in the permit.

(2) The landfill operator shall monitor and analyze the quantities and the state of the gas released from the landfill and of the leachate from the landfill, as well as the state of groundwater and surface waters in the vicinity of the landfill.

(3) The operator shall notify the responsible body for carrying out expert activities in the area of environment of any significant adverse effects on the environment revealed through the procedures of control and monitoring.

(4) In order to avoid the possibility for the landfills to constitute a potential environmental hazard, the responsible body for carrying out expert activities in the area of environment shall assess the current state of the landfills including the administrative, technical aspects and the rate of loading of the landfill and give instructions to the operator for undertaking correctional measures, informing at the same time the body of the public administration responsible for environmental affairs.

(5) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the manner and the conditions for the after-care phase of the closure of the landfill.

VII. INCINERATION AND CO-INCINERATION OF WASTE

Article 94

Rules for incineration and co-incineration of waste

(1) The waste disposal by means of incineration or co-incineration shall be carried out in specially designed plants, according to the type of waste.

(2) The plants for waste incineration or co-incineration, including all preparatory accessory and servicing facilities, devices and equipment that serve the incineration plant and the equipment for incineration or co-incineration, shall be designed and operated in a manner that would prevent the emission of polluting substances exceeding the limit values in the air, soil and water, release of odour and noise, and provide protection of human life and health.

(3) If the incineration or co-incineration plant fails to operate in accordance with the conditions stipulated in the license, including the limit values of the

emissions in the air, water and soil, the body of the public administration responsible for environmental affairs may withdraw the plant operating permit and prohibit the performance of the activity.

(4) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the minimal technical conditions that need to be fulfilled by the incineration or co-incineration plants, the types of waste intended for incineration or co-incineration, the conditions for protection of the environment from the operations of the incineration or co-incineration plant, as well as the conditions and the manner in which the plant shall operate.

Article 95

Construction of the installations for incineration or co-incineration

(1) The construction of the installations for incineration or co-incineration of the waste shall be done in accordance with the provisions of Article 30 of this Law.

Article 96

Selection of the location for construction

(1) When selecting the location for construction of the incineration or co-incineration plant, the following shall be taken into consideration:

1. the climatic characteristics of the area;
2. the geological, hydrological, hydro-geological, topographic, seismological and pedological characteristics of the land;
3. the course of winds around the area where the plant should be constructed;
4. the closeness to a populated area.

Article 97

Operational plans and environmental audit for the installations for incineration or co-incineration of the waste

(1) The operators of the existing installations for incineration or co-incineration of waste shall submit a request for permit for harmonization with operational plans according to the Law on Environment.

(2) If the operators of the installations for incineration or co-incineration hold an integrated environmental permit, they shall provide general environmental audit according to the Law on Environment.

Article 98

License for work of the waste incineration or co-incineration plants

(1) The legal entities managing the waste incineration or co-incineration plants (hereinafter referred to as: plant operator) shall have an integrated environmental permit issued in accordance with the Law on Environment.

Article 99

License for operators of the waste incineration or co-incineration plants

(1) For the performance of the activity for waste incineration or co-incineration, the operator of the landfill shall have a license issued by the body of the public

administration responsible for environmental affairs in accordance with the Waste Management Plan of the Republic of Macedonia.

(2) The plant operator shall submit an application for license to the body of the public administration responsible for environmental affairs.

(3) After the receipt of the application for obtaining of license, the body of the public administration responsible for environmental affairs shall check whether:

1. the operator is capable of performing the activity from material and technical point of view;
2. the organizational and managerial capacities of the operator allow for a conscious management of the installation for incineration or co-incineration;
3. the number of staff and the training of the employees handling waste provide for an uninterrupted and safe functioning of the installation for incineration or co-incineration;
4. the technical equipment and resources are sufficient for the performance of the activity;
5. the time period for which the license is requested corresponds to the capacity of the installation for incineration or co-incineration;
6. the type and amount of waste that should be disposed of at the installation for incineration or co-incineration is in compliance with the class and the capacity of the installation for incineration or co-incineration;
7. a Program for work, monitoring and control of the operations of the installation for incineration or co-incineration has been developed, and whether it is in accordance with the provisions of this Law and the regulations enacted on the basis of this Law;
8. the person designated to be waste manager of the installation for incineration or co-incineration fulfils the conditions laid down in this Law;
9. programs for continued in-service training of the people employed in the installation for incineration or co-incineration have been adopted;
10. plans and programs for avoidance and reduction of the consequences from major accidents have been developed and adopted;
11. the amount of the financial guarantee can cover the operating costs;
12. the project of the installation for incineration or co-incineration is in agreement with the plans for waste management enacted in accordance with this Law.
13. evidence that the applicant is not subject to a security measure - prohibition for performing an activity has been presented.

(3) In order to be able to engage in the business of waste incineration or co-incineration, the operator of the installation shall have at least 3 employees with a University degree in the field of natural and technical sciences, as well as appropriate equipment and technical means.

(4) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the conditions with regard to the technical means and equipment for performing of the activity of waste incineration or co-incineration, as well as the conditions, the manner and the programme for training of the staff.

(5) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the form and the content of the application for issuing of the license, as well as the form and content of the license for operator of

the installation for incineration or co-incineration.

(6) The legal entity that submitted the application has the right to lodge an appeal against the decision on refusal of the license with the Commission of the Government of the Republic of Macedonia Responsible for Settling Administrative Matters in the Area of Environment within 15 days from the day of receipt of the decision.

Article 100

Delivery and receipt of the waste for incineration or co-incineration

(1) Prior to waste incineration or co-incineration, the operator of the incineration plant shall compare the waste received in the incineration plant with the data listed in the identification form, by taking samples for inspection, in order to ascertain:

- 1) type and quantity of the waste that should be subjected to incineration;
- 2) chemical composition of the waste;
- 3) the characteristics of the waste;
- 4) the suitability of the waste for incineration or co-incineration;
- 5) wastes it must not be mixed with, i.e. whether the waste is mixed with other waste or not; and
- 6) the accuracy of the data from the identification form by way of taking samples of the waste.

(2) The operator of the plant shall refuse to incinerate or combust the waste if the type of the waste is not in accordance with the conditions in the integrated environmental permit.

(3) The operator of the installation shall be responsible to keep the samples from the inspection referred to in paragraph (1) of this Article for at least 1 month after the incineration or co-incineration of the waste.

Article 101

Handling of residues from incineration or co-incineration of waste

(1) The plant operator, after the incineration or co-incineration of the waste, shall:

1. test the characteristics of the waste resulting from the incineration or co-incineration, including fractions of heavy metals;
2. collect the ashes generated from the incineration and co-incineration in closed containers; and
3. provide for a safe transportation of the waste resulting from the incineration and co-incineration that can not be processed, to the location of its disposal.

VIII. IMPORT, EXPORT AND TRANSIT OF WASTE THROUGH THE TERRITORY OF THE REPUBLIC OF MACEDONIA

Article 102

Transboundary movement of waste

(1) Transboundary movement of waste shall include: import of waste originating from a foreign country into the territory of the Republic of Macedonia; export of waste out of the territory of the Republic of Macedonia into another foreign country; and transit of waste through the territory of the Republic of Macedonia.

Article 103

Import of waste into the territory of the Republic of Macedonia

(1) It shall be prohibited to import waste into the territory of the Republic of Macedonia for the purposes of storage and disposal.

(2) It shall be prohibited to import hazardous waste that is mixed with non-hazardous waste or with other components that reduce the harmfulness and the hazardous characteristics of the waste.

(3) It shall be allowed to import waste that can be safely:

1. processed without any danger to the environment and human life and health;
2. used as a raw material, or
3. used as a source of energy.

Article 104

Export of waste

(1) It shall be allowed to export waste which can be processed and disposed of without any danger to the environment and human life and health in the country of import.

Article 105

Import, export and transit of hazardous waste through the territory of the Republic of Macedonia

(1) Import, export and transit of hazardous waste through the territory of the Republic of Macedonia shall be performed according to the Basel Convention on Control of Transboundary Movement of Hazardous Waste and its Disposal.

Article 106
Permits for export, import, and transit of waste

(1) Export, import, and transit of waste shall be carried out on the basis of a permit issued by the body of the public administration responsible for environmental affairs.

(2) The permit referred to in paragraph 1 of this Article shall be issued following a written request submitted to the body of the public administration responsible for environmental affairs, which shall contain in specific:

1. first name, last name and address of the legal entity or individual requesting export, import or transit of waste;
2. agreement between the involved parties (exporter, importer or the person requesting transit);
3. agreement between the importer and waste processor if they are different persons;
4. explanation why import, export or transit of waste is requested;
5. proof that a permit from the states through the territory of which waste will be exported, imported and transiting was issued;
6. data on the recipient and the sender of the waste;
7. description of the characteristics of the waste;
8. data on the requested quantity of waste to be imported, exported or transited;
9. data on the person transporting the waste;
10. proof of possession of appropriate technology for safe processing of waste (only for the importer);
11. proof of insurance or bank guarantee in an amount needed for covering the costs of waste processing without causing damage to environment and human health (only for importers).
12. data on the location where waste processing or disposal is to take place;
13. description of the manner of waste generation and the handling thereof;
14. type and quantity of waste generated with the processing;
15. type and quantity of waste obtained with the processing and intended to be exported;
16. data on the tariff number of the waste, the means of transport and the packaging thereof
17. information on the entry, exit and route scheme of the transportation of waste;
18. data on the processing and disposal of the waste abroad.

(3) Should the body of the public administration responsible for environmental affairs conclude that the data included in the request for the permit is insufficient, it has the right to request additional data.

(4) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the types of waste referred to in paragraph (1) of this Article; the conditions for export, import and transit of waste; the methods of supervision over export, import and transit of waste, as well as the form and content of the form of the waste export, import and transit permits.

(5) The applicant submitting the request for waste export, import or transit permit has the right to lodge a complaint against the Decision on refusal of the permit

with the Commission of the Government of the Republic of Macedonia for Settling Administrative Matters in the Area of Environment within 15 days from the day of receipt of the Decision.

(6) At the end of January of the current year, the body of the public administration responsible for environmental affairs shall prepare an annual report on the type and quantity of waste that was imported, exported and transitted in/from/through the Republic of Macedonia in the previous year

Article 107

Common provisions on export, import and transit of waste

(1) Should the permit for import, export and transit of waste be used in contradiction of the purpose for which it had been issued, i.e. major transgressions and misuse are revealed, the body of the public administration responsible for environmental affairs may annul the permit to the detriment of the person to whom it had been issued, without a right to compensation for suffered damage, material and non-material loss.

IX. MONITORING

Article 108

Organization of the waste management monitoring

(1) The body of the public administration responsible for environmental affairs and the Municipalities and the City of Skopje, in accordance with their responsibilities established by law or other regulations, shall provide constant monitoring of the waste management, the state of the environment and the impacts on human life and health through the establishment of a state network for monitoring of waste management, which is an integral part of the state environmental monitoring network.

(2) The responsible body for carrying out expert activities in the area of environment shall perform monitoring of the hazardous waste within the territory of the Republic of Macedonia, and the Municipalities and the City of Skopje shall develop and maintain a local level monitoring for non-hazardous waste management.

(3) The data from the monitoring performed by the units of the local self-government shall be submitted to the responsible body for carrying out expert activities in the area of environment, in accordance with the law and other regulations.

(4) The responsible body for carrying out expert activities in the area of environment shall manage the activities of the state network, for which it shall adopt a Programme for monitoring of the waste management.

(5) The responsible body for carrying out expert activities in the area of environment shall, at least once a year, submit a report on the Waste Management Monitoring data to the Minister managing the body of the public administration responsible for environmental affairs

(6) Two or more municipalities and/or the City of Skopje can establish a joint service for performance of monitoring on the territory of the municipalities and/or the City of Skopje, or entrust it to a legal entity or individual to do it on their behalf and on their account, which shall be regulated with a special contract.

Article 109

Scope and content of the data monitoring and management

- (1) The waste management monitoring shall consist of:
1. monitoring of the state of waste management;
 2. collection and submission of data on the type, quantity and origin of the generated, processed and disposed waste;
 3. taking and examination of samples;
 4. data on import, export and transit of waste;
 5. control, processing and analysis of data;
 6. informing and warning the authorities against potential dangers;
 7. providing information on the impact of the generated waste on the environment;
 8. cooperation and exchange of data and information with the international information networks.

(2) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the methodology for performing of monitoring.

Article 110

Provision of monitoring

(3) The state monitoring network is aimed at providing data about the waste management and the impact of waste on the state of environment, detecting the negative processes and practices, predicting the future development, assessing the efficiency of the protection measures and informing the competent authorities on any changes in the state.

Article 111

Monitoring carried out by legal entities and individuals

(1) The legal entities and individuals that are owners or users of installations generating, processing and disposing of waste shall carry out the monitoring of waste management in accordance with the conditions stipulated in the integrated environmental permit or work permits.

(2) The monitoring of waste may be performed by the entities referred to in paragraph 1 of this Article, as well as by scientific and expert organizations and other legal entities, provided that they are accredited for monitoring activities, according to the law and other regulations.

(3) The monitoring data referred to in paragraph (1) of this Article shall be submitted by the legal entities and individuals to the responsible body for carrying out expert activities in the area of environment in accordance with the Law on Environment.

Article 112

Conditions for monitoring performing

(1) For the performance of waste monitoring, the entities referred to in Article 111 paragraph (2) of this Law should fulfill the following conditions:

1. Have at least three employees with a university degree and professional experience of at least three years in the area of waste management, and
2. Have the necessary equipment, devices, instruments and proper business premises for carrying out the activity.

(2) The detailed requirements on the necessary expertise, equipment, devices, instruments and business premises to be fulfilled by the entities referred to in paragraph 1 of this Article shall be prescribed by the Minister managing the body of the public administration responsible for environmental affairs

X. INFORMATION SYSTEM

Article 113

Organization of the information system

(1) The body of the public administration responsible for environmental affairs shall organize an information system for hazardous waste management as a part of the overall Macedonian Environmental Information System (hereinafter: Information Centre) by way of establishing a network for obtaining data on the waste management from ministries, organizations, scientific and research institutions, legal entities and individuals managing waste and other entities.

(2) The Municipalities and the City of Skopje shall organize the information system on a local level, which shall provide for gathering and presentation of data on the general situation in non-hazardous waste management.

(3) The Municipalities and the City of Skopje shall process the received data and send them to the responsible body for carrying out expert activities in the area of environment.

(4) The body responsible to carry out expert activities in the area of environment shall be obliged to submit the compiled processed data on waste management, to the body of the public administration responsible for environmental affairs.

(5) The body of the public administration responsible for environmental affairs shall organize the functioning of the information system in a manner that would provide fast, accurate and timely gathering of information on waste management, and it shall select, classify, process, update and keep in the database.

(6) The body of the public administration responsible for environmental affairs shall organize the information system in a manner that would provide:

1. access for the parties at any time to the information on waste management and environmental protection in the Republic of Macedonia;
2. publishing of the data, reports, as well as the measures and activities of the Ministry aimed towards improvement of the general situation in waste management;
3. transparency of the data in the area of waste management.

Article 114

Contents of the information system

- (1) The Information system for waste management shall contain:
1. data on the waste management monitoring from the national networks and local networks;
 2. data on the monitoring of sources of environmental pollution caused by the waste management activities;
 3. data from the monitoring of single sources;
 4. data on the type and quantity of waste;
 5. data from scientific and expert organizations and legal entities performing monitoring of the situation in waste management and data from international institutions on the monitoring of waste management; and
 6. data from the Cadastre of polluters.

Article 115 Data storage

(1) The responsible body for carrying out expert activities in the area of environment shall store data on the legal entities and individuals generating, collecting, transporting, processing, storing and disposing of waste, as well as data on the legal entities and individuals carrying out import, export, and transit of waste.

(2) The data shall contain:

1. first name and last name of the legal entities and individuals managing the waste;
2. address and headquarters of the legal entities and individuals managing the waste;
3. type and quantity of waste they manage;
4. data on the permits of the legal entities and individuals.

Article 116 Cadastre of waste generators

(1) The cadastre of waste generators shall be a part of the environmental cadastre established and maintained by the responsible body for carrying out expert activities in the area of environment

(2) The generators of non-hazardous and hazardous waste, the types and amounts of generated waste, as well as the manners of waste storage, processing and disposal shall be registered in the Cadastre of waste generators.

(3) The Municipalities and the City of Skopje may keep for their territory a Cadastre of generators of non-hazardous waste.

(4) The manner and procedure of registration of the data referred to in paragraph 1 of this Article in the Cadastre of waste generators shall be prescribed by the Minister managing the body of the public administration responsible for environmental affairs

(5) The data contained in the Cadastre referred to in paragraph (1) of this Article shall be integral part of the Environmental Information System.

Article 117
Obligation for data publishing

(1) The body of the public administration responsible for environmental affairs shall, through the Environmental Information Centre, prepare and publish annual Reports on emissions of polluting substances from the waste, annual Reports on waste management, as well as other types of Reports in accordance with the obligations deriving from the international agreements ratified or acceded to by the Republic of Macedonia.

(2) The body of the public administration responsible for environmental affairs shall publish the waste management plans and programmes, inspection reports, reports from the records of the legal entities and individuals managing waste, monitoring and data management, and other statistical data.

(3) The Municipalities and the City of Skopje shall publish the programs on non-hazardous waste management, information on the quantity of generated waste, as well as the measures, activities and manners for improvement of the general situation in waste management.

(4) The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the manner, the form and the transfer of the data and information from the monitoring of the waste management situation.

Article 118
Obligation for public information

(1) The body of the public administration responsible for environmental affairs, the Mayors of the Municipalities and of the City of Skopje, shall, throughout the year, inform the public on the current situation in waste management, on the progress achieved, future plans and directions for improvement of the situation in waste management, and make a comparison and assessment of the current with the past situation in waste management

Article 119
Accessibility of the information on waste management

(1) The body of the public administration responsible for environmental affairs and the responsible body for carrying out expert activities in the area of environment shall provide the stakeholders with access to the information on waste management in accordance with the Law on Environment.

XI. FINANCING

Article 120
Sources of financing

(1) The implementation of the waste management plans and programs of the Republic of Macedonia shall be financed with funds from the Budget of the Republic of Macedonia, credits, donations, own funds of the legal entities and individuals managing waste, charges and other sources of funds defined by law.

(2) The implementation of the waste management plans and programmes of the Municipalities and the City of Skopje shall be financed with funds from the budgets of the Municipalities and the City of Skopje, credits, donations, charges,

penalties for violations pronounced on the territory of the Municipalities and the City of Skopje and other sources of funds defined by law.

(3) The funds for construction of premises, plants and facilities for storing, processing and disposal of hazardous waste shall be provided from the Budget of the Republic of Macedonia, funds of the legal entities and individuals managing waste, credit funds, donations, and other sources of funds defined by law.

(4) The funds for construction of landfills for disposal of non-hazardous and inert waste shall be provided from the budgets of the Municipalities and the City of Skopje, funds of the legal entities and individuals managing waste, credit funds, donations, and other sources of funds defined by law.

Article 121 **Fees for services provided**

(1) The fee for collection and transportation of municipal waste shall be approved by the Councils of the Municipalities and the City of Skopje, at the proposal of the Mayors of the Municipalities and the City of Skopje, when the provider of the service is a public enterprise established by the Municipalities and the City of Skopje.

(2) The fee for collection and transport of municipal waste shall be set in the contract referred to in Article 46, paragraph (4) when the service provider is a legal entity or individual.

(3) The fees referred to in paragraphs (1) and (2) of this Article shall be set on the basis of the quantity and type of waste and expressed in the following units: denar per square meter; denar per cubic meter and denar per kilogram.

(4) The legal entities and individuals generating commercial waste shall set the fee for waste collection and transportation by concluding a special contract, as referred to in Article 43, paragraph (8) of this Law, with the service provider and based on the quantity and type of the generated waste expressed in denar per kilogram or denar per cubic meter waste, in accordance with the fee set in paragraph (1) or (2) of this Article.

(5) The legal entities and individuals referred to in Article 20, paragraph (1) of this Article shall set the fee for collection and transportation of non-hazardous and hazardous waste in the contract concluded with the legal entities and individuals authorized for waste collection and transportation, on the basis of the quantity and type of the generated waste expressed in denar per cubic meter or denar per ton of waste.

(6) In setting the fee for the service according to paragraph (1) and (2), at the proposal of the Mayors of the Municipalities and the City of Skopje, the Councils of the Municipalities and of the City of Skopje shall determine the stimulating fees for the households, legal entities and individuals, which on the basis of established systems for selection of the waste reduce the total quantity of municipal waste intended for disposal on the landfill.

(7) The fee for waste disposal shall be set in accordance with Article 90 of this Law, on the basis of the quantity of waste delivered for disposal expressed in denar per ton generated waste.

(8) When setting the fee for the services provided care should be taken to include the costs for the service provided.

Article 122

Fee for waste management

(1) Legal entities and individuals generating and importing products and packaging which generate great quantities of waste after their use, shall pay fees for waste management defined by a special law.

Article 123

Fee for waste management in the Municipalities and the City of Skopje

(1) By Decision of the Councils of the Municipalities the fee for waste management shall be set to range from 1% to 2% from the price for the service of municipal waste collection and transportation.

(2) The fee referred to in paragraph (1) of this Article is collected together with the fee for the service referred to in Article 121 and shall be presented separately in the receipt of the service provided.

(3) The fee referred to in paragraph (1) shall be paid to the budget of the Municipalities and the City of Skopje and used for co-financing of purposes defined in the waste management programme as of Article 19, paragraph (1) item 2 of this Law.

Article 124

Funds from fines collected by authorized environmental inspector

(1) The funds obtained from fines pronounced by the authorized municipal inspectors and the ones of the City of Skopje shall be considered revenues of the Municipalities and the City of Skopje.

Article 125

Financial guarantees and insurance

(1) The legal entities and individuals managing the waste shall provide a financial guarantee or another appropriate insurance, which would be sufficient to cover the costs for waste management and the costs for elimination of the harmful effects caused during waste management.

(2) Should there be a justified suspicion that the financial guarantee is insufficient to cover the costs for waste management, or that the related insurance does not cover the justified risks, the body of the public administration responsible for environmental affairs at the proposal of the responsible body for carrying out expert activities in the area of environment shall set another amount and manner of providing the financial guarantee, i.e. it will define another type and manner of insurance for that purpose.

(3) The legal entities and individuals involved in import, export and transit of waste shall in accordance with the law, enter into an Agreement on insurance of the waste, of the responsibility for the damage inflicted against a third party, and of the responsibility for the damage caused by a third party.

XII. SUPERVISION AND COMPETENT AUTHORITIES

Article 126

Competent authorities

(1) The body of the public administration responsible for environmental affairs shall supervise the enforcement of this Law and the regulations enacted on the basis of this law.

(2) The supervision in terms of inspections over the enforcement of this Law and the regulations enacted on the basis of this law shall be carried out by the State Inspectorate for Environment.

(3) As for the competences of Municipalities and the City of Skopje stipulated by this Law, the inspection supervision over the implementation and enforcement of this Law shall be carried out by authorized inspectors of environment of the Municipalities and authorized inspectors of environment of the City of Skopje.

(4) Inspection supervision over the implementation of this Law regarding the generation, selection and packaging of medical waste shall be carried out by the State Sanitary and Health Inspectorate in cooperation with the State Inspector of Environment.

(5) Inspection supervision over the implementation of this Law regarding the trade of products and packaging, labelling of products and packaging and informing the consumers shall be performed by the State Market Inspector.

Article 127

Responsibilities of the State Inspectorate for Environment

(1) In carrying out supervision within its scope of responsibility, the State Inspector of Environment (hereinafter: Inspector of Environment) shall be entitled to:

1. ascertain whether waste management programmes for the current year have been prepared and submitted to the responsible body for carrying out expert activities in the area of environment (Article 21, paragraph 3);
2. ascertain whether annual reports on the carrying out of their programmes have been submitted to the responsible body for performing professional activities in the area of environment (Article 23, paragraph 5)
3. inspect and control whether hazardous waste and industrial non-hazardous waste from installations possessing A integrated environmental permit, and hazardous waste from installations possessing B integrated permit, is handled in accordance with Article 24 of this Law;
4. inspect and control whether collection and transportation of hazardous waste is done with appropriate means and equipment specially designed and intended for the purposes of collection and transportation of hazardous waste (Article 27);
5. inspect and control whether the waste is processed in accordance with Article 29 of this Law;
6. ascertain whether permits for storage, treatment and processing of waste are in place in accordance with Article 32 and whether the activity is performed in accordance with the permit;
7. inspect and control whether hazardous waste is stored at places designated for that purpose in accordance with Article 33;
8. inspect and control whether hazardous waste and industrial non-hazardous waste from installations possessing A integrated environmental permit, and

hazardous waste from installations possessing B integrated permit, is handled in accordance with Article 34 of this Law;

9. inspect and control whether the waste is disposed of in accordance with the operations referred to in Article 35 of this Law;
10. inspect and control whether the legal entities and individuals referred to in Article 21 of this Law have engaged a Waste Manager, and whether he possesses a certificate for Waste manager in accordance with Article 38 of this Law;
11. inspect and control whether records are kept in a manner stipulated in Article 39 of this Law on hazardous waste and waste generated from installations possessing A integrated environmental permit;
12. ascertain whether consolidated reports in accordance with Article 39, paragraph 6 of this Law are submitted;
13. inspect and control the data in the records on hazardous waste and industrial non-hazardous waste from installations possessing A integrated environmental permit and on hazardous waste from installations possessing B integrated environmental permit, as well as to ascertain whether the records are kept in accordance with Article 39, paragraph (10) of this Law;
14. ascertain whether the data on landfills are kept in accordance with Article 39, paragraph 10 of this Law;
15. inspect and control whether installations possessing A integrated environmental permit handle industrial non-hazardous waste in accordance with Article 43 of this Law;
16. ascertain whether permits for collection and transportation of municipal waste are in place in accordance with Article 45, paragraph (1) of this Law;
17. ascertain whether permits for establishing a system for collection and acceptance of used products and packagings are in place in accordance with Article 51 of this Law;
18. inspect and control whether the obligations for issuing an Identification Form for industrial non-hazardous waste have been fulfilled in accordance with Article 55 and 56;
19. inspect and control whether hazardous waste is handled in accordance with Article 57;
20. inspect and control whether hazardous waste is mixed with other types of hazardous waste and with non-hazardous waste (Article 58);
21. ascertain whether the body of the public administration responsible for environmental affairs has been notified when the mixing of hazardous waste with other types of waste, substances and materials has taken place (Article 59);
22. inspect and control the records kept in accordance with Article 60;
23. ascertain whether the obligations for issuing an Identification Form for hazardous waste have been fulfilled (Article 61);
24. ascertain whether the accredited body submitted a copy of the certificate to the responsible body performing expert activities in the area of environment (Article 62, paragraph 5);
25. inspect and control whether the accredited body issues certificates on the characteristics of the waste for which it is deemed responsible as generator or holder (Article 63, paragraph 3);

26. inspect and control whether the hazardous waste intended for transport, storage, processing and disposal is properly packed and labelled (Article 64);
27. ascertain whether a contract has been concluded with legal entities possessing permit for collection and transportation of hazardous waste (Article 65);
28. inspect and control whether waste oils are handled in accordance with Article 68;
29. inspect and control whether PCBs are handled in accordance with Article 69;
30. inspect and control whether used batteries and accumulators are handled in accordance with Article 70;
31. inspect and control whether waste electrical and electronic devices are handled in accordance with Article 71;
32. inspect and control whether used vehicles are handled in accordance with Article 72;
33. inspect and control whether the waste from titanium dioxide is handled in accordance with Article 74;
34. inspect and control whether the waste from asbestos and products containing asbestos are handled in accordance with Article 75;
35. inspect and control whether the waste from scientific and research activities is handled in accordance with Article 68;
36. ascertain whether a permit for performing disposal of the waste is in place (Article 84);
37. inspect and control whether the waste to be disposed of is not acceptable for the landfills (Article 86);
38. inspect and control whether the waste that is not acceptable for the landfills is disposed of in accordance with the operations referred to in Article 35, paragraph 1;
39. inspect and control whether the disposal of the waste is done in an appropriate class of landfill (Article 88);
40. ascertain whether monitoring and control of the environmental impact of the landfill is performed (Article 91);
41. ascertain whether appropriate care about the landfill is taken after its closure according to Article 93;
42. inspect and control whether the disposal of the waste by way of co-incineration or incineration is performed in installations specially designed for this purpose and whether the latter meet the conditions prescribed in the permit, including the limit values of emissions in air, water and soil (Article 94);
43. ascertain whether a permit for performing the activity of co-incineration or incineration of the waste is in place (Article 98);
44. inspect and control whether the procedure prior to acceptance of the waste for co-incineration or incineration is in accordance with Article 100;
45. inspect and control whether the procedure after the co-incineration or incineration is in accordance with Article 101;
46. inspect and control whether the procedure of import of waste is in accordance with Article 103;
47. ascertain whether permits for import, export and transit of waste are in place and whether the import, export or transit of waste is proceeded

- according to the conditions referred to in the permit (Article 106 and 107);
48. inspect and control whether the installations possessing A integrated environmental permit perform monitoring according to Article 111;
 49. ascertain other states in competence.
- (2) At the request of the inspector of environment, authorized person from the body responsible for internal affairs shall take part in the execution of matters referred to in paragraph 1 of this Article.

Article 128

Issuance of decisions by the State Inspector of Environment

(1) When carrying out inspection supervision, the Inspector of Environment shall, by means of decision:

1. oblige the legal entities and individuals to develop programs for waste management within 90 days at latest;
2. oblige the legal entities and individuals to submit annual reports on the implementation of the programmes within 30 days at latest;
3. limit or prohibit the operation of the legal entity or individual if the waste is not handled in accordance with Article 24 of this Law, for a period of 30 days at the most, within which the cause of this situation should be removed;
4. limit or prohibit the operation of the legal entity or individual if the collection, transport, selection, storage and processing of waste is carried out contrary to the provisions of this Law, for a period of 30 days, within which the cause of this condition should be removed;
5. prohibit the operation of the legal entity or individual if the collection, transport, selection, storage and processing of waste is carried out without permit, for a period of 90 days, within which the cause of the situation should be removed.
6. limit and prohibit the operation of the legal entity if the waste is handled contrary to the provisions of this Law, for a period of 30 days at the most, within which the cause of this situation should be removed;
7. limit and prohibit the operation of the legal entities and individuals if they dispose of the waste contrary to Article 35 of this Law, for a period of 30 days, within which the cause of the situation should be removed;
8. limit or prohibit the operation of the legal entities and individuals if they have not engaged a Waste Manager, for a period of 30 days within which the cause of this situation should be removed;
9. limit or prohibit the operation of the legal entities and individuals if the data from the records on waste are kept, stored and managed in a manner that is contrary to the provisions of this Law, for a period of 30 days, within which the cause of the situation should be removed;
10. limit or prohibit the operation of the legal entities or individuals if they failed to submit consolidated reports as stipulated in Article 39 of this Law, for a period of 30 days, within which the cause of the situation should be removed;
11. limit or prohibit the operation of the legal entities or individuals if hazardous waste is mixed with other types of hazardous waste and with other types of non-hazardous waste without possessing a permit and if the responsible body has not been informed of that, for a period of 30 days, within which the cause of the situation should be removed;

12. limit or prohibit the operation of the legal entities or individuals if they issue certificates for the characteristics of waste contrary to the provisions of the Law, for a period of 30 days;
13. limit or prohibit the operation of the legal entities or individuals if they failed to conclude a contract with authorized legal entities possessing a permit for handling waste, for a period of 30 days, within which the cause of the situation should be removed;
14. prohibit the operation of the legal entities or individuals if they perform disposal of waste without possessing a permit for that, for a period of 90 days, within which the cause of the situation should be removed;
15. limit or prohibit the operation of the legal entities or individuals if they perform disposal of waste that is unacceptable for the landfill, for a period of 90 days, within which the cause of the situation should be removed;
16. limit or prohibit the operation of the legal entities or individuals if they fail to perform monitoring in accordance with the provisions of this Law, for a period of 30 days, within which the cause of the situation should be removed;
17. limit or prohibit the operation of the legal entities or individuals if they perform import, export or transit of waste for which they do not possess permit, for a period of 30 days, within which the cause of the situation should be removed;
18. confiscate the waste that is imported, exported or transitted without providing a permit until fulfilling the conditions for performing import, export or transit.
19. prohibit or limit the work of legal entities and individuals if they perform activities of waste handling without appropriate permit.

(2) If, while carrying out inspection supervision, the Inspector of environment finds out that legal entities and individuals managing the waste fail to comply with the laws and other regulations, technical regulations, standards, recommendations and other general acts, he/she shall by minutes state the noted irregularities and deficiencies and specify the term for their elimination in the decision.

(3) If the entities referred to in paragraph (1) of this Article fail to act in accordance with the decision of the inspector of environment and fail to eliminate the causes for the found state specified in the decision, the inspector of environment shall initiate charges for misdemeanour or for criminal deed, as the case may be, before the competent court.

(4) In case of identified direct danger for human life and health, the inspector shall issue oral order for urgent and undeniable elimination of identified deficiencies that shall be recorded in minutes in cooperation with the State sanitary and health inspectorate, and shall notify other competent inspectors or other responsible bodies of the public administration on the identified deficiencies and request their intervention.

(5) If the identified irregularities and deficiencies referred to in paragraph (4) of this Article, pose danger to the environment, human life and health, the inspector shall immediately prohibit the operation of the installation, facility, plant, device, as well as the use of the means and equipment for the activity performance.

(6) In cases referred to in paragraph (4) of this Article, the inspector shall issue written decision within 48 hours as of the moment of oral order passing.

(7) In case of legal entity and individual being deprived of the waste referred to in paragraph (1) item 18 of this Article, the costs for the waste keeping and storage shall be paid by the entity from which the waste was taken away.

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

Article 129
Responsibilities of the Authorized Inspector
of Environment

(1) When performing supervision, the Inspector of Environment of the Municipalities and the Inspector of Environment of the City of Skopje (hereinafter: Authorized Inspector of Environment) is entitled to:

1. ascertain whether waste management programmes for the ongoing year have been prepared and submitted to the Mayors of the Municipalities and the City of Skopje (Article 21, paragraph 2);
2. ascertain whether annual reports on the carrying out of their programmes have been submitted to the Mayors of the Municipalities and the City of Skopje (Article 23, paragraph 4);
3. inspect and control whether non-hazardous waste from installations with B integrated environmental permit is handled according to Article 24 of this Law;
4. inspect and control whether legal entities and individuals performing collection and transportation of non-hazardous waste do these activities with means and equipment which is specially designed for collection and transportation of non-hazardous waste (Article 27);
5. inspect and control whether non-hazardous waste is stored in places designated for that purpose in accordance with Article 33 of this Law;
6. inspect and control whether non-hazardous waste (except that coming from installations having A integrated environmental permits) and industrial non-hazardous waste from installations having B integrated environmental permit is handled in accordance with Article 34 of this Law;
7. ascertain whether records are kept as prescribed in Article 39 of this Law concerning non-hazardous waste (except for waste from installations with A integrated permits) and industrial non-hazardous waste generated from installations with B integrated environmental permit;
8. ascertain whether consolidated report is submitted in accordance with Article 39 paragraph 7 of this Law;
9. inspect and control whether data from records on municipal non-hazardous waste and industrial non-hazardous waste from installations with B integrated environmental permit are kept in accordance with Article 39 paragraph 10 of this Law;
10. ascertain whether, in accordance with Article 40, there is waste on a private property that can cause the consequences referred to in Article 24 of this Law;
11. inspect and control whether municipal and non-hazardous waste is handled in accordance with Article 43 of this Law;

12. ascertain whether the generators of commercial waste have concluded a Contract for collection and transportation of waste with the service provider in accordance with Article 43 paragraph 8;
13. inspect and control whether legal entities and individuals dispose of municipal waste at places designated for collection and selection of waste in accordance with Article 44 paragraphs 1 and 2 of this Law;
14. ascertain whether service providers as of Article 44 paragraph (1) have placed containers for collection and selection of municipal waste in accordance with Article 44 paragraph (3) of this Law;
15. inspect and control the service providers at least once a year whether they meet the obligations set in the permit for collection and transportation of municipal waste in accordance with Article 45 paragraph 1 of this Law;
16. inspect and control whether inert waste is handled in accordance with this Law and whether they themselves have collected and transported the inert waste to the locations designated by the municipalities and the City of Skopje (Article 54);
17. ascertain whether the legal entities and individuals possessing B integrated environmental permit perform monitoring according to Article 111; and
18. ascertains other states in its competence.

(2) In case of located waste on a private property as of paragraph 1, item 10, the Authorized Inspector of Environment shall report to the Mayor of the Municipality and the City of Skopje.

(3) In case of failure to fulfil the conditions during the control referred to in paragraph (1), item 15 of this Article, the authorized Inspector of Environment shall immediately inform the body of the public administration responsible for affairs in the area of environment in order to initiate a procedure for withdrawal of the permit.

(4) Upon request of the authorized Inspector of Environment, an authorized person from the body responsible for internal affairs shall take part in the carrying out of the activities referred to in paragraph 1 of this Article.

Article 130

Issuance of decisions by the Authorized Inspector of Environment

(1) When carrying out inspection supervision, the Authorized Inspector of Environment shall, by means of decision:

1. oblige the legal entities and individuals to develop programs for waste management within a period of 90 days at latest;
2. oblige the legal entities and individuals to submit annual reports on the implementation of the programmes within 30 days at latest;
3. limit or prohibit the operation of the legal entity or individual if non-hazardous waste and industrial non-hazardous waste from installations with B integrated environmental permit is not handled in accordance with this Law, for a period of 30 days at the most, within which the cause of this situation should be removed;
4. limit or prohibit the operation of the legal entity or individual if the collection and transport of non-hazardous waste is carried out contrary to the provisions of this Law, for a period of 30 days, within which the cause of this condition should be removed;

5. prohibit the operation of the legal entities and individuals if they store non-hazardous waste on locations that are not designated for that purpose, for a period of 90 days, within which the cause of the situation should be removed;
6. limit or prohibit the operation of the legal entities and individuals if the data from the records on non-hazardous waste are kept, stored and managed in a manner that is contrary to the provisions of this Law, for a period of 30 days, within which the cause of the situation should be removed;
7. limit or prohibit the operation of the legal entities or individuals if they failed to submit consolidated reports as stipulated in Article 39 of this Law, for a period of 30 days, within which the cause of the situation should be removed;
8. limit or prohibit the operation of the legal entities or individuals if municipal, commercial and other types of non-hazardous waste is not handled in accordance with the law and they failed to submit consolidated reports as required by Article 39 of this Law, for a period of 30 days, within which the cause of the situation should be removed;
9. limit or prohibit the operation of the legal entities or individuals generating or holding commercial waste if they failed to conclude a contract with the provider of municipal waste collection and transportation services, for a period of 30 days, within which the cause of the situation should be removed;
10. limit or prohibit the operation of the service provider if it fails to put in place containers for collection and selection of municipal waste, for a period of 30 days, within which the cause of the situation should be removed;
11. limit or prohibit the operation of the legal entities or individuals possessing B integrated environmental permit if they fail to perform monitoring in accordance with the provisions of this Law, for a period of 30 days, within which the cause of the situation should be removed;

(2) Should the Authorized Inspector of Environment find out during the inspection supervision that the legal entities and individuals managing waste failed to comply with the laws and other regulations, technical regulations, standards, recommendations and other general acts, he shall make a report on the incorrectness and irregularities found and fix the time period for their removal.

(3) In case of finding immediate endangerment of people's health and life, the Inspector shall issue an oral order for urgent and pressing removal of the factors posing danger and make a report in cooperation with the State Sanitary and Health Inspectorate, and further inform the State Inspectorate of Environment and other relevant inspectors or state authorities about the irregularities found and ask for their intervention.

(4) If the incorrectness and irregularities found as of paragraph 3 of this Article endanger the environment and people's health and life, the Inspector shall immediately prohibit the operation of the installation, facility, plant or device, as well as the means and equipment for performing the activity.

(5) In the cases referred to in paragraph 2 of this Article the Inspector issues a written decision within 48 hours from the issued oral order;

(6) For the performance of activities referred to in paragraph 1, item 1 of this Article, the Inspector of Environment is entitled to undertake other measures as well defined by the Law on Environment.

Article 131
Responsibilities of the State Market Inspector

(1) In carrying out supervision within its scope of responsibility, the State Market Inspector is entitled to:

1. ascertain whether products and packaging are put on sale that are not labelled in a manner which provides data on the re-use of the product and packaging, data on the possibility to renew the product and the packaging, as well as data on how to proceed in the case of end of the life cycle of the product and the packaging in accordance with Article 49 of this Law;
2. inspect and control whether deposit is paid and returned when selling the products and packaging, whether a receipt or confirmation for the deposit paid is issued, as well as whether the used products or packaging are accepted upon return in accordance with Article 50 of this Law;
3. ascertain whether the seller concluded a contract for acceptance and/or purchase of used products and packaging with the producer, importer or legal entity or individual possessing a permit for waste processing in accordance with Article 52 of this Law;
4. ascertain whether sellers appropriately provide the buyers with data on product's re-use, and whether they accept the returned products and packaging in accordance with Article 52 of this Law.

(2) The State Market Inspectorate performs the inspection supervision referred to in paragraph 1 of this Article in accordance with the Law on Market Inspection and this Law.

Article 132
Responsibilities of the State Sanitary and Health Inspector

(1) In carrying out supervision within its scope of responsibility, the State Sanitary and Health Inspector is entitled to:

1. inspect and supervise whether legal entities and individuals collect, select and pack medical waste in accordance with this Law.

(2) The State Sanitary and Health Inspectorate performs the inspection supervision referred to in paragraph 1 of this Article in accordance with the Law on Sanitary and Health Inspection and this Law.

Article 133
Other competencies

(1) The Inspector of Environment and the Authorized Inspector of Environment shall bring criminal charges before the competent court and institute legal proceedings provided a legal ground for it was established during the supervision.

(2) The Inspector of Environment and the Authorized Inspector of Environment shall inform the Ministry of Environment and Physical Planning upon performing the inspection supervision and concluding that the legal entity or individual managing waste has, by doing or failing to do, made basic breaches in the terms and obligations of the permit.

(3) If the Inspector fails to bring criminal charges, i.e. institute legal proceedings in accordance with paragraph 1 of this Article, he shall be considered to have done a serious violation of his position.

Article 134

Procedure of performing Inspection Supervision

(1) Inspection Supervision over legal entities and individuals managing waste is performed regularly and upon received report and/or finding by other state authorities, organizations, institutions, legal entities and individuals, as well as through the mass media.

(2) The Director of the State Inspectorate of Environment, i.e. the Mayors of the Municipalities and the City of Skopje shall adopt every year a programme for performing regular inspection referred to in paragraph 1 of this Article.

(3) The Inspector of Environment and the Authorized Inspector of Environment, within their scope of responsibilities defined by this Law and other laws shall act self-sufficiently and independently in performing inspection supervision and undertaking administrative and other measures defined by law.

(4) The Inspector of Environment is authorized to perform inspection supervision at any time and on the spot, without prior announcement, over the business premises, installations, facilities, as well as the means and equipment for performing the activities of collection, transportation, storage, treatment, processing and disposal of waste, of the legal entities and individuals possessing A integrated environmental permit and legal entities and individuals possessing B integrated environmental permit and generating hazardous waste.

(5) The Authorized Inspector of Environment of the Municipalities and the City of Skopje is authorized to perform inspection supervision at any time and on the spot, without prior announcement, over the business premises, installations, facilities, as well as over the means and equipment for performing the activities of collection, transportation, storage, treatment, processing and disposal of waste, of the legal entities and individuals generating non-hazardous waste and the legal entities and individuals possessing B integrated environmental permit and managing non-hazardous waste, not including installations with A integrated environmental permit.

(6) If the Authorized Inspector of Environment performing inspection supervision finds irregularities in the management of hazardous waste in installations with B integrated environmental permits and in other legal entity or individual, he shall without delay inform the Inspector of Environment.

(7) Against the decision of the State Inspector of Environment defining an administrative measure, an appeal may be lodged to the body of the public administration responsible for the affairs of the environment within 8 days following the day of receipt of the decision.

(8) Against the decision of the inspector of environment of the Municipalities and the City of Skopje defining an administrative measure, an appeal can be lodged to the body of the public administration responsible for the affairs of the environment within 8 days following the day of receipt of the decision.

(9) The appeal referred to in paragraphs 7 and 8 of this Article shall not postpone the execution of the decision provided the postponement of the decision poses a danger to the environment and human life and health.

Article 135
Obligations of the Inspectors of Environment and Authorized Inspectors of Environment

(1) In performing inspection supervision the Inspector of Environment and the Authorized Inspector of Environment is authorized to:

- 1 inspect technical means and equipment for performing collection, transportation, storage, treatment, processing and disposal of waste whether they meet the prescribed conditions;
- 2 inspect installations for storage, treatment, processing and disposal of waste;
- 3 inspects business books, contracts, permits, waste management programmes and other documents that give you an insight in the work of the legal entities and individuals managing waste;
- 4 take a statement from responsible personnel of the legal entities and individuals and from witnesses;
- 5 take samples from the waste which is generated, collected, transported, stored, treated, processed and disposed of;
- 6 take samples from the soil, water and air;
- 7 use the services of professional organizations and experts.

(2) When inspection supervision is performed at the request of a legal entity or individual, the costs of the inspection are borne by the legal entity or individual.

(3) The Minister managing the body of the public administration responsible for the affairs of the environment shall prescribe the amount of costs referred to in paragraph 2 of this Article as well as the manner of their payment.

(4) The Inspector of Environment and the Authorized Inspector of Environment shall inform the body of the public administration responsible for the affairs of the environment about the initiation of a procedure for withdrawal of the permit for performing the activity if he, on performing inspection supervision finds out that the legal entity or individual managing waste has, by doing or failing to do, made basic breach in the terms and obligations of the permit.

(5) The Inspector of Environment and the Authorized Inspector of Environment shall keep records on the inspections and controls made on legal entities and individuals managing waste.

(6) The Inspector of Environment and the Authorized Inspector of Environment shall keep as a business secret the data found during the supervision or submitted by the legal entities and individuals in accordance with the law.

Article 136
Obligations of the legal entities and individuals

(1) Legal entities and individuals managing waste shall make it possible for the inspector of environment to perform the activities of supervision undisturbed and, on his request, to submit the whole documentation, give additional explanation and information and other available data, all in the interest of conducting the inspection supervision.

(2) The Inspector of Environment and the Authorized Inspector of Environment shall make an inspection report stating all of the findings and submit a

copy of it to the responsible person of the legal entity that was subject to the inspection and to the body of the public administration responsible for the affairs of the environment.

Article 137

Supervision over the legality of the work of the municipal bodies

(1) Supervision over the legality of the work of the bodies of the municipalities i.e. the City of Skopje shall be based on the principle of legality, responsibility and independence in the realization of their competencies.

(2) Supervision referred to in paragraph 1 of this Article shall be performed by the body of the public administration responsible for the affairs of the environment.

(3) Supervision over the work of the bodies of the Municipality and of the City of Skopje performed by the body of the public administration responsible for the affairs of the environment includes the following:

1. it shall monitor the work of the bodies of the municipality and of the City of Skopje and undertake measures, activities and initiatives for realization of its competences concerning preparation, adoption and implementation of plans, programmes and other acts (Articles 22 and 24);

2. it shall assess whether the bodies of the municipality and of the City of Skopje carry out the preparation, adoption and implementation of the plans and programmes, as well as the submitting of the reports on the implementation thereof in accordance with the procedures defined by this Law (Articles 18, 19 and 23);

3. it shall assess whether the Mayors of the Municipalities and of the City of Skopje have adopted acts regulating the maintenance of public hygiene and handling of the waste left in the public and traffic zones in urban areas and non-urbanized areas under their jurisdiction and shall monitor the manner of their implementation (Articles 22 and 41)

4. it shall assess whether the Municipalities and the City of Skopje have adopted rules on handling municipal waste and other types of non-hazardous waste and shall monitor their implementation (Articles 22, 43 and 46);

5. it shall assess whether the Mayors of the Municipalities and of the City of Skopje have designated the locations for collection and selection of municipal waste and shall monitor the manner of their realization (Article 44);

6. it shall assess the implementation of the principle of universality of services (Article 47).

7. it shall assess whether the Mayors of the Municipalities and of the City of Skopje have designated the locations for collection, treatment and disposal of the inert waste and shall monitor the manner of their realization (Article 54);

8. it shall assess the manner of founding and managing a landfill for non-hazardous and inert waste and the implementation of the agreement on landfill founding Article 80).

9. it shall monitor the Municipalities and the City of Skopje whether they have established a monitoring network and perform monitoring of non-hazardous waste management and submit the monitoring data to the responsible body for performing professional activities (Article 108).

10. it shall assess whether the Municipalities and the City of Skopje have established an

information system for non-hazardous waste management and processed the data from the information system and submitted to the responsible body for performing professional activities (Article 113).

11. it shall assess whether the Municipalities and the City of Skopje have established a Cadastre of waste generators and monitor the manner of its keeping (Article 116);

12. it shall assess whether the Municipalities and the City of Skopje have published the plans and programmes for non-hazardous waste management, and the measures, activities and schemes undertaken to improve the the general situation in the management of waste (Article 117);

13. it shall assess the manner in which the Municipalities and the City of Skopje have fixed the price for service provided and the fee for waste management (Article 121);

14. it shall point to the bodies of the Municipality and of the City of Skopje at their stepping across the responsibilities defined by this Law and propose appropriate measures to overcome the situation;

15. it shall point out certain material and procedural shortages in the work of the bodies of the Municipality and of the City of Skopje which could make it impossible for the public to realize their right to access to information and participation in decision-making and other rights and duties defined by this or other law;

16. it shall give recommendations for consistent realization of the responsibilities of the Municipality and of the City of Skopje for affairs to be performed in accordance with this Law, at the request of the bodies of the Municipality and of the City of Skopje;

17. it shall monitor the timely adoption of planning documents and other acts by the Municipalities and the City of Skopje;

18. it shall submit initiatives and proposals to the bodies of the Municipality and of the City of Skopje in case they find failure to implement this Law as a result of collision of competences between them;

19. it shall monitor the legality of the decisions made by the Mayor in administrative affairs, as the obligations and interests of legal entities and individuals in accordance with this Law;

20. it shall issue opinions and professional assistance at the request of the bodies of the Municipality and of the City of Skopje on the planning documents and other acts arising from this Law;

21. it shall monitor the realization of the previously mentioned supervision over acts for which it is competent to adopt in accordance with this Law;

22. it shall monitor the realization of transparency in the work of the bodies of the Municipality and of the City of Skopje involved in the responsibilities defined by this Law from the aspect of regular, timely, accurate and complete informing of the citizens;

23. it shall timely report to the bodies of the Municipality and of the City of Skopje about the conclusions of their supervision and measures undertaken;

24. it shall timely report to the bodies of the Municipality and of the City of Skopje about the findings in their work.

Article 138

Withdrawal of competences

(1) If the bodies of the Municipality and of the City of Skopje do not provide for performance of the activities they are responsible for according to this Law, in spite of measures undertaken to point to doing so, they shall be deprived of the performance of these activities.

(2) The performance of activities referred to in paragraph 1 of this Article shall be taken on by the body of the public administration responsible for the affairs of the environment for a period of one year at the most following the day of taking on thereof, on behalf and expence of the Municipality and of the City of Skopje.

(3) The body of the public administration responsible for affairs of the local self-government and the body of the public administration responsible for the affairs of finances shall be informed about the taking on of the activities referred to in paragraph 1 of this Article.

(4) The body of the public administration responsible for the affairs of the environment performs the activities referred to in paragraph 1 of this Article on behalf and on the expense of the Municipalities and of the City of Skopje.

XIII. PENALTY PROVISIONS

Article 139

Penalty provisions for legal entities and individuals

(1) The legal entity shall be fined for a misdemeanour with a fine ranging from 50.000 to 300.000 denars if:

1. it fails to develop waste management programme for the current year and submit it to the competent bodies (Article 21);
2. it fails to submit annual report on the implementation of its waste management programme (Article 23, paragraph 5);
3. fails to behave duely and causes the effects referred to in Article 24 of this Law;
4. it fails to select and classify the generated hazardous waste according to its type and characteristics as specified in the List of Types of Wastes and acts contrary to the provisions of Article 26 of this Law;
5. it transfers waste to legal entity or individual lacking permit for waste collection and transportation (Article 27, paragraph 2);
6. it conducts hazardous waste storage without permit (Article 32);
7. it fails to store hazardous waste at places, in facilities or in installations intended for that purpose (Article 33);
8. it fails to provide for proper storage of the hazardous waste at places designated for this purpose, close to the place of generation (Article 33);
9. it fails to subject hazardous waste to treatment prior to its removal (Article 34, paragraph 2);
10. it keeps hazardous waste in waste transfer stations for longer period than the prescribed one (Article 37, paragraph 2);
11. it fails to engage waste manager (Article 38);
12. it fails to keep records and to keep the data from the records (Articles 39

- and 60);
13. it fails to remove or refuses to remove the waste in a manner specified by this Law (Article 40);
 14. it fails to collect, select and transfer the waste (Articles 43 and 44);
 15. it fails to conclude contract with the service provider or with the legal entity or individual authorised for waste collection and transportation (Articles 43 and 65);
 16. it fails to leave the municipal waste generated thereby at places for municipal waste collection, specified by Municipality and by the City of Skopje (Article 44);
 17. it fails to submit the data on the hazardous waste once a year to the the body of the public administration holding responsibility for the affairs of the environment (Articles 39 and 60);
 18. it fails to inform the consumers on the re-use and renewability of used products and packages (Article 49);
 19. it fails to label the product and the packaging in a manner to provide data on the re-use and renewability of used products and packages (Articles 49 and 52);
 20. it fails to collect deposit for sold products and packagings for which deposit payment is prescribed and refuses to return the paid deposit to the consumer (Article 50);
 21. it fails to accept the returned product and packaging (Article 50);
 22. it fails to return the used product and packaging (Articles 53 and 71);
 23. it fails to collect and transport the generated inert waste (demolishing waste) to the places intended for that purpose or fails to transfer it to legal entities and individuals for waste collection and transportation (Article 54);
 24. it fails to keep appropriate records of industrial non-hazardous waste (Article 56)
 25. it fails to handle the hazardous waste separately (Article 57);
 26. it throws the hazardous waste in waters, soil, in containers not intended for collection of specific types of waste, sewerage and other infrastructural systems and facilities (Article 57);
 27. it mixes hazardous waste with other types of hazardous waste and mixes hazardous with non-hazardous waste (Article 58);
 28. it fails to notify the responsible body when hazardous waste is mixed with other types of waste and initiates procedure for waste separation without permit (Article 59);
 29. the generator and/or holder of hazardous waste fails to deliver an Identification Form with data on the type, place of generation, amount and manner of packaging of hazardous waste (Article 61);
 30. the generator/holder of hazardous waste fails to put accurate data in the Identification Form (Article 61);
 31. the generator and/or holder of hazardous waste failed to submit a report on the characteristics of the waste together with the Identification Form (Article 61);
 32. it fails to submit a copy of the identification for of hazardous waste to the responsible body (Article 61);
 33. it fails to request an assessment of hazardous characteristics of generated waste, despite of the justified suspicion thereon (Article 62);
 34. it fails to label the packaging of the hazardous waste with the label

- “Hazardous waste”, as well as the type and the physical and chemical characteristics thereof (Article 64);
35. it fails to pack hazardous waste in specially designed containers, depending on the type and on the physical and chemical characteristics of the waste (Article 64);
 36. it fails to conclude contract for waste collection and transportation (Article 65);
 37. it re-uses and processes waste PCB/PCT (Article 68);
 38. it produces, imports and lets for trade PCB/PCT (Article 69);
 39. recharges and supplements the equipment with PCB/PCT (Article 69);
 40. it performs production, import and trade in batteries containing more than 0.0005 % of mercury by weight, including batteries inserted into apparatuses and equipment, as well as un-marked batteries containing more than 25 mg of mercury per cell, except alkaline manganese batteries containing more than 0.025 % of mercury by weight (Article 70);
 41. it fails to separate components representing hazardous waste from used vehicles and/or contain hazardous waste and fails to select them and transfer them to authorised entities (Article 72);
 42. it treats medical waste contrary to Article 73 of this Law;
 43. it removes waste containing titanium dioxide (Article 74);
 44. it treats inappropriately asbestos waste and products containing asbestos, as well as wastes generated in the course of scientific and research activity (Articles 75 and 76);
 45. it carries out import of waste for the purpose of storage and removal (Article 103);
 46. it carries out import, export and transit of waste without a permit (Article 103);
 47. it uses waste contrary to the purpose for which permit has been issued (Article 104);
 48. it fails to monitor hazardous waste and submit data to the competent body (Articles 108 and 111);

(2) The legal entity handling hazardous waste shall be fined for misdemeanour with a fine ranging from 100.000 to 300.000 denars for the deeds referred to in paragraph 1 of this Article.

(3) The legal entity handling non-hazardous waste shall also be fined for misdemeanour with a fine ranging from 50.000 to 250.000 denars for the deeds referred to in paragraph 1 of this Article.

(4) The responsible person in the legal entity handling hazardous waste shall also be fined for misdemeanour with a fine ranging from 10.000 to 50.000 denars for the deeds referred to in paragraph 1 of this Article.

(5) The responsible person in the legal entity handling non-hazardous waste shall also be fined for misdemeanour with a fine ranging from 10.000 to 30.000 denars for the deeds referred to in paragraph 1 of this Article.

(6) The responsible persons referred to in paragraphs 3 and 4 of this Article shall be pronounced a security measure: prohibition of doing the job in duration of 3 months up to one year.

(7) The legal entity handling hazardous waste shall be fined with on-the-spot fine, ranging from 50.000 to 100.000 denars for the deeds referred to in paragraph 1 of this Article.

(8) The legal entity handling non-hazardous waste shall be fined with on-the-spot fine, ranging from 30.000 to 80.000 denars for the deeds referred to in paragraph 1, points 1, 2, 7, 8, 9, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of this Article.

(9) The individual handling hazardous waste shall be fined with on-the-spot fine, ranging from 3. 000 to 10. 000 denars for the deeds referred to in paragraph 1, points 5, 25, 26, 27, 37, 39, 40, 41, 45 and 46 of this Article.

(10) The individual handling non-hazardous waste shall be fined with on-the-spot fine, ranging from 1.000 to 8.000 denars for the deeds referred to in paragraph 1, points 3, 5, 14, 16, 18, 20, 21, 22, 23, 45 and 46.

(11) If legal entities and individuals fail to pay voluntarily the fine passed on the basis of paragraphs 7, 8, 9, and 10 on the spot, the level of the fine shall increase for three times, but not more than the maximum fine specified for the committed misdemeanour.

(12) With regard to deeds referred to paragraph 1, items 3, 5, 14, 16, 18, 20, 21, 22, 23, 25, 27, 37, 39, 40, 41, 45 and 46 of this Article, apart from inspectors referred to in Article 126, an employee of the body of the public administration holding competence for the internal affairs, responsible for the maintenance of the public order and peace, shall have the right and the obligation to pass fines.

(13) If the legal entity and individual fail to pay the fine on the spot, the competent inspector of environment and the authorised inspector of environment shall raise charges for misdemeanour on the basis of his/her own finding or upon report submitted by an employee of the body of the public administration holding competence for the internal affairs, responsible for the maintenance of the public order and peace and by guard in protected areas/national parks.

Article 140

Penalty provisions for the collectors and transporters of waste

(1) The legal entity collecting and transporting hazardous waste shall be fined for misdemeanour with a fine ranging from 100.000 to 300.000 denars if:

1. it carries out the collection and transportation of waste with resources and equipment that is not appropriate for this activity (Article 27);
2. it carries out the collection and transportation of waste without a permit (Article 45);
3. it carries out collection of used products and packagings without permit (Article 51);
4. it fails to collect and transport the hazardous waste separately from other types of waste (Article 57);
5. it transports hazardous waste which is not appropriately packaged and marked (Article 64);
6. it transports the hazardous waste without an Identification Form (Article 60 and 55);
7. the transported waste does not correspond to the data listed in the Identification Form (Article 60 and 56);
8. it fails to submit a copy of the Identification Form for the hazardous waste

to the body of the public administration holding competence for environmental affairs (Article 60);

9. it fails to keep records on the type, quantity, origin and the starting and final destination of the transported waste (Articles 39 and 60);
10. it fails to submit the data on the hazardous waste to the Ministry of Environment and Physical Planning once a year (Articles 39 and 60);
11. it performs hazardous waste collection and transportation without permit (Article 66);

(2) The legal entity collecting and transporting non-hazardous waste shall be fined for misdemeanour with a fine ranging from 100.000 to 200.000 denars for the deeds referred to in paragraph 1 of this Article.

(3) The responsible person in the legal entity collecting and transporting hazardous waste shall also be fined for misdemeanour with a fine ranging from 10.000 to 50.000 denars for the deeds referred to in paragraph 1 of this Article.

(4) The responsible person in the legal entity collecting and transporting non-hazardous waste shall also be fined for misdemeanour with a fine ranging from 10.000 to 30.000 denars for deeds as referred in paragraph 1 of this Article.

(5) The responsible persons referred to in paragraphs 3 and 4 of this Article shall be pronounced a security measure: prohibition of doing the activity in duration from 3 months up to 1 year.

(6) The legal entity collecting and transporting hazardous waste shall be fined with an on-the-spot fine ranging from 5.000 to 10.000 denars for the deeds referred to in Paragraph 1 of this Article.

(7) The legal entity collecting and transporting non-hazardous waste shall be fined with an on-the-spot fine ranging from 50.000 to 100.000 denars for the deeds referred to in paragraph 1 of this Article.

(8) If fines passed on the basis of paragraphs 6 and 7 are not paid voluntarily by legal entities and individuals on the spot, the level of the fine shall increase for three times, but not more than the maximum fine specified for the committed misdemeanour;

(9) If the legal entity and individual fail to pay the fine on the spot, the competent inspector of environment and the authorised inspector of environment shall raise charges for misdemeanour on the basis of his/her own finding or upon report submitted by an employee of the body of the public administration holding competence for the internal affairs, responsible for the maintenance of the public order and peace and by guard in protected areas/national park.

Article 141

Penalty provisions for waste processors

(1) The legal entity processing hazardous waste shall be fined for a misdemeanour with a fine ranging from 150.000 to 300.000 denars if:

1. it fails to develop a waste management program (Article 21);
2. it carries out waste processing contrary to Article 28 of this Law and fails to implement operations referred to in Article 29 of this Law;
3. it processes waste without permit (Article 32);
4. it takes over waste for processing that does not correspond to the data listed in the Identification Form (Articles 56 and 61);

5. it fails to submit a copy of the Identification Form on the waste to the competent authorities (Articles 56 and 61);
6. it fails to keep records on the type and quantity of processed waste (Articles 39 and 60);
7. it fails to submit data from the records to the competent authorities once a year (Article 39 and 60);
8. it fails to perform monitoring over processed waste (Article 108);

(2) The legal entity processing non-hazardous waste shall also be fined for a misdemeanour with a fine ranging from 150.000 to 250.000 denars for the deeds referred to in paragraph 1 of this Article.

(3) The responsible person in the legal entity processing hazardous waste shall also be fined for a misdemeanour with a fine ranging from 10.000 to 50.000 denars for the deeds referred to in paragraph 1 of this Article, and he/she shall also be pronounced a safety measure: prohibition of doing the job in duration of three months to 1 year.

(4) The responsible person in the legal entity processing non-hazardous waste shall also be fined for misdemeanour with a fine ranging from 10.000 to 30.000 denars for the deeds referred to in paragraph 1 of this Article.

(5) The responsible persons referred to in paragraph 4 of this Article shall be pronounced a safety measure: prohibition of doing the job in duration of three to six months.

(6) The legal entity processing hazardous waste shall be fined with an on-the-spot fine ranging from 50.000 to 100.000 denars for the deeds referred to in paragraph 1 of this Article.

(7) The legal entity processing non-hazardous waste shall be fined with an on-the-spot fine ranging from 50.000 to 80.000 denars for the deeds referred to in paragraph 1 of this Article.

Article 142

Penalty provisions for waste disposing entities

(1) The legal entity disposing hazardous waste shall be fined for a misdemeanour with a fine ranging from 150.000 to 300.000 denars if:

1. it fails to dispose of the hazardous waste at places, plants and facilities designated for that purpose, as well as the waste that has not been subjected to treatment (Article 34);
2. it disposes of the waste while failing to implement operations referred to in Article 35 of this Law;
3. it takes over hazardous waste intended for disposal that does not correspond to the data listed in the Identification Form (Articles 56 and 61);
4. it fails to submit a copy of the Identification Form to the competent authority (Articles 56 and 61);
5. it fails to keep records on the type and quantity of disposed hazardous waste (Articles 39 and 61);
6. it fails to submit data from the records to the competent authority once a year (Articles 39 and 61);
7. it fails to develop a waste management program (Article 21);

8. it does not fulfil the conditions prescribed for landfill (Articles 79 and 80);
9. it does not possess permit for landfill operator (Article 84);
10. it disposes of waste that is not acceptable to landfills (Article 87);
11. it disposes of the waste in an inappropriate class of landfill (Article 88);
12. it fails to monitor environmental impacts of the landfill operation and fails to inform the competent authority thereon (Article 91);
13. it terminates the landfill operation without the relevant decision (Article 92);
14. it fails to take care of the landfill after its closure (Article 93);
15. It fails to implement the guidelines for landfill closer and care of the landfill after the closure (Article 93);
16. it performs waste incineration and co-incineration without permit (Article 98);
17. it does not possess permit for incineration and co-incineration (Article 99);
18. it fails to refuse incineration or co-incineration of waste that is not appropriate for that purpose and fails to keep samples of waste (Article 100);
19. it fails to implement the program for work, control and monitoring of the disposal plant or installation (Articles 108 and 109);

(2) The legal entity disposing of non-hazardous waste shall be fined for a misdemeanour with a fine ranging from 150.000 to 250.000 denars for the deeds referred to in paragraph 1 of this Article.

(3) The responsible person in the legal entity disposing of hazardous waste shall be fined for misdemeanour with a fine ranging from 10.000 to 50.000 denars for the deeds referred to in paragraph 1 of this Article.

(4) The responsible person in the legal entity disposing of non-hazardous waste shall also be fined for misdemeanour with a fine ranging from 10.000 to 30.000 denars for the deeds referred to in paragraph 1 of this Article.

(5) The responsible person referred to in paragraphs 3 and 4 of this Article shall be pronounced a safety measure: prohibition of doing the activity in duration from three up to six months.

(6) The legal entity disposing of hazardous waste shall be fined with an on-the-spot fine ranging from 50.000 to 100.000 denars for the deeds referred to in paragraph 1 of this Article.

(7) The legal entity disposing of non-hazardous waste shall be fined with an on-the-spot fine ranging from 30.000 to 80.000 denars for the deeds referred to in paragraph 1 of this Article.

(8) The individual disposing of hazardous waste shall be fined with an on-the-spot fine ranging from 3.000 to 10.000 denars for the deeds referred to in paragraph 1, point 10 of this Article.

(9) The individual disposing of non-hazardous waste shall be fined with on-the-spot fine, ranging from 1.000 to 8.000 denars for the deeds referred to in paragraph 1, point 10 of this Article.

(10) Employees of the body of the public administration holding competence for the internal affairs responsible for the public order and peace, have also the right and obligation to fine for the deeds referred to in paragraph 1, point 10 of this Article, in addition to the inspectors referred to in Article 126.

(11) When legal entities and individuals have failed to pay the fine passed on the basis of paragraphs 6, 7, 8 and 9 on the spot, the level of the fine shall increase for three times, but not more than the maximum fine specified for the committed

misdemeanour;

(12) When legal entities and individuals have failed to pay the fine on the spot, the competent inspector of environment and the authorised inspector of environment shall initiate legal proceedings for misdemeanour, on the basis of his/her findings or following a statement of an employee of the body of the public administration holding competence for the internal affairs responsible for the public order and peace and guards in protected areas/national park.

XIV. TRANSITIONAL AND FINAL PROVISIONS

Article 143

(1) The strategy referred to in Article 16 of this Law shall be enacted within 2 years from the day of entry into force of this Law.

(2) The plan referred to in Article 17 of this Law shall be enacted within 2 years from the day of entry into force of this Law.

(3) The waste management programmes referred to in Articles 19, 20 and 21 shall be enacted within one year from the day of adoption of the plan referred to in paragraph (2) of this Article of this Law.

Article 144

(1) The body of the public administration responsible for the affairs of the environment, the Mayors of the Municipalities and of the City of Skopje shall undertake all necessary measures to close the landfills that do not possess permit for performing the activity of waste disposal.

(2) The Mayors of the Municipalities and of the City of Skopje shall, within one year from the day of entry into force of this Law, close and recultivate illegal landfills.

(3) The Government of the Republic of Macedonia, at the proposal of the body of the public administration responsible for the affairs of the environment, shall by means of a separate act specify the manner of operation and treatment of existing sites for waste disposal, and shall specify temporary sites for waste disposal up to the period of landfills construction.

Article 145

(1) The legal entities and individuals performing waste management shall bring their operations in compliance with the provisions of this Law within 3 years from the day of entry into force of this Law.

(2) The legal entities and individuals that are obliged to have a permit for performing of the activity shall bring their operations in compliance with the provisions of this Law within 3 years from the day of entry into force of this Law.

Article 146

(1) The closer regulations for enforcement of this Law shall be enacted within 2 years from the day of entry into force of this Law.

(2) The existing regulations shall be applied until the enactment of the regulations referred to in paragraph 1 of this Article.

Article 147

(1) The Law on Waste (“Official Gazette of the Republic of Macedonia” 37/98), as well as the provisions of Articles 9, 10, 11, 12, 13, 14, 15, 16, 19 paragraphs 2, 3, 4, Articles 20, 21 paragraph (1) items 3, 4 and 5 and Article 22 paragraph (1) items 2, 3 and 4 of the Law on Maintenance of Public Hygiene, Collection and Transportation of Municipal Solid and Technological Waste (“Official Gazette of the Republic of Macedonia” No. 37/98) shall cease to be valid on the day when this Law comes into force.

Article 148

(1) This law shall come in force on the 8th day from the day of its publication in the “Official Gazette of the Republic of Macedonia”, 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).