

# LAW ON MANAGEMENT OF PACKAGING AND PACKAGING WASTE

CONSOLIDATED TEXT <sup>1</sup>

## Macedonian text

Закон за управување со пакување и отпад од пакување

## I. GENERAL PROVISIONS

### Article 1

#### Subject of regulation

This Law shall regulate the requirements for environmental protection that have to be met by the packaging during its production, releasing on the market and putting into use, and the treatment of the packaging waste covering the responsibilities and obligations of the economic operators and other entities participating in the production process, placing on the market and putting into use of the packaging, rules for collection, reuse, recycling and disposal, as well as other requirements for treatment of packaging waste, reporting, and the economic instruments for achieving the national aims for collection and processing of packaging waste.

### Article 2

#### Subsidiary application of other laws

(1) The provisions of the Law on Waste Management shall apply to issues related to the rules for management of the packaging waste that are not separately regulated by this Law.

(2) Unless otherwise regulated by this Law, the provision of the Law on Environmental Protection shall apply to the regulation of issues in connection with access to information refereeing to the environment, public participation in decision making, assessment of the impact of certain strategies, plans and programs on the environment and assessment of the impacts of certain projects on the environment.

(3) Unless otherwise regulated by this Law, the Law on General Administrative Procedure shall apply to the procedures determined by this Law.

### Article 3

#### Aims of the Law

In accordance with the principle for sustainable development, the aims of this Law shall be:

- to prevent the creation of packaging waste,
- to reduce the amount of packaging waste,
- to reduce and restrict the use of hazardous metals and materials in the packaging and thus reduce the toxicity of the packaging waste,
- to prevent or reduce the negative impact of the packaging waste on the environment and to provide a high level of environmental protection,

- to achieve a high level of reuse of the packaging,
- to achieve a high level of recycling and other types of processing of the packaging waste and reduction of the final disposal of the packaging waste,
- to ensure conditions for the establishment of systems for recovering, selecting, collecting, reusing, processing and recycling of packaging waste,
- to ensure conditions for establishment and development of market for processing and recycling of packaging waste, and
- to ensure equal position on the market among domestic and foreign legal entities and natural persons and to avoid and eliminate trade barriers that can distort the market.

## **Article 4**

### **Application of the Law**

(1) The provisions of this Law shall apply to all packaging produced and released on the market on the territory of the Republic of Macedonia and all packaging waste created by performing production, industrial, craft, trade, service, administrative and other activity, of the packaging waste created in the households and /or on other places on the territory of the Republic of Macedonia, regardless of the origin, use and type of the material of the packaging waste and the packaging waste.

(2) The provisions of this Law shall not exclude the application of the provisions regulating the quality of the packaging, safety, hygiene and sanitary protection, health protection and safety of the packed products, as well as the rules related to the transportation of the products and the treatment of waste and packaging waste.

(3) All measures, standards and aims determined by this Law shall be applied as minimum requirements which have to be meet during the management of packaging and packaging waste.

(4) Provided that other law determines measures and standards for the environment, during the management of packaging and packaging waste stricter measures and standards for protection of the environment and achieving environmental aims shall be applied.

## **Article 5**

### **Definitions**

The terms used in this Law shall have the following meaning:

1. Packaging are all products made from any type of material used for the storage, protection, handling, delivery and presentation of goods, from the producer to the consumer or user, regardless of whether the goods is raw material or a finished product. "Non-returnable" items used for the same purposes are also considered as packaging, including the auxiliary means used for wrapping, sealing, connecting and /or use of goods, marking of goods, preparation for delivery or closing of goods. The packaging can be:
  - a) sales or primary packaging (sales packaging) is packaging made in such a way that it represents a single unit for the end user or the consumer at the place of sale. It includes glasses, mugs, bags, cans, bottles, plastic bottles, tubes, boxes, boards, pipes and other or other similar packaging with the components wrapping or containing the basic unit of goods intended for sale to the end user or consumer, at the place of sale and protect the goods from damage or contamination. The single-use plates and glasses are also sales packaging;
  - b) group or secondary packaging (group packaging) is packaging made in such a way that, as a group, wraps or holds together a number of basic units with retail sales pack of the same or different type of goods at the place of purchase, regardless of whether they are sold to the end user or consumer as a group or are sold individually as a sale unit or serve as a

means for delivery to the sale point. The group packaging can be removed from the sales units without affecting its characteristics. This includes folios, boxes and similar materials for wrapping or other packaging whose components are intended for distribution, storage, transport or delivery of goods for sale to the end user or consumer. If the group packaging also performs the function of sales packaging it shall be considered as sales packaging;

c) transport or tertiary packaging (transport packaging) is packaging made in such a way that it wraps or holds together a greater number of basic sales units with sales or group packaging in order to facilitate the handling and transportation of the goods and to protect it from damage during the process of handling and transportation. These includes barrels, crates, flagons, bags, pallet, boxes or other similar packaging. If the transport packaging at the same time performs the function of a sales packaging it shall be considered as sales packaging. Containers, that are used for transport of goods in road, rail, sea or air traffic, are not transport packaging, and

d) where necessary, the determination of which item is considered as "packaging" shall be also be done through the application of the following criteria:

- the item is considered as packaging provided that it meets one of the definitions of a packaging referred to in paragraph 1 of this Article, regardless of the other functions it has, provided that the packaging is an integral part of the product and it is necessary in order to retain its content, support it or protect the product throughout its whole life cycle and all elements of the packaging are intended to be used, spent and removed together with the product,

- the item which is designed or intended to be filled with content at the place of sale and the item intended "for single use" that is sold, filled or is designed and intended to be filled on the place of sale is considered as packaging provided that it meets one of the definitions referred to in paragraph 1 of this Article,

- the packaging components and the auxiliary elements integrated into packaging are considered part of the package in which are embedded. The auxiliary elements that are directly hung or attached to a product, performing the function of packaging are considered to be packaging unless they are not part of that product and if all elements are intended to be used or removed together with the product;

2. Packaging waste is any packaging or packaging material covered by the definition of waste in accordance with the Law on Waste Management, except the residues created during the production of the packaging;

3. Packaging waste which is a municipal waste is waste from sales and group packaging created as domestic waste or waste from industrial, craft, service or other activities, which by its nature and composition is similar to the households waste;

4. Packaging waste which is not a municipal waste is waste from sales, group or transport packaging, created as waste from the performance of production, industrial, craft, trade, service, administrative and other activities and according to its nature and composition is different from the household waste;

5. Management of packaging waste is a set of actions, measures and decisions intended at achieving national aims for treatment of packaging waste undertaken in accordance with this Law and the regulations governing the management and treatment of waste;

6. Prevention is reduction of the quantity and the negative impacts on the environment, especially with development of "clean" products and technologies from:

- materials and substances contained in the packaging and the packaging waste, and

- packaging and packaging waste created during the production process and in the stages of releasing on the market, putting into use, distribution

and disposal;

7. Reuse of packaging is any procedure by which the packaging that was imagined (conceptualized) and designed in such a way that during its life cycle, with or without the help of products for packaging, once or more times can be reused and /or once or more times can be refilled for the same or similar purpose for which was originally produced. This reused packaging becomes a packaging waste when it can no longer be subject to reusing or refilling;

8. Regeneration is any operation of waste processing that can be applied in accordance with the provisions of the Law on Waste Management;

9. Recycling of the packaging waste is each processing of the packaging waste during the production process as a secondary raw material in order to produce new packaging intended for the same or for any other purpose, including organic recycling, and excluding energy processing;

10. The energy processing of the packaging waste is any processing operation which is performed by combusting the packing waste, together or without other waste for the purpose of energy production and usage of the resulting thermal energy;

11. Organic recycling of the packaging waste is aerobic (composting) or anaerobic (biomethanation) processing in controlled conditions using microorganisms for the part of the waste that can be biologically decomposed, producing stabilized organic residue or methane. The disposal of the packaging waste at landfills shall not be considered as organic recycling;

12. Disposal of packaging waste is any operation that can be applied in accordance with the provisions of the Law on Waste Management;

13. Economic operators connected with the management of packaging are:

- producer of packaging is a legal entity or natural person who as its own activity produces, imports and/or releases on the market packaging and their converters,

- producer is a legal entity or natural person who as its own activity packages goods or fills goods in packaging, as well as produces, imports and /or releases on the market goods packed in packaging, including the producer who as an end user imports packed goods,

- small producer is a legal entity or natural person who packages goods or fills goods in packaging and/or produces, imports and/or releases on the market goods packed in packaging in quantities according to Article 19 of this Law,

- commercial entity is a legal entity or natural person who performs trade activity and supplies materials for the production of packaging, packaging and packed goods for the purposes of sale to the end user,

- end provider is a legal entity or natural person who directly provides the packaging or the packed goods to the end user, that is consumer, regardless of whether that person is also a producer, packer or retailer,

- end user is a customer who due to the final use or consumption of the packed goods, separates the goods and /or empties the packaging and thus generates packaging waste and a commercial entity who, due to further use of the goods, separates the packaging from the goods and / or empties the packaging and thus generates waste from group or transport packaging,

- legal entity for treatment of packaging waste is a legal entity which is established by producers for the purpose of fulfilling the obligations referred to in Article 17 of this Law, which has obtained a license for treatment of packaging waste, in accordance with Article 21 paragraph (2) of this Law, and which uses the obtained profit to fulfill the obligations referred to in Article 17 of this Law and

- independent handler of packaging waste (hereinafter: individual handler) is a legal entity or natural person who has obtained a license for

independent handling of packaging waste in accordance with Article 24 paragraph (2) of this Law;

14. Voluntary agreement is a formal agreement containing enforcement clauses concluded between the bodies and organizations representing specific interests of the economic operators, groups of economic operators and individual economic operators, on one side and the Government of the Republic of Macedonia on the other side in order to achieve the aims of this Law determined in Article 3 and the national aims referred to in Article 35 of this Law, which is open to accession by all legal entities and natural persons who wish to meet the requirements determined in the contract. The voluntary agreement in accordance with law shall be available to the public,;

15. Composite packaging (composite) is a package consisting of more layers of different materials that cannot manually be separated or otherwise separated from each other:

16. Returnable packaging is a packaging wherefore a return with deposit can be secured and the same can be reused;

17. Return of the packaging is an activity that provides a return receipt of packaging waste which does not endanger the human health nor apply processes or methods which can be harmful to the environment;

18. Intentional introduction is an activity by which a substance or a matter is deliberately used in formulating the package or packaging component where its permanent presence in the final package or packaging component is desirable to achieve specific characteristics, look or quality of the packaging. The use of recycled materials as a raw material for production of new packaging materials, where part of the recycled materials can contain amounts of regulated substances and materials shall not be considered as intentional introduction;

19. Accidental presence is presence of metal as unintentionally introduced component of the packaging or part of the packaging,

20. The Directorate for Environment, a body within the Ministry of Environment and Physical Planning, shall be the body responsible for carrying out activities in the field of environment, and

21. Another independent legal entity is a legal entity registered to perform expert, technical and consultant services in the field of economy and environment.

## **Article 6**

### **Principles**

(1) In accordance with the aims for long-term protection and sustainable use of natural resources and protection and promotion of the media and areas of the environment, the management of packaging and packaging waste shall be based on:

1) principle of responsibility of the producer - the producer who during the performance of its activity creates and contributes to the creation of packaging waste shall be responsible to undertake measures for management of packaging and packaging waste in order to eliminate and /or reduce to minimum the negative impact on the media and areas of the environment occurring as a result of packaging waste created by its activities. In terms of this principle, the producer of the packaging shall be also considered as a producer, and

2) principle of assessing the life cycle of the product - the producer of goods that is packed in packaging and as a product is released on the market is obliged to carry out the assessment of the product life cycle and design it in a way that can enable reuse and accelerated life cycle of the packaging and product, reduction of waste and packaging waste at the

end of the life cycle of the product and prevention of the negative influences on the media and the areas in the environment.

(2) In addition to the principles determined in this Article regarding the management of packaging and the packaging waste, the principles determined in the Law on Environment and the Law on Waste Management shall be appropriately applied.

## II. REQUIREMENTS FOR PROTECTION OF THE ENVIRONMENT

### Article 7

#### Measures for restriction and prevention

(1) In order to restrict and prevent the creation of quantities of materials and hazardous substances contained in packaging and packaging waste, the producer of the packaging and the producer during production or import of materials shall be obliged to use the best technologies and production processes proven in practice and available on the market which at a reasonable price, contribute to:

- reduction in the creation of the quantity of packaging and packaging waste,
- prevention and reduction of harmful / negative influences on the media and areas of environment caused by those quantities and the composition of the material of the packaging and the packaging waste, and
- prevention and reduction of the harmful / negative influences on the media and the areas of the environment during production, release on the market, selection and use of packaging as well as processing or disposal of the packaging waste.

(2) For the purpose of implementing the measures referred to in paragraph (1) of this Article, the producer of the packaging and the producer who annually produce or use a package that is greater than 30 tons shall be required to develop programs for restriction and prevention of the creation of packaging waste which in particular should include quantitative measures for restriction and prevention, measures for achieving the aims and mechanisms for quality control of packaging for the purpose of meeting the targets in accordance with the technical and economic opportunities.

(3) The program referred to in paragraph (2) of this Article shall be prepared for a period of four years.

(4) In case of change of the activities of the entities referred to in paragraph (1) of this Article, they shall be obliged to prepare a new program.

(5) For an easier identification of the items which are considered as "packaging", in accordance with the criteria referred to in Article 5 point 1 subpoint d) of this Law, the Minister of Environment and Physical Planning shall publish a list of illustrative examples of packaging.

### Article 8

#### Release on the market

Packaging can be released on the market provided that it meets the basic requirements determined in this Law concerning the production, composition and nature of the packaging and the packaging that can be reused, including the suitability for processing, that is recycling.

#### Article 8-a

## **Prohibition to release bags for transport of goods on the market**

(1) It is prohibited to release on the market bags for transport of goods made of ethylene polymers, poly (vinyl chloride) and/or other plastic materials.

(2) As an exception to paragraph (1) of this Article it is allowed to release on the market biodegradable bags made of the appropriately prescribed standards for biodegradability.

(3) The standards for biodegradability referred to in paragraph (2) of this Article that are supposed to be met by the bags for transport of goods, the manner of release and use of biodegradable bags for transport of goods on the market shall be prescribed by the minister heading the state administration body responsible for activities in the environmental field.

## **Article 9**

### **Application of standards in the management of packaging and packaging waste**

(1) The packaging produced and released on market in the Republic of Macedonia shall have to be in accordance with the European and national standards.

(2) The packaging shall meet the requirements determined in the standards referred to in paragraph (1) of this Article, provided that it is produced in accordance with:

1) the harmonized European standards adopted as national, referring to the:

- criteria and methodologies for analysis of the life cycle of the packaging,
- methods for measuring and verification of the presence of heavy metals and other harmful packaging waste,
- criteria for the minimum content of the material that is recycled in the packaging for appropriate types of packaging,
- criteria for the methods of recycling,
- criteria for the methods of composting and the produced compost, and
- criteria for marking of the packaging, and

2) other national standards in the field of packaging quality.

## **Article 10**

### **Requirements regarding the production and composition of the packaging**

(1) The packaging shall be produced in such manner that the volume and weight of packaging are limited to the minimum adequate amount in order to maintain the required level of safety, hygiene and acceptance for the packed product and the consumer.

(2) The packaging has to be designed, produced and sold in such manner as to enable the reuse or processing, including recycling, wherefore the negative environmental impact during the disposal of the packaging waste or the residues incurred during the operations for treatment of packaging waste shall be reduced to a minimum.

(3) The packaging has to be produced in such manner wherefore the presence of harmful and dangerous substances and matters, the presence of heavy metals and other harmful matters and substances as constituents of the packaging material or of any of the packaging components shall be reduced to a minimum in terms of their presence in emissions, ash or discharge created during combustion or disposal of the packaging, or is created during the operations for treatment of packaging waste.

## Article 11

### Requirements for levels of concentration of heavy metals present in the packaging

(1) The overall level of concentration of lead, cadmium, mercury and hexavalent chromium present in the packaging and its integral material or components cannot exceed 100 milligrams per kilogram of weight, except for packaging that is fully produced out of lead-crystal glass.

(2) The producer or the producer of packaging together with the shipment of the packaging or the materials for the production of the packaging released on the market shall be obliged to have data that the requirements referred to in paragraph (1) of this Article have been met.

(3) As an exception to paragraph (1) of this Article, the content of the heavy metals can exceed the level of 100 milligrams per kilogram of mass weight for glass packaging, plastic crates and pallets that come from recycled materials, and if the heavy metals are not deliberately included in the production process, that is are accidentally present.

(4) The entities referred to in paragraph (2) of this Article, as well those whose packaging contains heavy metals referred to in paragraph (1) of this Article shall be obliged to conduct checks on the presence of concentration levels of heavy metals, as well as to keep records and submit annual report regarding the treatment with the waste of those packaging to the body performing expert activities in the area of the environment (hereinafter: the expert body).

(5) The minister heading the body of the state administration body competent for performing activities in the area of the environment shall prescribe the manner and requirements regarding the exceeding of the presence of concentration levels of heavy metals referred to in paragraph (3) of this Article, as well as the manner of keeping and content of the records and the report referred to in paragraph (4) of this Article

(6) The results of the measurements conducted in the production processes, as well as the used measurement methods shall have to be kept for at least four years and, on a request of the inspection bodies, made available at any time.

## Article 12

### Requirements regarding the nature of the packaging intended for reuse

The packaging produced with the intention to be used again have to meet the following requirements:

- the physical properties and characteristics of the packaging should be such as to ensure adequate quality of the packaging, in order to be reused it normal predictable conditions of use,
- to enable, during the processing of the used packaging, the requirements regarding the health and safety conditions for safety at work to be met, and
- to enable the packaging which can no longer be used to satisfy the requirements that the packaging waste has to meet.

## Article 13

### Requirements regarding the suitability of the packaging for processing and recycling

The packaging in terms of its suitability for processing and recycling of material shall have to meet the following requirements:

- packaging that can be processed through the recycling operations has to



be produced in such a manner that when it becomes a packaging waste to allow recycling of a certain weight percentage of materials used in production of the product intended for sale in accordance with the applicable standards. The establishment of this percentage can vary depending on the type of material comprising the packaging,

- packaging that can be processed through energy processing operations when it becomes packaging waste needs to have a minimum inferior calorific value as to enable optimal production of energy,
- packaging that can be processed by composting operations has to be produced in such manner that when they become packaging waste to have a biodegradable property that cannot hinder the separate collection and the process of composting or the activity into which it is introduced, and
- packaging that is produced from biodegradable materials has to be manufactured in such a way that when it becomes packaging waste to be of such nature that it is capable of undergoing physical, chemical, thermal or biological decomposition, so that most of the final compost ultimately decomposes into carbon dioxide, biomass and water.

## **Article 14**

### **Identification and marking of the packaging**

(1) The packaging shall be identified and marked in accordance with the nature of the material from which the packaging is produced, in order to facilitate the collection, reuse and processing, including recycling of the packaging.

(2) The packaging shall have to be identified and marked with appropriate marking on the packaging itself or on its label, and if the size of packaging that does not allow that, then the indication shall be given in the accompanying guide.

(3) The marking shall have to contain the following information:

- 1) type of material used in the packaging;
- 2) possibility of reuse if any, and
- 3) possibility of processing, that is recycling if any.

(4) During sales, the mark shall have to be clearly visible and easily readable and when returning the packaging, durable and permanent, even when the packaging is opened.

(5) The Minister of Environment and Physical Planning in accordance with the Minister of Economy shall prescribe the manner of numbering and the abbreviations on which the system for identification and marking of materials from which the packaging is produced is based, as well as the form and content of the marking for the purpose of treatment of the packaging.

## **Article 15**

### **Information for the packaging users**

(1) The producers shall be obliged, in an appropriate manner, to inform the seller and the consumer on the relevant properties of the product and its packaging in terms of the hazardous and harmful materials and substances they contain and the manner of treatment of the used products and packaging when it becomes a packaging waste.

(2) The producers shall be obliged to provide data on the amount of heavy metals referred to in Article 11 of this Law for each type of material from which the packaging that is released on the market is produced.

(3) The producers shall be obliged to provide data, by themselves or through the package producers, on the amount of heavy metals referred to in Article 11 of this Law for each type of packaging wherein the goods is packed or filled.

(4) The producers of a packaging shall be obliged to provide data on the amount of heavy metals referred to in Article 11 of this Law for each type of material intended for the production of packaging.

### **III. PACKAGING WASTE TREATMENT**

#### **Article 16**

##### **Prohibitions**

(1) Packaging waste that is commercial waste and or is not municipal waste shall be prohibited to be left or given at places designated for collection and selection of municipal waste from households.

(2) The end user shall be obliged to keep separately the packaging waste, being commercial waste and /or is not municipal waste, that is given or returned in accordance with this Law, in order not to be mixed with other type of waste and to be collected and reused, treated or disposed in accordance with this or other laws.

(3) The end user shall be obliged to secure that the packaging waste that is commercial waste and / or is not municipal waste, being given or returned, is not contaminated with harmful or hazardous substances and other materials that are not packaging, provided that these materials can prevent its reuse or recycling or that this can be possible only by taking additional measures that have disproportionately high costs.

(4) As for the packaging waste that is contaminated with hazardous substances that are not packaging, the end user, as an owner of waste, shall be obliged to provide treatment of the same in accordance with the regulations for waste treatment.

#### **Article 17**

##### **Obligations of the producer**

(1) The producer shall be obliged, at its own expense, to ensure fulfillment of the national aims referred to in Article 35 of this Law by collecting and processing or recycling of the waste created from the packaging released for the first time on the market in the Republic of Macedonia by:

- regular taking of the packaging waste that is municipal waste in accordance with Article 26 paragraph (3) of this Law and ensuring its reuse, recycling or disposal, and
- taking and collection of packaging waste from the end users and its reuse, processing or disposal.

(2) The producer, who at the same time is an end user, shall be obliged, at its own expense, to ensure fulfillment of the national aims referred to in Article 35 of this Law by collecting and processing or recycling the waste created by the packaging imported on the market in the Republic Macedonia.

(3) The obligations referred to in paragraph (1) of this Article shall not apply to the packaging being exported as packaging or packed goods.

(4) The obligation referred to in paragraph (1) and (2) of this Article shall not apply to the entities referred to in Articles 30, paragraph (3), 31, 32 and 33 of this Law.

#### **Article 18**

##### **Treatment of sales, group and transport packaging**

(1) The producer of the packaging, the producer and the commercial entity shall be obliged immediately after the delivery of the goods or at the

next delivery, to take the waste from the group and transport packaging back for free, provided that the end user wants to return it. If the end user takes the goods from the producer of the packaging, the producer or the commercial entity by itself, then it can leave the waste from the group or transport packaging directly at the taking place or additionally return it free of charge.

(2) The obligations referred to in paragraph (1) of this Article shall also apply to the sales packaging performing the function of group or transport packaging.

(3) The producer of packaging, the producer and the commercial entity shall be obliged to freely accept the waste from the sales packaging that is commercial waste and / or is not municipal waste, when the end user wants to return it and for such waste special manners of treatment are not prescribed.

(4) For the purpose of implementation of the obligations referred to in paragraphs (1), (2) and (3) of this Article, the producer of the packaging, the producer and the commercial entity shall be obliged to organize separate space and provide equipment for selective collection of packaging waste, provided that the sales space is greater than 200 m<sup>2</sup>.

(5) The producer of packaging, the producer and the commercial entity can temporarily store the collected amounts of packaging waste in closed or open space.

(6) The producer of packaging, the producer and the commercial entity having smaller sales space than 200 m<sup>2</sup> can organize space and provide equipment for selective collection of the packaging waste.

## **Article 19**

### **Exemption - small producer**

(1) The obligation referred to in Article 17 of this Law shall only apply to the producer who released or imported on the market in the Republic of Macedonia more of the following amounts and certain types of packaging:

- 800 kg of glass,
- 100 kg of plastic
- 300 kg of paper, cardboard and multilayer packaging made predominately out of paper or cardboard components,
- 100 kg of metal
- 100 kg of wood, and
- 100 kg of other types of packaging.

(2) The quantities referred to in paragraph (1) of this Article shall be calculated as individual cumulative amounts of the packaging material.

(3) The producer referred to in paragraph (1) of this Article shall be obliged to keep records in accordance with Article 28 paragraphs

(3) and (4) of this Law.

## **Article 20**

### **Collective treatment of packaging waste**

(1) The producers can fulfill the obligations referred to in Article 17 of this Law independently or by signing a separate contract for assuming responsibilities for treatment of packaging waste with a legal entity which in accordance with this Law and / or the Law on Waste Management, shall provide treatment of the packaging waste on their behalf and for their account (hereinafter: legal entity responsible for treatment of packaging waste).

(2) The legal entity responsible for treatment of packaging waste shall be

obliged to provide:

- regular taking of the packaging waste being a municipal waste in accordance with Article 26 paragraph (3) of this Law,
- regular taking and collection of packaging waste from the end users, and
- reuse, recycling or disposal of the taken and collected quantity of packaging waste in accordance with lines 1 and 2 of this paragraph.

(3) The legal entity responsible for treatment of packaging waste shall be obliged to obtain a license in accordance with Article 21 of this Law.

(4) The performance of activities referred to in paragraph (2) of this Article cannot be performed independently by the legal entity responsible for treatment of packaging waste, and it shall be obliged thereto to entrust it to entities registered for performance of such activities that are in possession of valid licenses in accordance with this Law and/or the Law on Waste Management.

(5) The producer referred to in paragraph (1) of this Article shall be obliged to pay the legal entity responsible for treatment of packaging waste it has concluded an agreement with for assuming obligations in regard to treatment of packaging waste, an appropriate price for the service related to the fulfilling of the obligations in regard to the treatment of the packaging waste created by the producer.

## **Article 21**

### **The legal entity responsible for treatment of packaging waste**

(1) The legal entity responsible for treatment of packaging waste may treat the packaging waste of behalf of and for the account of the producers, if it has secured contracts for assuming obligations for treatment of packaging waste from producers that jointly release on the market or import in the Republic of Macedonia at least 15%, but not more than 51% of the primary, secondary and tertiary packaging during one year and if it holds the license referred to in paragraph (2) of this Article.

(2) The legal entity responsible for treatment of packaging waste shall be obliged to obtain a license for treatment of packaging waste by the Ministry of Environment and Physical Planning on the basis of a written request which, in particular, contains:

- 1) name and head office of the legal entity responsible for treatment of packaging waste;
- 2) time period for which the license is requested;
- 3) establishment contract or statute of the legal entity responsible for treatment of packaging waste;
- 4) list with name, address, activity, number of the business entity and tax number of the producer referred to in Article 17 of this Law, in whose behalf and on whose account the packaging waste is going to be treated;
- 5) proof that at the time of filing the application it has contracts for assuming obligations for treatment of packaging waste concluded with the producers that jointly release on the market or import into the Republic of Macedonia at least 5% of the primary, secondary and tertiary packaging on an annual level and the planned manner for meeting the requirement referred to in paragraph (1) of this Article within a period of one year from day of receipt of the license;
- 6) certificate for being a legal entity - current status from the Central Register of Republic of Macedonia;
- 7) registered mark on the packaging if it intends to ensure the participants in the system that the packaging waste is going to be treated, and
- 8) program for treatment of packaging waste as referred to in Article 22 of this Law.

(3) In addition to the documents referred to in paragraph (2) of this Article, and depending on the type of packaging, the expert body, if

necessary, can require from the applicant to submit additional information in accordance with this Law and / or the Law on Waste Management.

(4) Provided that a change occurs of the data submitted with the license referred to in paragraph (2) of this Article, the legal entity responsible for treatment of packaging waste shall be obliged to inform the expert body within two months from the time of occurrence of the change.

(5) The legal entity responsible for treatment of packaging waste shall be obliged, no later than March 31st, when submitting the report on treatment of packaging waste referred to in Article 27 of this Law to the expert body, to also submit the list referred to in paragraph (2) line 5 of this Article wherefore the entering into the records of producers on whose behalf and for whose account the packaging waste is being treated shall be conducted.

(6) The legal entity responsible for treatment of packaging waste shall be responsible for proper treatment of the waste in accordance with this Law and for achieving the aims referred to in Article 35 paragraph (1) of this Law on behalf and on the account of the producers referred to in Article 17 of this Law with whom the contract for assuming the obligations for treatment of the waste has been concluded.

(7) The license referred to in paragraph (2) of this Article shall be issued for a period of five years.

(8) The license referred to in paragraph (2) of this Article shall be issued by the Ministry of Environment and Physical Planning on the basis of a proposal from the expert body.

(9) The legal entity responsible for treatment of packaging waste shall be obliged to issue a certificate for exemption from paying the compensation referred to in Article 40 of this Law to the producers referred to in Article 17 of this Law with which the contract for assuming the obligations for treatment of the packaging waste has been concluded.

(10) If the state administration body competent for performing activities in the area of environment rejects the request for issuance of the license referred to in paragraph (2) of this Article, the submitter of the request shall have right to appeal with the State Commission for Decision-making in Administrative Dispute and Labor Relation Dispute in Second Instance.

(11) The form and content of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administration body competent for performing activities in the area of environment.

### **Article 21-a**

(1) If the state administration body competent for performing activities in the area of environment does not issue the license for treatment of packaging waste, i.e. does not adopt a decision to reject the request for license issuance referred to in Article 21 paragraph (2) of this Law, within a period of three working days as of the expiry of the referred time period the submitter of the request shall have right to submit a request to the filing office of the minister heading the state administration body competent for performing activities in the area of environment to adopt a decision for approving the issuance of the license referred to in Article 22 paragraph (2) of this Law. If the minister does not have a filing office, the request shall be submitted to the filing office in the head office of the state administration body competent for performing activities in the area of environment.

(2) The form and content of the request Form referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administration body competent for performing activities in the area of environment.

(3) The submitter of the request referred to in paragraph (1) of this Article shall also submit a copy of the request referred to in Article 21 paragraph (2) of this Law for issuance of the license.

(4) The minister heading the state administration body competent for performing activities in the area of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (1) of this Article to adopt a decision for accepting or rejecting the request for issuance of the license referred to in Article 21 paragraph (2) of this Law.

(5) If the minister heading the state administration body competent for performing activities in the area of environment does not adopt a decision in the time period referred to in paragraph (4) of this Article, the submitter of the request may notify the State Administrative Inspectorate within a period of five working days.

(6) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (5) of this Article, to conduct inspection supervision in the state administration body competent for performing activities in the area of environment to inspect whether the procedure in accordance with law has been conducted, and to notify the submitter of the request about the situation established during the supervision within a period of three working days as of the day the supervision has been conducted.

(7) Upon the supervision completed in accordance with law, the inspector of the State Administration Inspectorate shall adopt a decision obliging the minister heading the state administration body competent for performing activities in the area of environment, within a period of ten days, to decide upon the submitted request, that is to accept or reject the request and notify the inspector about the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification.

(8) If the minister heading the state administration body competent for performing activities in the area of environment does not decide within the time period referred to in paragraph (7) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection and shall define additional time period of five working days during which the minister heading the state administration body competent for performing activities in the area of environment is to decide upon the submitted request and within the same time period notify the inspector for the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification. The inspector shall inform the submitter of the request about the measures undertaken within a period of three working days.

(9) If the minister does not decide even in the additional time period referred to in paragraph (8) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the submitter of the request in regard to the measures undertaken.

(10) If the inspector does not act upon the notification referred to in paragraph (5) of this Article, the submitter of the request shall have right to file a complaint to the filing office of the Director of the State Administrative Inspectorate within a period of five working days. If the Director does not have a filing office, the complaint shall be filed to the filing office in the head office of the State Administrative Inspectorate.

(11) The Director of the State Administrative Inspectorate shall be obliged to review the complaint referred to in paragraph (10) of this Article within a period of three working days as of the day of receipt and, if he/she establishes that the inspector has not acted upon the notification of the submitter of the request referred to in paragraphs (6) and (7) of this Article and/or has not filed a report in accordance with paragraphs (8) and

(9) of this Article, the Director of the State Administrative Inspection shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection for the inspector and shall define additional time period of five working days during which the inspector shall conduct supervision in the state administration body competent for performing activities in the area of environment to inspect whether the procedure in accordance with law has been conducted and shall notify the submitter of the request about the measures undertaken within a period of three working days as of the day the supervision has been conducted.

(12) If the inspector does not act even in the additional time period referred to in paragraph (11) of this Article, the Director of the State Administrative Inspectorate shall file a report to the competent public prosecutor against the inspector, and shall inform the submitter of the request about the measures undertaken within a period of three working days.

(13) In the case referred to in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall immediately, and in a period of one working day at the latest, authorize another inspector to conduct the supervision immediately.

(14) In the case referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall inform the submitter of the request about the measures undertaken within a period of three working days.

(15) If the Director of the State Administrative Inspectorate does not act in accordance with paragraph (11) of this Article, the submitter of the request may file a report to the competent public prosecutor within a period of eight working days.

(16) If the minister does not decide in the time period referred to in paragraph (8) of this Article, the submitter of the request may initiate an administrative dispute with the competent court.

(17) The procedure with the Administrative Court shall be urgent.

## **Article 22**

### **Program for treatment of packaging waste**

(1) The program for treatment of packaging waste shall compulsorily contain the following data:

- type of packaging for which the legal entity responsible for treatment of packaging secures treatment of packaging waste (hereinafter: system),
- manner of achieving the national aims referred to in Article 35 of this Law,
- anticipated manner and amount of taking and collecting packaging waste from the end users,
- anticipated manner and scope of the regular taking of packaging waste that is municipal waste from municipalities, the municipalities in the City of Skopje and the City of Skopje in accordance with Article 26 of this Law and a plan to conclude future contracts with them, including the number of residents covered for the period of validity of the program,
- anticipated manner and measures in accordance with Article 23 paragraphs (2) and (3) for the purpose of informing the public and end users,
- number and locations of collecting places and centers included in the system and name of the legal entities or natural persons managing them,
- type and capacity of assets and equipment owned by the legal entities or natural persons who, like other persons in terms of Article 20 paragraph (4) of this Law are included in the system for collection, temporary storage, sorting or other activities related to the packaging waste before ensuring the reuse, recycling or disposal of packaging waste,

- anticipated total annual amount of the collected packaging waste and the share of the type of material referred to in Article 40 paragraph (2) of this Law and the share of the collected packaging waste intended for reuse, processing, recycling or export,
- anticipated manner and amount of the collected packaging waste intended for reuse, processing and disposal with name of the legal entities performing the reuse, processing or disposal,
- evidence that the functioning of the system is financially sustainable, financial development plan and proof for the initial investments in the system, and
- manner of implementation of the deposit, provided that it is introduced.

(2) During the establishment of the system and the preparation of the program referred to in paragraph (1) of this Article, the legal entity responsible for treatment of packaging waste shall be obliged to take into account the following issues:

- population density and the amount and type of packaging waste that is municipal waste,
- organization of collecting places and centers that are included in the system for collecting and taking of the packaging waste, and
- spatial misplacement, that is distance of the objects and the capacities wherein the collected packaging waste is being processed (recycled and energy processing is done on packaging waste) and removed.

(3) The program referred to in paragraph (1) of this Article shall be adopted for a period of five years.

(4) For the issues referred to in paragraph (2) of this Article the legal entity responsible for treatment of packaging waste shall be obliged to provide proofs that they were taken into account and properly arranged.

(5) The collection, processing and disposal of the packaging waste, can be entrusted by the legal entity responsible for treatment of packaging only to legal entities and natural persons holding appropriate licenses for waste treatment in accordance with the Law on Waste Management and provided that it conduct this in a manner and under conditions as prescribed by the Law and in buildings and facilities that meet the prescribed requirements.

(6) As an exception to paragraph (5) of this Article the legal entity responsible for treatment of packaging waste can by associating with the legal entities or natural persons referred to in paragraph (5) of this Article participate in the activities for treatment of packaging waste related exclusively to the collection and sorting of packaging waste by type, baling and preparation for further treatment of the packaging waste under conditions determined by the Law on Waste Management.

## **Article 23**

### **Obligations for treatment**

(1) The legal entity responsible for treatment of packaging waste during the organization of the system for treatment of packaging waste shall be obliged to ensure that the collecting places and centers are arranged in such a way as to allow the end users to leave the packaging waste even in the case when the taking of the packaging waste is not directly ensured with the end users and the last suppliers.

(2) The legal entity responsible for treatment of packaging waste shall be obliged to inform the public and the end users in an appropriate manner about the purpose and aims of the collection of packaging waste, for proper treatment of the same, and the opportunities for leaving and giving and the possibilities for recycling and processing of the packaging waste, including the information on raising the responsibility for proper treatment of packaging waste and the manner of proceedings with the packaging waste covered with the system.



(3) The legal entity responsible for treatment of packaging waste in cooperation with municipalities, the City of Skopje and municipalities of the City of Skopje shall be obliged, on appropriate places, to inform the public about the addresses of collecting places and centers that exist in the area of that municipality, the City of Skopje or municipality in the City of Skopje included in the system, that is where the packaging waste is being collected.

## **Article 24**

### **Independent treatment of packaging waste**

(1) The obligations referred to in Article 17 of this Law can be independently performed by the producers, provided that the license for treatment of packaging waste in accordance with paragraph (2) of this Article has been obtained and is registered in the records of the expert body as an independent producer that independently provides treatment of packaging waste it produces.]

(2) The license referred to in paragraph (1) of this Article shall be obtained by an appropriate application of the provisions of Articles 21 and 22 of this Law.

(3) On the basis of the obtained license, the expert body shall issue a certificate that the producer is registered in the producer's records as an entity that independently provides treatment of packaging waste it produces (hereinafter: independent handler of packaging waste).

(4) The independent handler of packaging waste shall be obliged to provide:

- regular taking of the packaging waste it creates,
- regular taking and collecting the packaging waste from the end users, and
- reuse, processing or disposal of the collected and taken quantity of packaging waste in accordance with lines 1 and 2 of this paragraph.

(5) The independent handler of packaging waste shall be obliged to appropriately meet the obligations referred to in Article 23 of this Law and submit reports in accordance with Article 27 of this Law.

(6) If the state administration body competent for performing activities in the area of environment rejects the request for issuance of the license referred to in paragraph (2) of this Article, the submitter of the request shall have right to appeal with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance.

## **Article 24-a**

(1) If the state administration body competent for performing activities in the area of environment does not issue the license for treatment of packaging waste, i.e. does not adopt a decision to reject the request for license issuance referred to in Article 24 paragraph (2) of this Law in a period of 60 days, within a period of three working days as of the expiry of the referred time period the submitter of the request shall have right to submit a request to the filing office of the minister heading the state administration body competent for performing activities in the area of environment to adopt a decision for approving the issuance of the license referred to in Article 24 paragraph (2) of this Law. If the minister does not have a filing office, the request shall be submitted to the filing office in the head office of the state administration body competent for performing activities in the area of environment.

(2) The form and content of the request Form referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administration body competent for performing activities in the area of

environment.

(3) The submitter of the request referred to in paragraph (1) of this Article shall also submit a copy of the request referred to in Article 24 paragraph (2) of this Law for issuance of the license.

(4) The minister heading the state administration body competent for performing activities in the area of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (1) of this Article to adopt a decision for accepting or rejecting the request for issuance of the license referred to in Article 24 paragraph (2) of this Law.

(5) If the minister heading the state administration body competent for performing activities in the area of environment does not adopt a decision in the time period referred to in paragraph (4) of this Article, the submitter of the request may notify the State Administrative Inspectorate within a period of five working days.

(6) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (5) of this Article, to conduct inspection supervision in the state administration body competent for performing activities in the area of environment to inspect whether the procedure in accordance with law has been conducted, and to notify the submitter of the request about the situation established during the supervision within a period of three working days as of the day the supervision has been conducted.

(7) Upon the supervision completed in accordance with law, the inspector of the State Administration Inspectorate shall adopt a decision obliging the minister heading the state administration body competent for performing activities in the area of environment, within a period of ten days, to decide upon the submitted request, that is to accept or reject the request and to notify the inspector about the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification.

(8) If the minister heading the state administration body competent for performing activities in the area of environment does not decide within the time period referred to in paragraph (7) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection and shall define additional time period of five working days during which the minister heading the state administration body competent for performing activities in the area of environment is to decide upon the submitted request and within the same time period to notify the inspector for the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification. The inspector shall inform the submitter of the request about the measures undertaken within a period of three working days.

(9) If the minister heading the state administration body competent for performing activities in the area of environment does not decide even in the additional time period referred to in paragraph (8) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the submitter of the request in regard to the measures undertaken.

(10) If the inspector does not act upon the notification referred to in paragraph (5) of this Article, the submitter of the request shall have right to file a complaint to the filing office of the Director of the State Administrative Inspectorate within a period of five working days. If the Director does not have a filing office, the complaint shall be filed to the filing office in the head office of the State Administrative Inspectorate.

(11) The Director of the State Administrative Inspectorate shall be obliged to review the complaint referred to in paragraph (10) of this Article within a period of three working days as of the day of receipt and, if he/she establishes that the inspector has not acted upon the notification of the

submitter of the request referred to in paragraphs (6) and (7) of this Article and/or has not filed a report in accordance with paragraphs (8) and (9) of this Article, the Director of the State Administrative Inspection shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection for the inspector and shall define additional time period of five working days during which the inspector shall conduct supervision in the state administration body competent for performing activities in the area of environment to establish whether the procedure has been implemented in accordance with law and shall notify the submitter of the request about the measures undertaken within a period of three working days as of the day the supervision has been conducted.

(12) If the inspector does not act even in the additional time period referred to in paragraph (11) of this Article, the Director of the State Administrative Inspectorate shall file a report to the competent public prosecutor against the inspector, and shall inform the submitter of the request about the undertaken measures within a period of three working days.

(13) In the case referred to in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall immediately, and in a period of one working day at the latest, authorize another inspector to conduct the supervision immediately.

(14) In the case referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall inform the submitter of the request about the measures undertaken within a period of three working days.

(15) If the Director of the State Administrative Inspectorate does not act in accordance with paragraph (11) of this Article, the submitter of the request may file a report to the competent public prosecutor within a period of eight working days.

(16) If the minister does not decide in the time period referred to in paragraph (8) of this Article, the submitter of the request may initiate an administrative dispute with the competent court.

(17) The procedure with the Administrative Court shall be urgent.

## **Article 25**

### **Keeping records**

(1) The expert body shall keep records of the legal entities dealing with the treatment of the packaging waste, which have obtained a license in accordance with Article 21 of this Law, as well as the producers referred to in Article 17 of this Law who have a contract for assuming the obligations for treatment of the packaging waste.

(2) The expert body shall be obliged to regularly update and publish on its web page and at least once a year publish in the "Official Gazette of the Republic of Macedonia" the records referred to in paragraph (1) of this Article.

(3) The expert body shall keep records of the independent handlers with packaging waste referred to in Article 24 of this Law and shall be obliged to regularly update and publish them on its web page and at least once a year in the "Official Gazette of the Republic of Macedonia".

(4) The form and content of the form for keeping records of the producers referred to in paragraphs (1) and (3) of this Article, the manner of keeping records as well as the form and content of the form of the certificate referred to in Article 24 paragraph (3) of this Law shall be prescribed by the Minister of Environment and Physical Planning.

## Article 26

### Responsibilities of a mayor

(1) The mayor of the municipality, of the municipality in the City of Skopje and of the City of Skopje shall be responsible to organizing separate collection of packaging waste that is municipal waste on the territory of the municipality, the municipality in the city of Skopje and the City of Skopje.

(2) The responsibilities referred to in paragraph (1) of this Article, shall be exercised on the basis of an agreement with the legal entity for treatment of packaging waste or the independent handler with packaging waste.

(3) The mutual rights and obligations of the contracting parties, the conditions and manner of introduction of separate collection and treatment of packaging waste, the type of waste packaging requirements regarding the quality of the collected packaging waste, the type of collection system and, if possible, the treatment of packaging waste, the method of financing and coverage of costs, methods of informing the public and end users, as well as other issues of common interest shall be regulated by the contract referred to in paragraph (2) of this Article.

(4) The national aims referred to in Article 35 of this Law shall be compulsory taken into consideration in the programs for waste management and the acts of the municipalities, the municipalities in the city of Skopje and the City of Skopje regulating the issue of treatment of municipal and other types of non-hazardous waste determined in accordance with the Law on Waste Management.

## Article 27

### Obligations for submitting reports

(1) The legal entity responsible for treatment of packaging waste and the independent handler of the packaging waste shall be obliged to keep records for the packaging waste they collect or take over during one calendar year, proving that by collecting, reusing, processing or disposing by the end of the following year, the national aims determined in Article 35 of this Law shall be achieved.

(2) The legal entity responsible for treatment of packaging waste shall be obliged no later than March 31st in the current year to submit an annual report to the expert body regarding the treatment of packaging waste by the producers on whose behalf and for whose account it is responsible for proper treatment of the packaging waste in accordance with Article 21 of this Law the previous year which contains data in particular:

- 1) for the amount and type of packaging released on the market in the Republic of Macedonia;
- 2) for sales, transportation and group packaging:
  - amount and type of packaging being reused;
- 3) for the packaging waste that is municipal waste and packaging waste which is not municipal waste:
  - amount and type of packaging waste that is recycled or otherwise processed, and
  - amount and type of packaging waste that is exported from the Republic of Macedonia for processing and
- 4) total review of the treatment of packaging waste.

(3) The independent handler of the packaging waste shall be obliged to submit the annual report referred to in paragraph (2) of this Article for the packaging waste it creates.

(4) The notification shall be performed in a manner determined in accordance with Article 28 of this Law.

(5) The annual report referred to in paragraph (2) of this Article before submission to the expert body shall be compulsory confirmed by the other independent legal entity.

(6) The expert body shall be obliged to approve the annual report referred to in paragraph (2) within a time period of 60 days from the day of receipt.

## **Article 28**

### **Keeping records of packaging quantities**

(1) The producer referred to in Article 17 of this Law shall be obliged to keep records on the type and quantity of the produced, imported and exported packaging, according to the type of material that the packaging is produced from that has been released on the market during one calendar year and the treatment of packaging waste in written and electronic form.

(2) The producer shall be obliged no later than March 31st in the current year to submit an annual report to the expert body on the type and quantity of packaging, imported or released on the market in the Republic of Macedonia for the previous calendar year and for the treatment of packaging waste thereon on a form for an annual report on packaging and packaging waste in written and electronic form. The proof regarding the presence of heavy metals referred to in Article 15 paragraph (3) of this Law shall be submitted and noted in the annual report.

(3) The producer shall be obliged for each product that has a different package to prepare a production specification, containing information about the weight of the packaging of that product, including its group and transportation packaging.

(4) The producer as an end user shall be obliged based on the production specifications referred to in paragraph (3) of this Article to keep monthly and annual records for the total package released on the market or imported in the Republic of Macedonia.

(5) The form and content of the form of the annual report referred to in paragraph (2) of this Article, the form and content of the form of the production specifications referred to in paragraph (3) of this Article, the form and content of the form of the records referred to in paragraph (4) this Article, as well as the manner in which the records referred to in paragraph (4) of this Article are to be kept, shall be prescribed by the Minister of Environment and Physical Planning.

(6) If the producers have concluded a contract with a legal entity responsible for treatment of packaging waste in accordance with Article 21 of this Law, then the annual report referred to in paragraph (2) of this Article shall be submitted by that legal entity.

(7) The data referred to in paragraph (1) of this Article shall be kept for five years calculating from the end of the calendar year to which they refer.

(8) The first annual report referred to in paragraph (2) of this Article shall be submitted by the producers, provided that they have not concluded a contract with a legal entity responsible for treatment of packaging waste.

## **Article 29**

### **Revocation of licenses**

The expert body shall initiate a procedure for revocation of the license and shall delete from the records referred to in Article 25 of this Law, the legal entity responsible for treatment of packaging waste and the independent

handler of the packaging waste if the report of the supervision concludes that:

- the treatment of the packaging waste in accordance with this or any other law is not ensured,
- the annual report in accordance with Article 27 of this Law is not submitted, and
- it fails to meet the national aims in accordance with Article 35 of this Law in two consecutive years or two years in a period of three years.

## **Article 30**

### **Responsibilities of the end users and the last supplier**

(1) The producer, at the same time being an end user, who for the performance of its activity or activities, alone imports goods packed in packaging and does not have a prior mediator or supplier in the Republic of Macedonia shall be obliged for the created packaging waste to provide treatment in the following manner:

- to conclude a contract with a legal entity responsible for treatment of waste referred to in Article 21 of this Law that on his behalf and his account shall provide reuse, processing or disposal of the packaging waste, or
- to independently process the packaging waste and ensure its reuse, processing or disposal in accordance with Article 24 of this Law.

(2) The end users shall be obliged to select and leave at places designated for that purpose the created waste, or to give it to the legal entities or natural persons who hold licenses for waste treatment in accordance with the regulations on waste management.

(3) The commercial entity, at the same time being the last supplier, shall be obliged for the packed goods intended for selling to ensure:

- a written statement from the legal entity wherefrom the goods are being bought that a contract with a legal entity referred to in Article 21 of this Law responsible for treatment of packaging waste has been concluded or that the legal entity referred to in Article 24 of this Law that is an independent handler of packaging waste,
- the packaging needs to be marked in accordance with Article 21 paragraph (2) line 8 of this Law or
- the packaging has to be produced in accordance with Articles 31, 32 and 33 paragraph (1) of this Law.

## **Article 31**

### **Packaging with longevity**

(1) The producer shall not be obliged to provide treatment of packaging waste provided that it releases on the market or imports packaging that has a longevity.

(2) The packaging shall be considered to have longevity provided that during the manipulation it cannot easily be damaged and change the operational value for which it has been produced.

(3) The Minister of Environment and Physical Planning shall prescribe the conditions referred to in paragraph (2) of this Article, as well as the types of packaging that serve as indicators that the packaging has longevity.

## **Article 32**

### **Exceptions from treatment**

Small producer shall not be obliged to provide treatment of the packaging waste in accordance with this Law, if the amount of the packaging material from products that he has released on the market or imported as an end

user, does not exceed the annual quantities determined in Article 19 paragraph ( 1) of this Law.

### **Article 33**

#### **Packaging with lids and labels**

(1) The producer shall not be obliged to provide treatment of packaging waste made from lids or labels provided that it releases on the market lids or labels together with the packaging, if the weight of the lids and labels together does not exceed 5% of the packaging weight and does not exceed the amount of packaging material referred to in Article 19 paragraph (1) of this Law.

(2) If the lids and labels together exceed the weight referred to in of paragraph (1) of this Article, then they shall be calculated in the total packaging weight in accordance with the product specification referred to in Article 28 paragraph (3) of this Law and the total weight of packaging released on the market or imported in the Republic of Macedonia.

(3) In the case referred to in paragraph (1) of this Article, the producer of the packaging and the producer provided that it is not possible will not have an obligation to separately mark the lids and the labels of the packaging. In this case the marking, if possible, shall be placed accordingly to another part of the packaging of that product.

### **Article 34**

#### **Deposit**

(1) For the purpose of stimulating the return and collection of the packing waste, the legal entity responsible for treatment of packaging waste or the independent handler with packaging waste can introduce a deposit on a returnable package which can be charged on the place of sale of the packed goods.

(2) The deposit referred to in paragraph (1) of this Article cannot exceed 30% of the amount of the sale price of the packed goods.

(3) The legal entity responsible for treatment of packaging waste and the independent handler of packaging waste shall be obliged to inform the expert body regarding the introduction of the deposit at least six months before its introduction.

(4) The notification referred to in paragraph (3) of this Article shall compulsory contain the following data:

- the type of packaging and packed goods for which a deposit is being paid,
- the amount of the deposit and its relation with the price of the packed goods,
- the manner in which the deposit is expected to be paid,
- the manner of informing the public about the introduced deposit, and
- other information being of importance for implementation of the deposit.

(5) The legal entity responsible for treatment of packaging waste and the independent handler of the packaging waste shall be obliged when submitting the reports referred to in Article 27 of this Law to submit separate data regarding the collected waste from the returned packaging waste for which deposit is being paid.

(6) The legal entity responsible for treatment of packaging waste and the independent handler of the packaging waste shall be obliged to ensure that the commercial entity who charged the deposit to return it, provided that the packing is returned in accordance with Article 50 of the Law on Waste Management.

## IV. NATIONAL AIMS FOR COLLECTION AND TREATMENT, THAT IS PROCESSING OF PACKAGING WASTE

### Article 35

#### National aims for treatment of packaging waste

(1) On the territory of the Republic of Macedonia, the following amounts of packaging and packaging waste need to be collected and processed in the following time period:

a) by the end of the year 2020, a minimum of 60% of the weight of the packaging waste created in the Republic of Macedonia needs to be processed with the treatment operations or operations of energy processing;

b) by the end of the year 2020, a minimum of 55% and a maximum of 80% of the weight of packaging waste created on the territory of the Republic of Macedonia needs to be recycled;

c) by the end of the year 2020, the following amounts of materials wherefrom the packaging waste is produced need to be recycled:

- 60% glass
- 60% paper and cardboard,
- 50% metals and
- 15% wood

d) by the end of year 2018 22.5% plastic, considering only the recyclable materials in the plastic.

(2) The exported quantities of packaging waste shall be calculated in the exercising of the obligations and fulfillment of the aims determined in paragraph (1) of this Article only if there is evidence that they have been processed in a way not harmful to the environment and equivalent to the manner determined in the rules for environmental protection and waste management in the Republic of Macedonia.

(3) On a proposal of the Minister of Environment and Physical Planning the Government of the Republic of Macedonia shall determine the annual national aims for the purpose of gradually achieving the aims referred to in paragraph (1) of this Article, previously agreed by the Commission for Management of the Packaging Waste referred to in Article 38 of this Law.

(4) The Government of the Republic of Macedonia on a proposal of the Minister of Environment and Physical Planning if necessary can revise the aims referred to in paragraph (1), and at least once in every three years in accordance with the program referred to in Article 36 of this Law .

### Article 36

#### Program for management of packaging waste

(1) For the purpose of achieving the national aims determined in Article 35 of this Law on a proposal of the expert body, the Minister of Environment and Physical Planning shall adopt a program for management of packaging waste (hereinafter: program).

(2) The program shall be adopted for a period of at least five years and shall in particular include:

- description and evaluation of the existing situation in the management of packaging waste,
- description of the entities treating the packaging waste,
- amount and type of packaging waste generated in the Republic of Macedonia as well as future forecasts and trend of development in the next five-year period,
- measures to prevent the creation of packaging waste and measures to encourage the collection, selection, reuse, recycling and other forms of



treatment, processing and disposal of packaging waste,

- measures to improve the state of the market for treatment, processing and recycling of packaging waste,
- economic measures,
- measures for education and enforcement of a campaign to raise public awareness about the treatment of packaging waste,
- review of the legislation on waste management and packaging waste and measures for its improvement,
- guidelines for future development of management of packaging waste,
- aims on the amounts of packaging and packaging waste to be collected and processed in the next period, and
- other issues being of importance to the management of packaging waste.

(3) The program shall be prepared with the participation of the entities managing the packaging waste, the Commission referred to in Article 38 of this Law, and the bodies of the state and local government, nongovernmental organizations and other public and scientific institutions.

(4) Based on the program the national aims determined in Article 35 of this Law shall be appropriately applied.

## **Article 37**

### **Voluntary agreement**

(1) The economic operators can accede to the conclusion of a voluntary agreement with the Government of the Republic of Macedonia which shall regulate the mutual rights and obligations for the purpose of achieving the same or higher aims than those determined in Article 35 of this Law and the achievement of the aims referred to in Article 2 of this Law.

(2) The agreement referred to in paragraph (1) of this Article shall compulsorily regulate the following issues:

- period of validity,
- aims and time limit for their achievement,
- manner of monitoring the implementation of the aims and the time limit determined in the agreement;
- obligations and rights of the economic operators and competent bodies of state authority, and
- terms and manner of termination of the obligations and the manner of compensation of the lost.

(3) The agreement referred to in paragraph (1) of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

(4) The agreement referred to in paragraph (1) of this Article, as well as the manner of its implementation shall be available to the public.

## **Article 38**

### **Commission for Management of Packaging Waste**

(1) For the purpose of monitoring the condition regarding the management of the packing waste, the Government of the Republic of Macedonia shall form a Commission for Management of Packaging Waste (hereinafter: Commission).

(2) The Commission shall consist of a Chairman and maximum 15 members with term of office of three years and shall consist of:

- one representative from the Ministry of Environment and Physical Planning;
- one representative from the Directorate for Environment,
- one representative from the Ministry of Finance,
- one representative from the Ministry of Economy,
- one representative of the Commerce Association in the Republic of

Macedonia

- one representative from the Association of the Units of the Local Self-Government,
- one representative from each legal entity dealing with the treatment of packaging waste,
- two representatives of the independent handler of packaging waste,
- one representative from the Association of Consumers of Macedonia,
- two representatives from the legal entities and natural persons who have licenses for treatment of packaging waste, and
- one representative from a nongovernmental organization which operates in the field of waste management.

(3) The Commission shall discuss and provide opinions concerning:

- the national aims referred to in Article 35 of this Law,
- the program referred to in Article 36 of this Law,
- the condition in the management of packaging waste,
- the implementation of this Law,
- the proposed measures to prevent and reduce the amount of packaging waste created in the Republic of Macedonia,
- the proposed measures to encourage the collection, reuse, processing and disposal of packaging waste,
- the proposed measures for organizing and supporting systems and ways of managing packaging waste, and
- other issues relating to the management of packaging waste.

(4) The Minister of Environment and Physical Planning shall preside the Commission.

(5) The expert body shall perform the administrative and technical matters for the Commission.

(6) Rules of Procedure shall be adopted for the work of the Commission.

## **Article 39**

### **Database and information system**

(1) The expert body shall be obliged to establish and keep a database of the packaging and packaging waste released on the market in the Republic of Macedonia.

(2) The database shall be kept on the basis of data from the reports submitted in accordance with Articles 27 and 28 of this Law and shall particularly contain the following data:

- 1) about the amount and type of packaging waste released on the market in the Republic of Macedonia;
- 2) about the primary, secondary and tertiary packaging:
  - the amount and type of packaging that is reused;
- 3) about the packaging waste that is municipal waste and packaging waste which is not municipal waste:
  - the amount and type of packaging waste which is processed and disposed, and
  - the amount and type of packaging waste which is included in the reused part referred to in point 2 of line 1 of this paragraph, as recycled or otherwise processed;
- 4) data on the properties of the packaging waste (danger and harmfulness of materials from which the packaging is produced), and
- 5) information on producers and other entities that have reporting obligations in accordance with this Law.

(3) Based on the data referred to in paragraph (2) of this Article, the expert body no later than May 30th in the current year shall publish a report on the quantity and type of packaging and packaging waste released on the market in the Republic of Macedonia, as well as the management of the packaging waste.

(4) Together with the report referred to in paragraph (3) of this Article the expert body shall publish data on the realization of the program referred to in Article 36 of this Law, as well as data on the existing systems for managing packaging waste.

(5) The data collected on the basis of this Article shall be processed and validated by the Ministry of Environment and Physical Planning - Macedonian Information Centre for Environment in the Information System for Packaging and Packaging Waste, which is part of the Environmental Information System.

(6) The Minister of Environment and Physical Planning shall prescribe the manner of keeping, form and the detailed content of the database and the information system for packaging and packaging waste.

## Article 40

### Economic instruments

(1) The producer who releases on the market in the Republic of Macedonia packaged goods that due to usage create packaging waste, as well as the producer who as an end user imports in the Republic of Macedonia packaged goods that due to usage create packaging waste shall be obliged to pay compensation for managing packaging waste (hereinafter: compensation).

(2) The compensation referred to in paragraph (1) of this Article shall amount to:

Type of material	Subtype of material	amount
1. Glass		4.500 den/ton
2. Plastic		20.000 den/ton
3. Paper and paperboard		6.200 den/ton
4. Multilayer packaging made predominately from paper and cardboard components	for beverages and other drinks	22.000 den/ton
	for other purposes	30.000 den/ton
5. Metal	cans	8.500 den/ton
	other metal containers	6.200 den/ton
6. Wood		4.000 den/ton

(3) The compensation shall be paid on the basis of the net weight of the packaging calculated in accordance with the production specifications referred to in Article 28 paragraph (3) of this Law and the records from the monthly record referred to in Article 28 paragraph (4) of this Law.

(4) The obligation to calculate the compensation for the producer shall occur at the moment of releasing the packed goods that due to usage create packaging waste for the first time in the Republic of Macedonia.

(5) The obligation to calculate the compensation for the producer who as an end user imports to the Republic of Macedonia packaged goods that due to usage create packaging waste shall occur at the moment the product is being used.

(6) The producer and the producer who as an end user imports packed

goods shall be obliged to calculate the compensation referred to in paragraph (2) of this Article or the price for the service referred to in Article 20 paragraph (5) of this Law, in the price of the finished product released on the market.

(7) The producer and the producer who as an end user imports packed goods shall be obliged to pay the compensation referred to in paragraph (2) of this Article, on an appropriate payment account, within the framework of the treasury account, each 15 day of the current month for all calculated compensations from the previous month .

(8) The compensation shall not be paid provided that the packed goods are exported or destroyed.

(9) In the case referred to in paragraph (8) of this Article, the producer and the producer who as an end user imports packaged goods shall be obliged to provide export customs declaration as a proof that the packed goods for which the compensation referred to in paragraph (2) of this Article is not calculated is exported from the Republic of Macedonia, that is obtain minutes that the goods are destroyed.

(10) In case of export or destruction of packed goods for which the compensation determined in this Article is being paid, as well as export or destruction of packaging bags for transport of the goods referred to in Article 40-a , for which the compensation referred to in paragraph (2) of this Article , that is Article 40-a is paid, the producer and the producer who as an end user imports packed goods, that is the legal entities and the natural persons shall have the right to be reimbursed the paid compensation for the exported, that is destroyed amount.

(11) Against the decision referred to in paragraph (10) of this Article, the dissatisfied party shall have the right to lodge an appeal to the Minister of Environment and Physical Planning.

(12) The funds from the compensation referred to in paragraph (2) of this Article shall be income of the Budget of the Republic of Macedonia and shall be paid on an appropriate payment account, within the framework of the treasury account.

(13) The Government of the Republic of Macedonia on a proposal of the Minister of Environment and Physical Planning and in accordance with the Minister of Finance shall prescribe the manner, procedure and documentation required for the purpose of reimbursement of the compensation for the cases referred to in paragraph (10) of this Article.

## **Article 40-a**

### **Compensation amount of the bags used for transport of goods**

The compensation amount of the bags used for transport of goods shall be:

1) 1 den/1 kg weight of the bags used for transport of goods.

(2) An obligor for payment of the compensation referred to in paragraph (1) of this Article shall be:

1) a domestic legal entity and /or natural person producing bags used for transport of goods from ethylene polymers, poly (vinyl chloride) and or other plastic masses regardless whether they contain appropriate additives and/or are biodegradable, and

2) a legal entity and /or natural person importing bags used for transport of goods from ethylene polymers, poly (vinyl chloride) and /or other plastic masses.

(3) The compensation referred to in paragraph (2) points 1 and 2 of this Article shall be calculated on the basis of the net weight of the bags used

for transport of goods.

(4) The obligors referred to in paragraph (2) point 1 of this Article shall be obliged in the invoice by which the bags are placed for the first time in free legal trade and the basis on which the compensation is paid, to separately state the net weight and amount of the calculated compensation.

(5) The obligors referred to in paragraph (2) point 1 of this Article shall be obliged to pay the compensation on an appropriate payment account within the frame work of the treasury account on the 15th day in the current month for all calculated compensations for the previous month.

(6) The compensation of the obligor referred to in paragraph (2) point 2 of this Article shall be calculated and paid by the customs body during the payment of the customs export duties and shall be paid on an appropriate payment account within the frame work of the treasury account.

(7) The compensations referred to in paragraph (1) of this Article shall not be paid if the bags are exported or from any other reason destroyed.

(8) In the case of paragraph (7) of this Article the producer which invoiced the bags shall be obliged together with the invoice to enclose a customs export declaration as a proof that the bags for which compensation is calculated have been exported from the Republic of Macedonia, that is to enclose minutes from the destruction of the bags.

(9) In case of export or destruction of bags for which the compensation referred to in paragraph (1) of this Article has been paid, the obligor shall be obliged to a reimbursement of the paid in compensation for the exported, that is the destroyed amount in accordance with the provisions referred to in Article 40 paragraph (13 ) of this Law.

## **Article 40-b**

### **Obligation about the manner of calculation, payment as well as keeping records of the calculated and paid compensation**

(1) The producer who releases on the market packed goods and the producer who as end user imports packed goods (hereinafter: the obligor) shall be obliged to calculate and pay on time and in rightful manner the compensation referred to in Article 40 paragraph (2) of this Law, as well as to keep, maintain and store neat and correct records of the calculated and paid compensation.

(2) Pursuant to the records referred to in paragraph (1) of this Article, the obligor shall every three months deliver to the professional body calculation of the paid compensation filled in a special form.

(3) The minister who heads the state administration body competent for performance of activities related to the environment, in accordance with the Minister of Finance shall prescribe the manner and procedure for keeping, maintaining and storing the records referred to in paragraph (1) of this Article, as well as the outline and the content of the form referred to in paragraph (2) of this Article.

## **Article 41**

### **Exemption from payment of the compensation**

(1) The following shall be exempted from payment of the compensation referred to in Article 40 paragraph (2):

1) the producer and the producer who as an end user imports packed goods provided that they have concluded a contract for assuming the obligations for treatment of the packaging waste with a legal entity

responsible for treatment of packaging waste, which has the license in accordance with Article 21 of this Law;

2) the producer and the producer who as end user imports packaged goods and has a certificate that the producer is registered in the records as an independent handler of packaging waste referred to in Article 24 paragraph (3) of this Law, and

3) the entities determined with Articles 31 and 32 of this Law.

(2) The producer and the producer who as end user imports packed goods referred to in paragraph (1) point 1 of this Article shall be exempted from payment of the compensation referred to in Article 40 paragraph (2) of this Law provided that they possess the certificate referred to in Article 21 paragraph (9) of this Law.

(3) The form and content of the certificate referred to in paragraph (2) of this Article shall be prescribed by the Minister of Environment and Physical Planning.

(4) As an exception to paragraph (1) of this Article, the compensation referred to in Article 40 of this Law shall be paid in double amount if:

1) the legal entity responsible for treatment of packaging waste or the independent handler of packaging waste does not submit a report in accordance with Article 27 of this Law;

2) the expert body does not approve the report in accordance with Article 27 paragraph (6) of this Act, due to the unfulfillment of the national aims determined in Article 35 of this Law. In this case the compensation is paid only for the difference between the national aims determined in accordance with Article 35 of this Law and the achieved aims in accordance with the annual report and /or findings of the expert body,

3) the producer submits a false annual report in accordance with Article 28 of this Law regarding the type and amount of packaging they have released on the market in Macedonia or has imported as the end user.

(5) In the cases referred to in paragraph (4) of this Article the expert body shall adopt a decision.

(6) Against the decision referred to in paragraph (5) of this Article, the dissatisfied party shall have the right to lodge an appeal to the Minister of Environment and Physical Planning.

(7) In the cases referred to in paragraph (4) of this Article, the double compensation shall be calculated according to the amount of the compensation determined in paragraph 40 of this Law, with proportionate share of the type and amount of packaging material released on the market.

## **Article 42**

### **Using the compensation and financing program**

(1) The funds collected from the compensation referred to in Article 40 paragraph (1) and Article 40-a paragraph (1) of this Law shall be used to encourage activities for collection, transport, reuse, recycling and disposal of packaging waste and shall partially cover the costs of collection, reuse and processing waste from the sales, group and transport packaging.

(2) The financing and the implementation of activities referred to in paragraph (1) of this Article shall be conducted on the basis of an annual financial program prepared by the expert body based on the program referred to in Article 36 of this Law.

(3) The annual financial program shall be adopted by the Government of the Republic of Macedonia on a proposal of the Minister of Environment and Physical Planning.

(4) The allocation of funds from the program referred to in paragraph (3)

of this Article shall be carried out by an open competition published and implemented by the expert body.

(5) As an exception to paragraph (2) of this Article the funds from the program referred to in paragraph (3) of this Article can also be allocated with a decision of the Government of the Republic of Macedonia on a proposal of the Minister of Environment and Physical Planning, if:

- the funds are intended for the purpose of building infrastructure facilities for collecting, processing and disposal of waste from wider public interest,
- allocation of the funds is determined with the program referred to in Article 36 of this Law,
- the funds are intended for fulfillment of the obligations determined in the voluntary agreements referred to in Article 37 of this Law, and
- the funds are intended for partly cover the costs of the legal entities performing recycling of packaging waste calculated as unit price on one ton of processed waste from packaging.

## **Article 43**

### **Open competition**

(1) The funds allocated through an open competition referred to in Article 42, paragraph (4) of this Law shall be intended for financing and implementation of:

- projects for procurement of equipment for collection and processing of waste and packaging waste,
- projects for the purpose of fulfillment of the obligations arising for the economic operators in accordance with this Law,
- projects for the introduction of new technologies for production of packaging which is eligible for reuse, treatment and recycling,
- projects for education and raising of the public awareness of the citizens and economic operators for treatment of packaging waste,
- other projects which directly contribute to the realization of the national aims referred to in Article 35 of this Law,
- programs and other projects for prevention in accordance with Article 7 of this Law, and
- projects to improve the state of the market for processing and recycling of packaging waste.

(2) The open competition referred to in Article 42, paragraph (4) of this Law shall be conducted by a commission formed by the Minister of Environment and Physical Planning.

(3) The Commission referred to in paragraph (2) of this Article shall be composed of five members out of whom:

- one representative from the expert body,
- one representative from the legal entity that treats a packaging waste which is a member of the Commission referred to Article 38 of this Law,
- one representative from the Association of Local Self-Government in the Republic of Macedonia,
- one representative from the Ministry of Environment and Physical Planning, and
- one representative from the legal entities that perform recycling of packaging waste.

(4) The open competition referred to in Article 42, paragraph (4) of this Law shall be published in the "Official Gazette of the Republic of Macedonia" and in at least two daily newspapers published on the whole territory of the Republic for a period of 30 days.

(5) The Commission referred to in paragraph (2) of this Article shall determine a proposal for distribution of the funds within 30 days as from the day of expiry of the period referred to in paragraph (4) of this Article and shall submit them to the Minister of Environment and Physical Planning.

(6) The results from the open competition shall be published in the "Official Gazette of the Republic of Macedonia".

### **Article 43-a**

(1) If the Commission referred to in Article 43 paragraph (2) of this Law, upon the published open competition and time period determined in Article 43 paragraph (5) of this Law, does not prepare a proposal for distribution of the funds, that is does not adopt an act for selection, the participant in the open competition within a period of three working days the the participant in the open competition shall have right to submit a request to the filing office of the minister heading the state administration body competent for performing activities in the area of environment to adopt a decision for distribution of the funds upon the published open competition. If the minister heading the state administration body competent for performing activities in the area of environment does not have a filing office, the request shall be submitted to the filing office in the head office of the state administration body competent for performing activities in the area of environment.

(2) The form and content of the request Form referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administration body competent for performing activities in the area of environment.

(3) The submitter of the request referred to in paragraph (1) of this Article shall also submit a copy of the request for allocation of the funds by means of open competition.

(4) The minister heading the state administration body competent for performing activities in the area of environment shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (1) of this Article to adopt a decision for accepting or rejecting the request for allocation of the funds by means of open competition.

(5) If the minister heading the state administration body competent for performing activities in the area of environment does not adopt a decision in the time period referred to in paragraph (4) of this Article, the participant in the open competition may notify the State Administrative Inspectorate within a period of five working days.

(6) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (5) of this Article, to conduct inspection supervision in the state administration body competent for performing activities in the area of environment to inspect whether the procedure in accordance with law has been conducted, and to notify the participant in the open competition about the situation established during the supervision within a period of three working days as of the supervision.

(7) Upon the supervision completed in accordance with law, the inspector of the State Administration Inspectorate shall adopt a decision obliging the minister heading the state administration body competent for performing activities in the area of environment, within a period of ten days, to decide upon the submitted request, that is to accept or reject the request and to notify the inspector about the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification.

(8) If the minister heading the state administration body competent for performing activities in the area of environment does not decide within the time period referred to in paragraph (7) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection and shall define additional time period of five working days during which the minister heading the state administration body competent for performing activities



in the area of environment is to decide upon the submitted request and within the same time period to notify the inspector for the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification. The inspector shall inform the submitter of the request about the measures undertaken within a period of three working days.

(9) If the minister does not decide even in the additional time period referred to in paragraph (8) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the submitter of the request in regard to the measures undertaken.

(10) If the inspector does not act upon the notification referred to in paragraph (5) of this Article, the submitter of the request shall have right to file a complaint to the filing office of the Director of the State Administrative Inspectorate within a period of five working days. If the Director does not have a filing office, the complaint shall be filed to the filing office in the head office of the State Administrative Inspectorate.

(11) The Director of the State Administrative Inspectorate shall be obliged to review the complaint referred to in paragraph (10) of this Article within a period of three working days as of the day of receipt and, if he/she establishes that the inspector has not acted upon the notification of the submitter of the request referred to in paragraphs (6) and (7) of this Article and/or has not filed a report in accordance with paragraphs (8) and (9) of this Article, the Director of the State Administrative Inspection shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection for the inspector and shall define additional time period of five working days during which the inspector shall conduct supervision in the state administration body competent for performing activities in the area of environment to inspect whether the procedure in accordance with law has been conducted and shall inform the submitter of the request about the measures undertaken within a period of three working days as of the day the supervision has been conducted.

(12) If the inspector does not act even in the additional time period referred to in paragraph (11) of this Article, the Director of the State Administrative Inspectorate shall file a report to the competent public prosecutor against the inspector, and shall inform the submitter of the request about the undertaken measures within a period of three working days.

(13) In the case referred to in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall immediately, and in a period of one working day at the latest, authorize another inspector to conduct the supervision immediately.

(14) In the case referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall inform the submitter of the request about the measures undertaken within a period of three working days.

(15) If the Director of the State Administrative Inspectorate does not act in accordance with paragraph (11) of this Article, the submitter of the request may file a report to the competent public prosecutor within a period of eight working days.

(16) If the minister does not decide in the time period referred to in paragraph (8) of this Article, the submitter of the request may initiate an administrative dispute with the competent court.

(17) The procedure with the Administrative Court shall be urgent.

## V. SUPERVISION

## Article 44

(1) The Ministry of Environment and Physical Planning shall supervise the enforcement of this Law and the regulations adopted thereon.

(2) The inspection supervision over the enforcement of this Law and the regulations adopted in accordance with this Law shall be conducted by the State Environmental Inspectorate.

(3) The expert body shall supervise the reports submitted in accordance with Articles 27 and 28 of this Law.

(4) For the issues under the competence of the municipalities, the municipalities in the city of Skopje and the City of the Skopje, determined by this Law, the inspection supervision over the implementation and enforcement of this Law shall be conducted by authorized environmental inspectors in the municipalities, the authorized environmental inspectors in the municipality in the city of Skopje, and authorized environmental inspectors in the City of Skopje.

(5) The inspection supervision over the implementation and enforcement of this Law regarding the trade with the packaging, marking of the packaging and informing of the consumers shall be conducted by the State Market Inspectorate.

(6) The inspection supervision over the enforcement of this Law regarding the illegal treatment of waste packaging that is not municipal waste and its leaving or giving as municipal waste shall be conducted by the public utility inspectors in the municipalities, the municipalities in the City of Skopje and the City of Skopje.

### **Acting upon a request from a natural person or legal entity**

#### **Article 44-a**

(1) The state environmental inspector, the authorized environmental inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje and the utility inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje shall be obliged within a time period of seven days to act upon the motion or request for initiation of an inspection procedure.

(2) In the cases referred to in paragraph (1) of this Article, the state environmental inspector, the authorized environmental inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje and the utility inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje shall be obliged within a time period of seven days as of the day of carrying out the inspection supervision to notify the submitter of the motion or request for initiation of an inspection supervision.

#### **Article 44-b**

### **Rights and obligations for elimination of the irregularities**

(1) For the purpose of elimination of the established irregularities, the state environmental inspector and the authorized authorized environmental inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje, in accordance with this Law, shall have the following rights and obligations towards the entity under supervision:

1) to point to the established irregularities and determine a time period for their removal,

- 2) to order undertaking of appropriate measures and activities in a time period determined by the inspectors,
- 3) temporary prohibit the performance of an activity, profession or duty,
- 4) to file a motion for initiation of a misdemeanor procedure, and
- 5) to file criminal charges or initiate other corresponding procedure.

(2) For the purpose of elimination of the established irregularities, the state environmental inspector and the authorized authorized environmental inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje, in accordance with this Law, can also perform other authorizations and obligations.

## **Article 44-c**

### **Supervision of calculated and paid compensation**

(1) The State Environmental Inspectorate, through the state environmental inspectors shall supervise the calculated and paid compensation, the exemption from payment of the compensation, as well as the abiding to the deadlines for paying the compensations.

(2) The state environmental inspector shall adopt a decision for the completed supervision referred to in paragraph (1) of this Article.

(3) The dissatisfied party shall have the right to file an appeal to the minister heading the state administration body responsible for performance of the activities related to the environment against the decision referred to in paragraph (2) of this Article.

(4) In case when the decision referred to in paragraph (2) of this Article, which is final in an administrative procedure, establishes return of the paid compensation, the state environmental inspector shall be obliged to submit the decision to the Ministry of Finance for its execution.

(5) In case when the decision referred to in paragraph (2) of this Article, which is final in an administrative procedure, establishes that the obligor is to pay compensation, the state environmental inspector shall be obliged to submit the decision to the obligor.

## **Article 45**

The state environmental inspectors, the authorized environmental inspectors in the municipalities, the municipalities in the City of Skopje and the City of Skopje, the state market inspectors and public utility inspectors in the municipalities, the municipalities in the City of Skopje and the City of Skopje while carrying out inspection supervision over the implementation of this Law can require cooperation from the representatives of the body of the state administration competent for issues in the field of internal affairs for the purpose of securing the continuous performance of the inspection.

## **Article 46**

### **Scope of supervision of the State Environmental Inspectorate**

(1) During the performance of the supervision within the scope of the state environmental inspector, she/he shall have the right:

- 1) to carry out inspection and control and to determine whether the program for restriction and prevention of creation of packaging waste referred to in Article 7 of this Law is prepared (Article 7 paragraph (2));
- 2) to carry out inspection and control and to determine whether packaging which is not in accordance with the standards determined in Article 9 of this Law is being produced (Article 9 paragraph (1));
- 3) to carry out inspection and control and to determine whether the report

for some of the twelve consecutive monthly controls on the standard and regular production regarding the cases of exceeding concentration levels of heavy metals referred to Article 11 paragraph (1) of this Law, has been submitted to the expert body(Article 11 paragraph (4));

- 4) to carry out inspection and control and to determine whether the results from the measurements conducted during the production processes, as well as the used measuring methods are kept for at least four years and are made available on a request by the competent inspection bodies at any time (Article 11 paragraph (6) );
- 5) to carry out inspection and control and to determine whether the producer acts in accordance with Article 15 of this Law;
- 6) to carry out inspection and control and to determine whether the packaging waste is immediately after delivery of the goods or on the next delivery freely returned in accordance with Article 18 of this Law, provided that the end user wants to return it;
- 7) to carry out inspection and control and to determine whether the conditions for exemption are fulfilled (Article 19);
- 8) to carry out inspection and control and to determine whether the legal entity responsible for treatment of packaging waste has a license in order to establish a system for collection and return of packaging waste (Article 21 paragraph (2));
- 9) to carry out inspection and control and to determine whether the expert body within the specified period is informed in case of change of the data submitted with the license referred to in Article 21 paragraph (2) of this Law (Article 21 paragraph (4));
- 10) to carry out inspection and control and to determine whether the expert body has the data regarding the producers, packers, commercial entities and end users with whom they have concluded a contract, are founders or with an agreement are associated in a legal entity responsible for treatment of packaging waste (Article 21 paragraph (5));
- 11) to carry out inspection and control and to determine whether the legal entity responsible for treatment of packaging waste during the process of the establishment of the system and the preparation of the program referred to in Article 22 paragraph (1) of this Law, provided proofs that the mandatory data has been taken into consideration (Article 22 paragraph (2));
- 12) to carry out inspection and control and to determine whether the legal entity responsible for treatment of packaging waste has entrusted the collection, processing and disposal of packaging waste to a legal entity or natural person holding appropriate licenses (Article 22 paragraph (5));
- 13) to carry out inspection and control and to determine whether the collecting places and centers are arranged in such a way as to allow the end users to leave the packaging waste even in the case when the taking of the packaging waste is not directly secured with the end users and the last suppliers (Article 23 paragraph (1));
- 14) to carry out inspection and control and to determine whether the public and the end users are informed in accordance with Article 23 paragraph (2) and (3) of this Law;
- 15) to carry out inspection and control and to determine whether it has license for independent treatment of packaging waste and whether it is being registered in accordance with Article 24 of this Law (Article 24 paragraph (1));
- 16) to carry out inspection and control and to determine whether the independent handler of packaging waste properly fulfilled the obligations referred to in Article 23 of this Law and submitted the reports in accordance with Article 27 of this Law (Article 24 paragraph (5));
- 17) to carry out inspection and control and to determine whether the report regarding the treatment of packaging waste for the previous year has been submitted to the expert body within the time period referred to in Article 27 paragraph (2) of this Law;
- 18) to carry out inspection and control and to determine whether the records on the type and amount of packaging that has been released the market for a period of one year and the treatment of packaging waste in written and electronic form in accordance with Article 28 paragraph (1 ) of this Law;

- 19) to carry out inspection and control and to determine whether within the determined time period a report in written and electronic form on the type and amount of packaging that has been released on the market and treatment of packaging waste for the previous year has been submitted to the expert body (Article 28 paragraph (2));
- 20) to carry out inspection and control and to determine whether the producer has prepared the production specification for each product having different packaging (Article 28 paragraph (3));
- 21) to carry out inspection and control and to determine whether the producer based on the production specifications referred to in Article 28 paragraph (3) of this Law keeps monthly and annual records for the total packaging released on the market or imported as an end user (Article 28 paragraph (4));
- 22) to carry out inspection and control and to determine whether the end user and the last supplier act in accordance with Article 30 paragraphs (1) and (2) of this Law;
- 23) to carry out inspection and control and to determine whether the conditions for exceptions from treatment in accordance with Article 32 of this Law have been fulfilled ;
- 24) to carry out inspection and control and to determine whether the conditions referred to in Article 33 of this Law have been fulfilled ;
- 25) to carry out inspection and control and to determine whether the expert body is informed within the determined period regarding the introduction of the deposit (Article 34 paragraph (3));
- 26) to carry out inspection and control and to determine whether the documents and data claiming that the national aims referred to in of Article 35 of this Law are authentic;
- 27) to carry out inspection and control and to determine whether the obligations arising from the voluntary agreements have been met (Article 37), and
- 28) to carry out inspection and control and to determine whether the producer and packer who release on the market in the Republic of Macedonia packaging and packaging of packed goods that due to usage created packaging waste act in accordance with Article 40 of this Law.

(2) On a request of the state environmental inspector, the authorized person of the body competent for carrying out the activities in the field of internal affairs shall be obliged to participate in the enforcement of the activities referred to in paragraph (1) of this Article.

(3) On a request of the expert body a civil servant employed in the expert body can participate in the carrying out of the inspection supervision.

(4) The State Environmental Inspectorate shall be obliged on a request of the expert body to carry out inspection supervision.

## **Article 47**

### **Decision adoption of the State Environmental Inspectorate**

- (1) During the performance of the supervision, the state environmental inspector with a decision shall:
- 1) oblige them to develop program for restriction and prevention of creation of packaging waste in accordance with Article 7 of this Law (Article 7 paragraph (2));
  - 2) oblige them to produce packages that are in accordance with the standards determined in Article 9 of this Law (Article 9 paragraph (1));
  - 3) oblige them to submit reports to the expert body regarding the cases of exceeding concentration levels of heavy metals referred to Article 11 paragraph (1) of this Law, for some of the twelve consecutive monthly controls on the standard and regular production (Article 11 paragraph (4));
  - 4) oblige them the keep the results of the measurements conducted during the production processes, as well as the used measurement

methods for at least four years and make them available on a request of the competent body at any time (Article 11 paragraph (6));

5) oblige them to conduct monthly checks in order to establish the concentration of heavy metals in packaging and regularly submit reports (Article 11);

6) oblige the producer to act in accordance with Article 15 of this Law;

7) restrict and /or prohibit the operation of the producer, the producer of packaging and the commercial entity if the collection and processing of packaging waste released on the market in the Republic of Macedonia is not in accordance with Article 17 paragraph (1) and (2) this Law, as well as oblige them to take appropriate measures (Article 17 paragraph (1) and (2));

8) obliged them to freely take the packaging waste immediately after the delivery of the goods or on the next delivery in accordance with Article 18 of this Law, provided that the end user wants to return;

9) restrict and /or prohibit the operation of the packaging producer, the producer and the commercial entity provided they do not implement the obligations referred to in Article 18 paragraph (1), (2) and (3) of this Law (Article 18 paragraph (4));

10) in case when the producer, packer and the commercial entity are not included in the system for collection and return of the packaging waste (Article 20) or do not hold a license for independent treatment of packaging waste and a certificate of being registered (Article 24), their operation can be restricted and/or prohibited for a period of at least 30 days, during which period they are required to comply;

11) restrict or prohibit the operation of the legal entity provided that it does not possess a license for treatment of packaging waste and obliged them within 30 days to submit a request for receiving a license for treatment of the packing waste to the expert body (Article 21 paragraph (1));

12) restrict or prohibit the operation of the legal entity responsible for treatment of the packaging waste provided that the expert body hasn't been informed within the specified period in case of change of the data submitted with the license referred to in Article 21 paragraph (2) of this Law (Article 21 paragraph (4));

13) oblige them to provide information to the expert body regarding the producers with whom they have concluded a contract for assuming the obligations for treatment of the packaging waste (Article 21 paragraph (5));

14) restrict or prohibit the operation of the legal entity responsible for treatment of packaging waste for a period of at least 30 days, if during the process of establishment of the system and the preparation of the program referred to in Article 22 paragraph (1) of this Law it does not provide proofs that the mandatory data has been taken into consideration, within which period the reasons for the current situation need to be removed (Article 22 paragraph (2));

15) restrict or prohibit the operation of the legal entity for treatment of packaging waste for a period of at least 30 days, if the collection, processing and disposal of packaging waste has been entrusted to a natural person or legal entity that does not possess the appropriate licenses (Article 22 paragraph (5)) within which period the reasons for the current situation need to be removed;

16) oblige them to arrange the collecting places and centers, within 90 days at the most, in such a way as to allow the end users to leave the packaging waste that is not municipal waste even in the case when the taking of the packaging waste is not directly secured with the end users and the last suppliers (Article 23 paragraph (1));

17) oblige them to inform the public and the end users in accordance with Article 23 paragraph (2) and (3) of this Law;

18) restrict or prohibit the work of the independent handler of packaging waste provided that it does not have a license for independent treatment with packaging waste and is not registered in accordance with Article 24 of this Law and shall oblige them within 30 days to submit to the expert body an application for obtaining a license for independent treatment of packaging waste and a request for registration within the expert body

(Article 24 paragraph (1));

19) oblige the independent handler of packaging waste to properly fulfill the obligations referred to in Article 23 of this Law and to submit the report in accordance with Article 27 of this Law (Article 24 paragraph (5));

20) restrict and / or prohibit the operation of the legal entity responsible for treatment of packaging waste or the independent handler of packaging waste for a period of at least 30 days provided that the report in accordance with Articles 27 and 28 of this Law has not been submitted, within which time period they have to submit the report;

21) oblige them to submit a report to the expert body regarding the treatment of packaging waste for the previous year in a time period of maximum 30 days in accordance with Article 27 paragraph (2) of this Act;

22) oblige them to keep records on the type and amount of packaging that has been released on the market in a period of one year and treatment of packaging waste in written and electronic form in accordance with Article 28 paragraph (1) of this Act;

23) oblige them to submit an annual report to the expert body in written and electronic form on the type and amount of packaging that has been released on the market and the treatment of packaging waste within the determined period (Article 28 paragraph (2));

24) oblige them for each product that has different packaging to prepare production specification (Article 28 paragraph (3));

25) oblige them on the basis of the production specifications referred to in Article 28 paragraph (3) of this Law to keep monthly and annual records for the total package released on the market or imported as an end user (Article 28 paragraph (4));

26) oblige the users to act in accordance with Article 30 paragraphs (1) and (2) of this Law;

27) oblige them to inform the expert body within the determined period regarding the introduction of the deposit (Article 34 paragraph (3));

28) oblige them to secure reuse, recycling or disposal of packaging waste that is collected or taken over during one calendar no later till the end of the following year in order to achieve the national aims determined in Article 35 of this Law;

29) oblige them to fulfill the obligations arising from the voluntary agreements (Article 37), and

30) restrict or prohibit the operation of the producer who releases on the market in Macedonia packaging and packaged goods that during use create packaging waste unless they do not act in accordance with Article 40 of this Law for a period of up to 30 days within which period they should remove the reasons for the current situation.

(2) If during the performance of the inspection supervision the state environmental inspectors determines that the entities who manage packaging and packaging waste do not abide to the laws and other regulations, technical regulations, standards, recommendations and other general acts, with report shall conclude the identified deficiencies and irregularities and in the decision shall specify the period for their removal.

(3) An appeal against the decision of the state environmental inspector may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a time period of eight days as of the day of receipt of the decision.

(4) If the entities referred to in paragraph (1) of this Article do not act in accordance with the decision of the State Environmental Inspectorate and do not eliminate the reasons for the current situation determined by the decision, the state environmental inspector shall submit a request for initiation of a misdemeanor procedure before a competent body.

(5) For the performance of the activities referred to in paragraph (1) of this Article, the state environmental inspector shall have the right to undertake other measures determined by the Law on Environment and the Law on Waste Management.

## Article 48

### **Scope of supervision of the authorized environmental inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje and the public utility inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje**

During the performance of the scope the authorized environmental inspectors in the municipalities, the municipalities in the city of Skopje and City of Skopje and the public utility inspectors of the municipalities, the municipalities in the city of Skopje and the City of Skopje, shall have the right:

- 1) to carry out inspection and to determine whether the packaging waste that is not municipal waste is left or given as municipal waste in places designated for the collection and selection of municipal waste (Article 16 paragraph (1));
- 2) to carry out inspection and control and to determine whether the end user treats the packaging waste in accordance with provisions on treatment of packaging waste (Article 16 paragraph (2), (3) and (4))
- 3) to carry out inspection and control and to determine whether for the implementation of the obligations referred to in Article 18 paragraph (1), (2) and (3) of this Law, the producer, the producer of the packaging and the commercial entity have provided space and equipment for selective collection of the packaging waste, provided that they have a sales area greater than 200 m<sup>2</sup> (Article 18 paragraph (4)) and
- 4) to carry out inspection and control and to determine whether the legal entity responsible for treatment of the packaging waste acts in accordance with the contract (Article 26).

## Article 49

### **Decisions adoption of the authorized environmental inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje and the public utility inspectors of the municipalities, the municipalities in the city of Skopje and the City of Skopje**

(1) During the performance of the supervision inspection, the authorized environmental inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje and the public utility inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje shall, by a decision:

- 1) oblige the legal entities or natural persons to treat the packaging waste in accordance with Article 16 paragraph (1) of this Law;
- 2) oblige the end user to treat the packaging waste in accordance with the provisions for treating waste (Article 16 paragraph (2), (3) and (4));
- 3) oblige the legal entities and the natural persons to leave the municipal waste at places designated for that purpose and to eliminate the consequences of the committed misdemeanor;
- 4) restrict and / or prohibit the operation of the producer, the producer of the packaging and the commercial entity for a period of up to 15 days if for the purpose of discharging the obligations referred to in Article 18 paragraph (1), (2) and (3) of this Law they have not provided space and equipment for the selective collection of the packaging waste in case they have a sales area greater than 200 m<sup>2</sup>, within which period the reasons for the current situation have to be removed (Article 18 paragraph (4)), and
- 5) oblige the legal entity responsible for treatment of packaging waste to undertake measures for fulfillment of the obligations of the contract and



determine a time period within a period of up to 90 days within which the deficiencies have to be removed (Article 26).

(2) An appeal against the decision of the authorized environmental inspector of the municipalities, the municipalities of the City of Skopje and the City of Skopje and the public utility inspectors of the municipalities, the municipalities of the City of Skopje and the City of Skopje can be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a time period of eight days as of the day of receipt of the decision.

(3) For the performance of the activities referred to in paragraph (1) of this Article, the authorized environmental inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje and the public utility inspectors of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall be entitled to undertake other measures determined by the Law on Environment and Law on Waste Management. <sup>2</sup>

## Article 50

### Scope of supervision of the state market inspector

(1) During the performance of the supervision within the scope of the state inspector, he/she shall have the right:

- 1) to carry out inspection and control and to determine whether bags for transport of goods contrary to Article 8-a paragraph (1) of this Law are released on the market;
- 2) to carry out inspection and control and to determine whether together with the shipment of the packaging or materials for the production of packaging released on the market the producer or the packaging producer has data that the requirements referred to in Article 11 paragraph (1) of this Law have been fulfilled (Article 11 paragraph (2));
- 3) to carry out inspection and to determine whether the trader who at the same time is the end supplier of the packed goods he sells, acts in accordance with Article 30 paragraph (2) of this Law and
- 3) to carry out inspection and to determine whether the packaging is marked in accordance with Article 14 of this Law and the regulation adopted on the basis of this Article (Article 14) and
- 4) to determine whether the deposit is implemented in accordance with Article 34 of this Law. <sup>3</sup>

(2) During the performance of the activities referred to in paragraph (1) of this Article, the state market inspector shall be entitled to undertake other measures determined by the Law on Environment and Law on Waste Management.

## Article 51

### Decisions adoption of the state market inspector

(1) During the performance of the inspection supervision, the state market inspector with a decision shall:

- 1) oblige the producers and/or importers to withdraw from the market the bags for transport of goods made of ethylene polymers, poly (vinyl chloride) and/or other plastic masses (Article 8-a paragraph (1));
- 2) restrict or prohibit the operation of the producer or the producers of the packaging provided they do not have data that the requirements regarding shipment of the packaging or the materials for production of the packaging referred to in Article 11 paragraph (1) have not been fulfilled (Article 11 paragraph (2));
- 3) restrict or prohibit the work of the trader in case he does not act in accordance with Article 30 paragraph (3) of this Law in a period of at the most 30 days in which period he is supposed to eliminate the reasons for the incurred state and

4) oblige them to mark the packaging with a label in accordance with Article 14 of this Law and the regulations adopted on the basis of this Article, and

4) restrict or prohibit the operation of the legal entity responsible for treatment of packaging waste and the independent handler with packaging waste for a period of 30 days at the most, if contrary to Article 34 paragraph (2) of this Law a deposit has been imposed (Article 34 paragraph (2)). <sup>4</sup>

(2) An appeal against the decision of the state market inspector can be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a time period of eight days as of the day of the decision.

## **Article 51-a**

### **Education procedure**

(1) If in the course of conducting the inspection supervision, the state environmental inspector establishes that for the first time there has been an irregularity referred to in Articles 53 paragraph (1) points 1 and 5, 55 paragraph (1) points 1 and 5 and 57 paragraph (1) of this Law, he/she shall be obliged to prepare minutes in which he/she shall define the irregularity and indicate that the established irregularity should be eliminated in a time period of three days and shall at the same time hand over an invitation for education to the person or entity where such irregularity has been established during the inspection supervision.

(2) If in the course of conducting the inspection supervision, the state environmental inspector establishes that for the first time there has been an irregularity referred to in Articles 57 paragraph (1) points 3 and 58 paragraph (1) points 1 and 2 of this Law, he/she shall be obliged to prepare minutes in which he/she shall define the irregularity and indicate that the established irregularity should be eliminated in a time period of three days and shall at the same time hand over an invitation for education to the person or entity where such irregularity has been established during the inspection supervision.

(3) The form and content of the invitation for education, as well as the manner of delivery of the education shall be prescribed by the minister heading the body of the state administration competent for issues in the field of environment.

(4) The education shall be organized and delivered by the State Environmental Inspectorate, that is the authorized environmental inspector who has conducted the inspection supervision, in a time period not longer than eight days as of the day of conducting the inspection supervision.

(5) The education may be delivered for several identical, or of the same kind, established irregularities, for one or more entities.

(6) The education shall be considered delivered if the person or the entity to be educated does not show at the scheduled time for education.

(7) If the person or entity to be educated shows at the scheduled time for education and completes the education, it shall be considered educated in regard to the established irregularity.

(8) If in the course of conducting the control supervision, the inspector determines that the established irregularities referred to in paragraph (1) of this Article have been eliminated, he/she shall adopt a conclusion to stop the procedure for inspection supervision.

(9) If in the course of conducting the control supervision, the state inspector, that is the authorized environmental inspector determines that

the established irregularities referred to in paragraphs (1) and (2) of this Article have been eliminated, he/she shall file a motion for initiation of a misdemeanor procedure with a competent court, that is, with the Misdemeanor Commission.

(9) If the state inspector, that is the authorized environmental inspector during the control supervision determines that the established irregularities referred to in paragraphs (1) and (2) of this Law have not been eliminated, he/she shall file a motion for initiation of a misdemeanor procedure with the Misdemeanor Commission.

(10) The State Environmental Inspectorate, that is the authorized inspector who has conducted the inspection supervision shall keep records of the delivered education in a manner prescribed by the minister heading the body of the state administration competent for issues in the field of environment.

## **Article 51-b**

### **Reports**

The state environmental inspector, that is the authorized environmental inspector who conducted the inspection supervision shall be obliged to keep records of the supervisions and inspections conducted in the legal entities and natural persons, and prepare quarter report and publish it thereon on the web page of the body of the state administration competent for performance of the activities in the field of environment, that is the web page of the municipality, that is the City of Skopje.

## **Article 51-c**

The implementation of the education and the manner of keeping the records for the conducted supervision shall be conducted by the state market inspector in accordance with the Law on State Market Inspectorate.

## **Article 52**

### **Application of provisions of other laws during the inspection supervision**

The state environmental inspectors, the authorized environmental inspectors in the municipalities, the municipalities in the city of Skopje and the City of Skopje and the public utility inspectors of the municipalities, the municipalities in the city of Skopje and the City of Skopje shall carry out the inspection supervision in field of management of packaging and packaging waste in accordance with the provisions of this Law, the Law on Waste Management, the Law on Inspection Supervision and the Law on Environment.]

## **VI. MISDEMEANOR PROVISIONS**

### **Article 53**

#### **Misdemeanor sanctions for the producers of packaging**

Fine in the amount of Euro 3.000 in Denar counter-value shall be imposed for the misdemeanor on the producer of packaging, provided that:

- 1) for the implementation of the measures referred to in Article 7 of this Law a program for restriction and prevention of creation of packaging waste has not been prepared (Article 7 paragraph(2));
- 2) releases on the market bags for transport of goods contrary to Article 8-a paragraph (1) of this Law;
- 3) produces and releases on the market packaging not being in

accordance with the standards determined in Article 9 of this Law;

- 4) it releases on the market packaging that exceeds the prescribed level of heavy metals referred to in Article 11 paragraph (1) of this Law;
- 5) it does not have data that the requirements referred to in Article 11 paragraph (1) of this Law regarding the shipment of the packaging or the materials for production of packaging released on the market (Article 11 paragraph(2));
- 6) it does not submit a report to the expert body in cases of exceeding level of heavy metals in the packaging (Article 11 paragraph(4));
- 7) it does not provide data on the concentration of heavy metals referred to in Article 11 of this Law for each type of packaging wherein the goods are packed or filled (Article 15 paragraphs (3) and (4));
- 8) it does not treat the sales, group and transport packaging in accordance with Article 18 of this Law, and
- 9) it does not have a separate space and equipment for selective collection of the packaging waste (Article 18 paragraph (4)).

(2) Fine in the amount of Euro 600 in Denar counter-value shall be imposed on the producer of packaging for the actions referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 900 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing a certain activity causing the misdemeanor, in duration of at least three to 15 days at the most.

## **Article 54**

### **Misdemeanor sanctions for the producers of packaging**

(1) Fine in the amount of Euro 6.000 in Denar counter-value shall be imposed for the misdemeanor on the producer of packaging, provided that:

- 1) it does not mark the packaging in accordance with Article 14 of this Law and the regulation adopted on the basis of this Article (Article 14).

(2) Fine in the amount of Euro 600 in Denar counter-value shall be imposed on the producer of packaging for the actions referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 900 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## **Article 55**

### **Misdemeanor sanctions for the producers**

Fine in the amount of Euro 3.000 in Denar counter-value shall be imposed for the misdemeanor on the producer, provided that:

- 1) for the implementation of the measures referred to in Article 7 of this Law a program for restriction and prevention of creation of packaging waste has not been prepared (Article 7 paragraph(2));
- 2) it produces and releases on the market packaging not being in accordance with the standards determined in Article 9 of this Law;
- 3) it releases on the market packaging that exceeds the prescribed level of heavy metals referred to in Article 11 paragraph (1) of this Law;
- 4) it does not have data that the requirements referred to in Article 11 paragraph (1) of this Law regarding the shipment of the packaging or the materials for production of packaging released on the market (Article 11 paragraph(2));
- 5) it does not submit a report to the expert body in cases of exceeding level of heavy metals in the packaging (Article 11 paragraph(4));
- 6) it does not inform the seller and the consumer on the important characteristics of the product and its packaging regarding the dangerous and hazardous substances they contain and the manner of treatment of the used products and the packaging when it becomes packaging waste (Article 15 paragraph (1));
- 7) it does not have data regarding the concentration of heavy metals referred to in Article 11 of this Law for each type of material that the packaging is produced from or the materials for production of the packaging released on the market (Article 15 paragraph(2));
- 8) it does not provide data on the concentration of heavy metals referred to in Article 11 of this Law for each type of packaging wherein the goods are packed or filled (Article 15 paragraphs (3) and (4));
- 9) it does not treat the sales, group and transport packaging in accordance with Article 18 of this Law,
- 10) it does not have a separate space and equipment for selective collection of the packaging waste ( Article 18 paragraph (4)).
- 11) it does not keep records in written and electronic form on the type and amount of packaging released on the market during one year (Article 28 paragraph (1));
- 12) it does not submit the annual report in written and electronic form on type and amount of packaging released on the market in the previous year (Article 28 paragraph (2));
- 13) it does not submit the first report in the determined period in accordance with Article 28 paragraph(8) of this Law;
- 14) it does not act in accordance with Article 30 of this Law, being a producer and end user at the same time, and
- 15) it does not act in accordance with Article 40 of this Law provided that it releases or imports on the market in the Republic of Macedonia packaging and packaging of packed goods that due to usage create packaging waste.

(2) Fine in the amount of Euro 600 in Denar counter-value shall be imposed on the producer for the actions referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 900 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## Article 56

## Misdemeanor sanctions for the producers

(1) Fine in the amount of Euro 6.000 in Denar counter-value shall be imposed on the legal entity producer for the misdemeanor, provided that:

- 1) it does not mark the packaging in accordance with Article 14 of this Law and the regulation adopted on the basis of this Article (Article 14).
- 2) it does not prepare a production specification for each product having different packaging (Article 28 paragraph(3));
- 3) based on the production specification referred to in Article 28 paragraph (3) of this Law it does not keep monthly and annual records about the total packaging released or imported on the market in the Republic of Macedonia as an end user( Article 28 paragraph (4));
- 4) it keep records with false data regarding the amount of packaging released on the market in order to be considered as small producer (Article 19), and
- 5) it does not ensure treatment of packing waste for lids and label, provided that the weight of lids and labels exceed 5% of the weight of the packaging and exceeds the amount of packaging material referred to in Article 19 paragraph (1) of this Law (Article 33 paragraph(1)).

(2) Fine in the amount of Euro 1.000 in Denar counter-value shall be imposed on the producer for the actions referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 1.500 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## Article 57

### Misdemeanor sanctions for the commercial entities

(1) Fine in the amount of Euro 3.000 in Denar counter-value shall be imposed on the legal entity, commercial entity for the misdemeanor, provided that:

- 1) it releases on the market bags for transport of goods contrary to Article 8-a paragraph (1) of this Law;
- 2) it releases on the market packaging that is not labeled in accordance with Article 14 of this Law and the regulation adopted on the basis of this Article (Article 14).
- 3) it does not treat the sales, group and transport packaging in accordance with Article 18 of this Law, and
- 4) it does not have a separate space and equipment for selective collection of packaging waste (Article 18 paragraph (4)).

(2) Fine in the amount of Euro 600 in Denar counter-value shall be imposed on the commercial entity for the actions referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 700 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## **Article 58**

### **Misdemeanor sanctions for the end user and end supplier**

1) Fine in the amount of Euro 2.000 in Denar counter-value shall be imposed on the legal entity, who is the end user for the misdemeanor, provided that:

- 1) the packaging waste that is commercial waste and / or not municipal waste is left or given as municipal waste in places designated for the collection and selection of municipal waste (Article 16 paragraph (1));
- 2) it does not treat the packaging waste in accordance with the provisions of Article 16 paragraphs (2), (3) and (4) of this Law, and
- 3) it does not act in accordance with Article 30 of this Law.

(2) Fine in the amount of Euro 60 in Denar counter-value shall be imposed on the end user of the packaging for the actions referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 700 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## **Article 59**

### **Misdemeanor sanctions for the independent handler of packaging waste**

(1) Fine in the amount of Euro 6.000 in Denar counter-value shall be imposed on the legal entity independent handler of packaging waste, provided that:

- 1) it does not inform the expert body in the determined period regarding the introduction of the deposit (Article 34 paragraph (3));
- 2) did not undertake measures towards the seller with whom the deposit has been paid, to return it provided that the returnable package is returned (Article 34 paragraph (6));
- 3) is not registered and does not have the license for independent treatment of packaging waste in accordance with this Law (Article 24 paragraph (1));
- 4) it does not secure treatment in accordance with Article 24 paragraph (4) of this Law;
- 5) it does not submit an annual report to the expert body regarding the self created waste in accordance with Article 27 paragraphs (3) and (4) of this Law, and
- 6) it introduces deposit which exceeds the amount of 30% from the retail price of the packed goods (Article 34 paragraph (2)).

(2) Fine in the amount of Euro 1.000 in Denar counter-value shall be imposed on the independent handler of packaging waste for the actions

referred to in paragraph (1) of this Article, provided that it is a natural person.

(3) Fine in the amount of Euro 1.200 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## **Article 60**

### **Misdemeanor sanction for the legal entity responsible for treatment of packaging waste**

(1) Fine in the amount of Euro 9.000 in Denar counter-value shall be imposed on the legal entity responsible for treatment of packaging waste, provided that:

- 1) it does not entrust the performance of the activities referred to in Article 20 paragraph (2) of this Law third persons being registered for the performance of those activities and have appropriate licenses in accordance with this or other law (Article 20 paragraph (4));
- 2) it does not have a license for establishment of system for collection and returnable receipt of the packaging waste (Article 21 paragraph (2));
- 3) it does not inform the expert body within the determined deadline in case of change of the data submitted in the license referred to in Article 21 paragraph (2) of this Law (Article 21 paragraph (4));
- 4) it does not submit the data to the expert body regarding the producers, packers, commercial entities and end users with whom it has concluded a contract, are founders or with contract are associated in a legal entity responsible for treatment of packaging waste (Article 21 paragraph (5))
- 5) it has entrusted the collection, treatment, disposal of the packaging waste to a natural person or legal entity that does not have appropriate licenses (Article 22 paragraph (5));
- 6) during the organization of the system it does not act in accordance with Article 23 of this Law;
- 7) it does not treat the packaging waste collected during one calendar year in accordance with Article 27 paragraph (1) of this Law;
- 8) it does not inform the expert body within the determined time period about the introduction of the deposit (Article 34 paragraph (3));
- 9) it does not submit in the determined time period or submits to the expert body an incomplete report regarding the treatment of packaging waste (Article 27 paragraph (2));
- 10) it does not keep records in accordance with Article 27 of this Law;
- 11) it does not submit records in accordance with Article 28 paragraph (6) of this Law;
- 12) it introduces deposit which exceeds the amount of 30% of the sales price of the packed goods (Article 34 paragraph (2), and
- 13) it did not undertake measures towards the seller with whom the deposit has been paid, to return it provided that the returnable package is returned (Article 34 paragraph (6));

(2) Fine in the amount of Euro 1.200 in Denar counter-value shall be imposed on the natural person for the actions referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 1.500 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions



referred to in paragraph (1) of this Law.

(4) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

(5) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least three to 15 days at the most.

## **Article 61**

### **Misdemeanor sanctions for the legal entity responsible for treatment of packaging waste**

(1) Fine in the amount of Euro 20.000 to 30.000 in Denar counter-value shall be imposed on the legal entity responsible for treatment of packaging waste, provided that:

- 1) it submits the report referred to in Article 27 of this Law containing false data regarding the fulfillment of the national aims referred to in Article 35 of this Law for the purpose of avoiding the payment of the compensation referred to in Article 40 of this Law, and
- 2) it keeps false data in the records referred to in Article 28 of this Law for the amounts of packaging released on the market for the purpose of avoiding the payment of the compensation referred to in Article 40 of this Law.

(2) Fine in the amount of Euro 2.000 in Denar counter-value shall be imposed on the responsible person within the legal entity for the actions referred to in paragraph (1) of this Law.

(3) The misdemeanor body can impose the perpetrator a misdemeanor sanction prohibition on performing certain activity causing the misdemeanor, in duration of at least 30 days to one year at the most.

(4) The misdemeanor body can impose the natural person referred to in paragraph (2) and the responsible person referred to in paragraph (3) of this Article, a misdemeanor sanction prohibition on performing certain activity arising from the misdemeanor, in duration of at least 15 to 60 days at the most.

## **Article 62**

### **Procedure for settlement and mediation**

(1) As for the misdemeanors determined in Articles 53, 54, 55, 56, 57, 58, 59 and 60 of this Law, the bodies of the inspection supervision referred to in Article 44 of this Law shall be obliged to propose a settlement procedure to the perpetrator of the misdemeanor before filling a motion for initiation of a misdemeanor procedure.

(2) As for the misdemeanors determined in Article 61 of this Law, the bodies of the inspection supervision referred to in Article 44 of this Law shall be obliged to propose a mediation procedure to the perpetrator of the misdemeanor before filling a motion for initiation of a misdemeanor procedure.

(3) If consent has been reached for the settlement, the fine of the perpetrator can be decreased for up to a half of the maximum prescribed fine for the misdemeanor at the most.

(4) The procedures for settlement and mediation shall be performed in accordance with the provisions of the Law on Environment.

## Article 63

### Conducting a misdemeanor procedure

(1) As for the misdemeanors determined in Articles 53, 54, 55, 56, 57, 58, 59 and 60 of this Law, the misdemeanor procedure shall be conducted and the misdemeanor sanction shall be imposed by the Commission for deciding upon misdemeanors in the field of environment within the Ministry for Environment and Physical Planning (hereinafter: Misdemeanor Commission).

(2) The procedure before the Misdemeanor Commission shall be conducted in accordance with the provisions of the Law on Environment.

(3) As for the misdemeanors determined in Article 61 of this Law, the misdemeanor procedure shall be conducted and the misdemeanor sanction shall be imposed by the competent court.

## VII. TRANSITIONAL AND FINAL PROVISIONS

### Article 64

#### Deadlines for enforcement

(1) The producer referred to in Article 17 of this Law shall be obliged to submit the first notification on the type and quantity of packaging released on the market and imported during a period of one year in accordance with Article 28 paragraph (2) of this Law no later than March 31st, 2011.

(2) The producer shall start to keep the records referred to in Article 28 paragraph (3) and (4) of this Law as of January 1st, 2011.

(3) The legal entity responsible for treatment of packaging waste and the independent handler of waste shall be obliged to submit the first annual report referred to in Article 28 paragraph (2) of this Article by March 31st, 2012, at the latest.

(4) Until December 31st, 2011 the content of the heavy metals can exceed the level of 100 milligrams per kilogram of weight determined in Article 11 of this Law.

(5) The first report on the quantity and type of packaging released on the market in the Republic of Macedonia and the packaging waste management in accordance with Article 39 of this Law shall be published by December 31st, 2011, at the latest.

(6) The obligations for identification and marking of the packaging of Article 14 of this Law shall start to apply as of September 1st, 2012.

(7) The provisions referred to in Article 18 paragraph (4) of this Law shall start to apply as of January 1st, 2012.

(8) The program for waste management referred to in Article 36 of this Law shall be adopted by October 30th, 2011, at the latest.

(9) The producer, in accordance with the obligations referred to in Article 17 of this Law, shall be obliged to associate by means of establishment and / or conclusion of an agreement with a legal entity responsible for handling packaging waste or to registered in the records as an independent handler with packaging waste by June 30th, 2011, at the latest.

(10) The producer of the packaging and the producer shall be obliged to prepare the program referred to in Article 7 paragraph (2) of this Law by December 31st, 2012, at the latest.

## Article 66

### Adoption of detailed regulations

The detailed regulations regarding the enforcement of this Law shall be adopted by June 30th, 2010, at the latest.

## Article 67

### Application of the compensations and achieving national aims

(1) The compensation referred to in Article 40 of this Law shall start to be applied as of January 1st, 2011.

(2) It shall be considered that the national aims referred to in Article 35 of this Law are fulfilled for the year 2011, provided that packaging and packaging waste in the amount of 20% of the weight determined in Article 35 paragraph (1) lines (a) and (b) of this Law is collected and processed.

(3) It shall be considered that the national aims referred to in Article 35 of this Law are fulfilled for the year 2012, provided that packaging and packaging waste in the amount of 30% of the weight determined in Article 35 paragraph (1) lines (a) and (b) of this Law is collected and processed.

## Article 67-a

(1) The producers can decide not to pay the compensation referred to in Article 40 of this Law until June 30th, 2011, at the latest if they are in a procedure of association by establishing and /or conclusion of a contract with a legal entity responsible for treatment of packaging waste or are in a procedure for registration in the records as an independent handler of packaging waste.

(2) In the cases referred to in paragraph (1) of this Article the producers which are not joined by establishing and /or contract with a legal entity responsible for treatment of packaging waste or are not registered in the records as an independent handlers of packaging waste until June 30th, 2011 at the latest, while not paying the compensations in accordance with Article 40 of this Law shall be obliged not later than July 31st, 2011 to pay the of unpaid compensation in the period from January 1st, 2011 to June 30th, 2011.

## Article 68

### Validation session

As of the day Article 40 starts to apply of this Law, Article 185 of the Law on Environment ("Official Gazette of the Republic of Macedonia" no. 53/2005, 81/2005, 24/2007, 259/2008 and 83/2009) shall cease to be valid.

## Article 69

### Entering into force

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia" and shall apply as of January 1st, 2010.

#### **PROVISIONS OF OTHER LAWS:**

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no.17/2011):

**Article 15**

The detailed regulations referred to in Article 51-a of this Law shall be adopted within a time period of 15 days as of the day this Law enters into force.

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no. 47/2011):

**Article 6**

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and shall start to apply as of the day the Law on Inspection Supervision starts to be applied.

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no. 136/2011):

**Article 6**

The bylaws referred to in Articles 1, 2, 4 and 5 of this Law shall be adopted in a period of 30 days as of the day of entry into force of this Law.

As of the entry into force of the bylaws referred to in Articles 1, 2, 4 and 5 of this Law, they shall be published on the web site of the state administration body competent for performing the activities in the area of environment forthwith, and within 24 hours at the latest.

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no. 136/2011):

**Article 7**

This Law shall enter into force on the eight day as of its publication in the "Official Gazette of the Republic of Macedonia", except the provisions of Articles 1 and 3 of this Law which shall apply as of the application of the Law on Establishment of State Commission on Decision-making in Administrative Dispute and Labor Relation Dispute in Second Instance.

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no. 6/2012):

**Article 8**

This Law shall enter into force on the eight day as of its publication in the "Official Gazette of the Republic of Macedonia", while the provisions of Article 8-a of this Law shall apply two months after the day this Law enters into force.

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no. 39/2012):

**Article 10**

The regulation referred to in Article 40-b paragraph (3), determined in Article 3 of this Law shall be adopted in a period of 30 days as of the day this Law enters into force.

Law Amending the Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of Macedonia" no. 163/2013):

**Article 4**

This Law shall enter into force on the eight day as of the day of its publication in the "Official Gazette of the Republic of Macedonia" and shall start to apply as of 1 May 2014.