

# LAW ON PROTECTION AGAINST ENVIRONMENTAL NOISE

CONSOLIDATED TEXT <sup>1</sup>

## Macedonian text

Закон за заштита од бучава во животната средина

## I. GENERAL PROVISIONS

### Article 1

#### Subject of regulation

This Law shall regulate the rights and obligations of the Republic of Macedonia, of the municipality, of the City of Skopje, of the municipalities in the city of Skopje, as well as the rights and obligations of the legal entities and natural persons in relation to the environmental noise management and the protection against environmental noise.

### Article 2

#### Purposes

The purposes of this Law shall be:

- creating healthy living conditions for the people and protection against environmental noise,
- taking measures and activities to avoid, prevent or decrease the noise,
- taking measures for protection against noise which is imposed by the near surrounding and causes disturbance and annoyance,
- removal or decrease of harmful effects of exposure to noise in the media and areas of the environment and
- providing a basis for development of measures for noise abatement emitted by larger sources, especially road, railway and water means of transport and infrastructure, aircraft, equipment used at open space and the industry, as well as portable mechanical work means.

### Article 3

#### Application of the Law

The provisions of this Law shall apply to:

- environmental noise (hereinafter: noise) to which humans are exposed, in: agglomeration, zone, quiet areas in agglomeration, quiet area in nature, as well as in environment of specific educational, health and recreational institutions and/or areas of special interest,
- assessment, management and control of noise caused by means of transport in road, rail, air and water traffic, noise generated in the neighborhood and open space, as well as noise in open space caused by installations and industrial plants, including the economic activity categories,
- determination of the level of exposure to noise by noise registration using assessment methods and preparation of noise strategic maps,
- preparation of noise action plans and acoustical planning based on noise-

monitoring results, with the purpose of preventing and abating the noise where possible, especially if exceeding the noise limit values can cause annoyance and harmful effects on human health, or preserving the noise indicator value in areas where the highest limit values have not been exceeded,

- right to access and distribution of information on noise situations to the public and
- exercise of rights and obligations of: the state bodies and units of local self-government, legal entities and natural persons and citizens for the assessment, management and control of the environmental noise.

## Article 4

### Exemptions

The provisions of this Law shall not apply to:

- noise caused by the exposed person him/herself,
- noise at work places and in the working environment,
- noise inside means of transport and
- noise due to military activities in military areas.

## Article 5

### Application of other regulations to noise management

(1) Besides the provisions of this Law, the international agreements and conventions ratified by the Republic of Macedonia and the standards in road, rail, air and water traffic shall apply to the environmental noise.

(2) The provisions of the Law on Environment shall apply to issues not regulated by this Law but related to environmental noise.

## Article 6

### Entities in noise management

The state administration bodies, the municipalities, the City of Skopje and the municipalities in the city of Skopje, as well as legal entities and natural persons shall be obliged to implement the established noise protection, as well as to enable its implementation.

## II. DEFINITIONS

### Article 7

#### Basic terms and definitions

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

1. **Agglomeration** shall mean a part of the territory of the Republic of Macedonia, delimited by the Government of the Republic of Macedonia, having a population in excess of 100.000 persons and/or a population density such to be considered an urbanized area;
2. **Acoustical planning** shall mean controlling future noise by creation of planned measures, such as:
  - land-use planning,
  - systems engineering and traffic planning,
  - noise abatement by sound-insulation measures and
  - noise control at source;
3. **Action plan** for noise shall mean a plan prepared and destined to manage noise issues and effects, including noise reduction, if necessary;

4. **Environmental noise** shall mean a noise caused by unwanted or harmful outdoor sound created by human activities, imposed by the near surrounding and causing disturbance and annoyance, including the noise emitted by means of transport, road, rail, air traffic, and from sites of industrial activity such as those defined in Chapter 10 of the Law on Environment which refers to integrated environmental permits for work of the installations influencing the environment;

5. **Noise** from the neighborhood shall mean receiving noise immission between neighboring places where people reside permanently or temporarily, and which causes disturbance and annoyance;

6. **Noise disturbance** shall mean annoyance caused by emission of frequent or long-lasting sound created in determined time and place, preventing or influencing the customary activity and work, concentration, relaxation and sleep of the people;

7. **Noise annoyance** shall mean the degree of community noise annoyance as determined by means of field surveys or controls;

8. **Major road** , in terms of this Law, shall mean a regional, national or international road, designated by the Government of the Republic of Macedonia, which has more than 3.000.000 vehicle passages a year or which, because of the noise level, can cause annoyance to the people;

9. **Major railway** , in terms of this Law, shall mean a railway, designated by the Government of the Republic of Macedonia, which has more than 30.000 train passages per year or which, because of the noise level, can cause annoyance to the people;

10. **Major airport** , in terms of this Law, shall mean a civil airport, designated by the Government of the Republic of Macedonia, which has more than 50.000 movements per year (a movement being a take-off or a landing), excluding those purely for training purposes on light aircraft or which because of the noise level can cause annoyance to the people;

11. **Limit value** shall mean a value of  $L_{den}$  or  $L_n$ , and where appropriate  $L_d$  and  $L_e$ , as determined by the state administration bodies, the exceeding of which causes competent authorities to consider or enforce noise mitigation and protection measures. The limit values may be different for different types of noise (road-, rail-, air-traffic noise, industrial noise, etc.), different surroundings and different noise sensitiveness of the populations. They may also be different for the existing situations and the new situations (where there is a change in the situation regarding the noise source or the use of the surrounding);

12. **Construction** , as a source of noise, shall mean everything which has been constructed on and attached to the land, and which represents a physical, technical, technological and construction unit together with the incorporated installations, i.e. equipment, and a construction not resulting from building, provided it changes the purpose of the land;

13. **Construction activities** , as a source of noise, shall mean those activities which come out from the building equipment used in construction, conversion, renovation, destruction and/or removal of a construction or its structure, including activities related to clearing, excavating and/or arrangement of the land;

14. **Secondary noise indicator** shall mean a special noise indicator with appropriate limit values, used when needed;

15. **Sound emission** shall mean a total sound level which the source emits in the surrounding;

16. **Noise emission** shall mean a total noise level which the source emits in the surrounding;

17. **Zone** shall mean a part of the territory of the Republic of Macedonia with defined limits, according to the objectives of noise assessment and management;
18. **Closed space** shall mean a room in apartments and public facilities designed for people's residence;
19. **Noise indicator** shall mean a physical scale for description of environmental noise, which is related to a harmful effect;
20. **Noise source** shall mean a construction, plant, equipment, installation, device, instrument and machine which, while working/activated or used, causes constant or temporary noise, noisy activity of people and animals, including construction activities, as well as other activities which release or emit sound in the environment;
21. **Sound immission** shall mean a total sound level on the place of reception, which represents the basic level and the level from determined sources;
22. **Noise immission** shall mean a level of noise on a specific place in the environment, as a result of emission from one or more noise sources (hereinafter: noise level) and is expressed in decibels dB(A);
23. **Installation** , as a noise source, shall mean a technical unit where one or more activities are performed within the framework of industrial or commercial activity directly related to them and/or technically connected with the activities performed on that location, and which may effect the noise level;
24. **Public** shall mean one or more natural persons or legal entities, and organizations and citizen's associations founded in accordance with law;
25. **Noise map for the current year** shall mean a map for presentation of data on the existent noise situation in the current year;
26. **Cadastre of noise generators** shall mean a quantitative and qualitative record of noise sources including a map of noise sources;
27. **Lden** (day-evening-night noise indicator) shall mean a noise indicator for overall annoyance, as further defined in Article 10 of this Law;
28. **Ld** (day-noise indicator) shall mean a noise indicator for annoyance during the day period;
29. **Le** (evening-noise indicator) shall mean a noise indicator for annoyance during the evening period;
30. **Ln** (night-time noise indicator) shall mean a noise indicator for annoyance during the night period;
31. **Lq** (equivalent noise level) shall mean a noise indicator calculated by the measured noise levels in a stated time interval;
32. **Assessment method** shall mean any method used to calculate, predict, estimate or measure the value of a noise indicator or the harmful effects related to it;
33. **Place of residence** shall mean any open or closed space where people stay permanently or temporarily;
34. **Noise monitoring** shall mean a systematized measurement, following and control of noise situation in the media and the areas of the environment;
35. **Competent body for expert issues for noise management in the environment** shall be the Directorate for Environment;

36. **Noise level** shall mean a value of the measured sound pressure or intensity expressed in decibels dB A;
37. **Noise mapping** shall mean representation of data on the existent or predicted noise situation through an indicator for noise level indicating the excess of any established limit value, number of people affected in a stated area or number of homes exposed to established values of noise level indicator in a stated area;
38. **Settlement** , in terms of this Law, shall mean an area of one or more municipalities and/or part of the area of a municipality determined by the Government of the Republic of Macedonia, which because of the population density, is considered an urbanized area and because of the noise level in it, taking measures for diminishing environmental noise are required;
39. **Assessment** shall mean a method used to calculate, predict, estimate and measure the value of the environmental noise indicator or the related harmful effects;
40. **Dose-effect** relation shall mean a relationship between the value of the noise indicator and the harmful effect;
41. **Open place to stay** shall mean any place where people sojourn for leisure, fun or recreation;
42. **Basic noise level** shall mean a noise level when a particular assessed noise source is not active;
43. **Equipment** , as a noise source, shall mean separate devices, process installations and other products which constitute the plant or are incorporated independently and/or implemented in the construction which serve for the activities and/or technological and other processes;
44. **Plant** , as a noise source, shall mean an assembly of connected equipment serving for carrying out the technological or other process according to the function of the construction;
45. **Area of special interest** shall mean a protected area determined by law;
46. **Means of transport** , as a noise source, shall mean all means of transportation of people, goods, products etc., which are participants in the road-, rail-, air- and water traffic;
47. **Working space** , as a noise source, shall mean any open or closed space where people work with means and equipment for work;
48. **Strategic noise map** shall mean a map prepared for global assessment of established exposure to noise in a determined area as a result of different noise sources and/or for general prediction for that area;
49. **Standards for protection against noise** shall mean standards which need to be met by the facilities, equipment, plants, installations, household appliances, means of transport and other devices and equipment so as to provide protection against noise;
50. **Neighborhood** shall mean an area with places for residence in the immediate surrounding, including apartment buildings and individual houses;
51. **Expert works for protection against noise** shall mean works for carrying out measurement and assessment of the established noise situation, as well as activities for prevention or diminishing and removal of hazards to the environment and human health deriving from noise;
52. **Quiet area** shall mean an area, delimited by the competent authority, not exposed to the value of Lden or another appropriate noise indicator

greater than a certain value set by an authorized body, from any noise source;

53. **Quiet area in open country** shall mean an area, delimited by the competent authority, undisturbed by noise from traffic, industry or recreational activities;

54. **Data management** shall mean collection, processing, systematization, storing, use, distribution and presentation of comprehensive, correct and public data and information on the conditions, quality and modification of noise;

55. **Natural person** shall mean a sole proprietor who, pursuant to the Law on Trade Companies, has been registered in the Trade Register for performing respective activity, as well as any citizen, craftsman or farmer and other performers of professional activity;

56. **Harmful effects** shall mean negative effects on human health and

57. **External surrounding** shall mean a space around noise source where the noise level is measured.

### III. ENVIRONMENTAL NOISE SOURCES

#### Article 8

##### General environmental noise sources

(1) In accordance with this Law, the following shall be considered general environmental noise sources:

- industrial, commercial, craft or other production plant or installation, as well as other equipment,
- construction activities,
- major road – road, water and railway infrastructure,
- airport or heliport place for take-off and landing,
- range for protection and rescuing,
- street infrastructure,
- closed (in a facility) or open parking place,
- constructions for housing and sojourn of people (neighborhood),
- constructions for sports and other public manifestations,
- facility where sound devices are used,
- household appliances,
- racetracks, fun parks, sport shooting grounds, coastal recreational locations and similar play sites,
- open or covered construction site and
- other noise sources which create noise higher than the determined one.

(2) Any public manifestation, public gathering and any use of sound and other equipment which causes noise, if the activity is performed in a public place, at open space or in a construction not designed for such activity shall be also considered a general noise source.

### IV. LIMIT VALUES OF ENVIRONMENTAL NOISE LEVEL

#### Article 9

(1) Emission of noise in the environment higher than the determined limit values shall be forbidden.

(2) Limit values of noise level which refer to limitation of the levels of all noise sources, including time period, place of the source and types of areas where noise is made, shall be prescribed for the purposes of avoiding, preventing and mitigating the harmful effects on the human

health and environment.

(3) The limit values of noise as referred to in paragraph (2) of this Law shall be expressed by environmental noise indicators in accordance with this Law.

(4) The limit values of noise level as referred to in paragraph (2) of this Law shall be prescribed by the minister heading the state administration body competent for issues in the field of health, in concurrence with the minister heading the state administration body competent for issues in the field of environment and the minister heading the state administration body competent for issues in the field of internal affairs.

## V. ENVIRONMENTAL NOISE INDICATORS

### Article 10

#### Environmental noise indicators

(1) Noise indicators shall be used to determine the standards for protection against noise and environmental noise level, i.e. limit values of environmental noise, assessment and prediction of noise situation, creation of strategic noise maps and planning measures for protection against noise.

(2) Noise indicators, in terms of this Law, shall be:

- 1) indicator of total exposure to environmental noise (all-day noise);
- 2) indicator of exposure to noise during the night;
- 3) indicator of exposure to noise during the day;
- 4) indicator of exposure to noise during the evening and
- 5) secondary noise indicators.

(3) The intensity of all-day noise shall be determined by the expression:

$$L_{\text{day}} = 10 \cdot \lg \left( \frac{1}{24} (12 \cdot 10^{L_{\text{night}}/10} + 4 \cdot 10^{L_{\text{day}}/10} + 8 \cdot 10^{L_{\text{evening}}/10}) \right).$$

(4) The use of noise indicators, the secondary noise indicators, the manner of noise measurement and the assessment methods by environmental noise indicators shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in accordance with the minister heading the state administration body competent for issues in the field of health.

## VI. ENVIRONMENTAL NOISE MANAGEMENT

### Article 11

#### Noise management

Noise management shall be performed through:

- 1) assessment methods by noise indicators;
- 2) harmful effects assessment methods;
- 3) adoption and implementation of plan documents, as well as
- 4) taking measures for protection against environmental noise.

## 1. ASSESSMENT METHODS BY ENVIRONMENTAL NOISE INDICATORS

### Article 12

#### Measurement and calculation

The values of the environmental noise indicators can be determined by measurement (on the assessment place) and calculation.

## 2. HARMFUL EFFECTS ASSESSMENT METHODS

### Article 13

#### Assessment of harmful effects

(1) The harmful effects on human health of noise may be assessed by the dose-effect relation. The dose-effect relations are determined as relation between  $L_{dvn}$  and annoyance and relation between  $L_n$  and sleep disturbance.

(2) The methods for assessment of the harmful effects on human health of noise shall be prescribed by the minister heading the state administration body competent for issues in the field of health in concurrence with the minister heading the state administration body competent for issues in the field of environment.

(3) The evaluation of the harmful effects on human health during an increased noise level shall be performed by the competent health institutions.

## 3. ADOPTION AND IMPLEMENTATION OF PLAN DOCUMENTS

### Article 14

#### Plan documents

(1) The following shall be created for the purposes of achieving the determined objectives pursuant to this Law, as well as for the purposes of their planning:

- strategic noise maps and
- noise action plans.

(2) The strategic noise maps referred to in paragraph (1) line 1 of this Law may be:

- 1) strategic noise maps for agglomerations;
- 2) strategic noise maps for major roads;
- 3) strategic noise maps for major railways;
- 4) strategic noise maps for major airports;
- 5) strategic noise maps for settlements and
- 6) strategic noise maps for areas of special interest which do not belong to the established agglomeration.

### Article 15

#### Strategic mapping of environmental noise

(1) The strategic noise maps shall obligatorily be made for all agglomerations, major roads, major railways and major airports on the territory of the Republic of Macedonia. The strategic noise maps for settlements and areas of special interest shall be made, if needed, on the basis of a decision adopted by the legal entity which manages the area.

(2) The following shall be competent for creation, adoption, use and keeping of the strategic noise maps:

- council of the municipalities and the City of Skopje on proposal of the mayor of the municipalities and the City of Skopje – for agglomerations



and for settlements,

- state administration body competent for issues in the field of environment for – major roads, major railways and major airports and
- legal entity which manages the area of special interest, for the strategic noise map for an area of special interest.

(3) The bodies and the legal entity referred to in paragraph (2) of this Article, the other state administration bodies, as well as the legal entities and natural persons from areas included in the strategic noise maps shall be obliged to collaborate and exchange information for the purposes of creating the strategic noise maps.

- (4) The strategic noise maps shall contain text, graphics and annexes for:
- previous, current and expected noise situation, determined on the basis of the values of the noise indicators;
  - excess of the limit values of noise indicators;
  - estimated number of apartments, children's, education and health institutions in a determined area, exposed to higher values of noise indicators and
  - estimated number of people who dwell in the area exposed to noise.

(5) The bodies and the legal entities competent for creation of strategic noise maps referred to in paragraph (2) of this Article, during the strategic noise mapping for a territory close to an international border shall be obliged to collaborate with the bodies competent for adoption of strategic noise maps from the neighboring country.

(6) The manner of collaboration of the competent bodies for creation of strategic maps with the competent bodies for adoption of strategic noise maps from a neighboring country shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in concurrence with the minister heading the state administration body competent for issues in the field of foreign affairs.

(7) The strategic noise maps shall determine the priority areas where exceeding of values of a specific indicator has been noticed, and which could cause harmful effects on human health, and action noise plans should be created therefor.

(8) The strategic noise maps shall be created for a period of five years and shall be revised every fifth year.

(9) The mayors of the municipalities and the mayor of the City of Skopje, i.e. the body competent for the area of special interest, shall be obliged to submit the strategic noise maps to the state administration body competent for issues in the field of environment for approval, within 30 days from the day of their creation. The strategic noise maps which refer to major roads, major railways and major airports on the territory of the Republic of Macedonia, shall be approved by the Government of the Republic of Macedonia on proposal of the state administration body competent for issues in the field of environment.

(10) The state administration body competent for issues in the field of environment shall be obliged to collect, keep and register the approved strategic noise maps.

(11) The detailed contents of the strategic noise maps, the manner of creation and the manner of data collection for the purposes of their creation, as well as the manner of their collection, keeping and registering shall be prescribed by the minister heading the state administration body competent for issues in the field of environment.

(12) The data from the strategic noise maps shall obligatorily be used during the preparation of the spatial and urban plans.

## Article 16

## **Determining the objects for preparation of strategic noise maps**

(1) The Government of the Republic of Macedonia, on proposal of the state administration body competent for issues in the field of environment, shall prescribe the agglomerations, major roads, major railways and major airports subject to strategic noise maps creation, as well as the municipality competent for creation of strategic noise map when the agglomeration includes areas of more municipalities and the manner of their collaboration and organization.

(2) The Government of the Republic of Macedonia, on proposal of the state administration body competent for issues in the field of environment, shall prescribe the settlements and the areas of special interest which do not belong to the determined agglomeration and for which strategic noise maps need to be prepared.

## **Article 17**

### **Action plans for environmental noise**

(1) The action plans for environmental noise shall be prepared according to the strategic noise maps.

(2) The following shall be competent for preparation, adoption, use and keeping of the noise action plans:

- the council of municipalities, i.e. the Council of the City of Skopje on proposal of the mayors of the municipalities, i.e. the mayor of the City of Skopje – for agglomerations and settlements;
- the minister heading the state administration body competent for issues in the field of environment – for major roads, major railways, major airports and ports and
- for the strategic noise map for the area of special interest, the legal entity which manages the area of special interest.

(3) The competent bodies referred to in paragraph (2) of this Article, the other state administration bodies, as well as the legal entities and natural persons in the areas covered by the strategic noise maps shall be obliged to collaborate and exchange data and information for the purposes of preparing the noise action plans.

(4) The noise action plans referred to in paragraph (1) of this Article shall especially include analyses of the current noise situation, estimation, predictions and measures for noise reduction and prevention, related to the excess of the limit values of a specific noise indicator in the areas of agglomerations, settlements and areas of special interest, and in vicinity of major roads, major railways, major airports on the territory of the Republic of Macedonia.

(5) The noise action plans shall be prepared for a period of five years and shall be revised every fifth year.

(6) The measures for noise prevention and reduction envisaged in the noise action plans, shall be implemented by the competent bodies within the determined deadlines, as well as by the owners and users of the facilities and plants which have been registered as noise sources in the noise action plans, including the operators of the installations with A and B integrated environmental permits, as well as noise generators registered in the cadastre of noise generators.

(7) The measures for prevention and reduction of noise in the open space created by business installations and plants, shall be regulated in accordance with the provisions of the Law on Environment which apply to A integrated environmental permits and B integrated environmental permits.

(8) The bodies and the legal entities competent for creation of noise action plans shall be obliged to collaborate with the bodies competent for creation of action plans from the neighboring country.

(9) The manner of collaboration between the bodies competent for creation of noise action plans with the bodies competent for creation of noise action plans from the neighboring country shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in concurrence with the minister heading the state administration body competent for issues in the field of foreign affairs.

(10) The municipalities and the City of Skopje, as well as the legal entities which manage the areas of special interest, shall be obliged to submit the noise action plans to the state administration body competent for issues in the field of environment for approval, within 30 days from the day of their preparation. The state administration body competent for issues in the field of environment shall be obliged to collect, keep and register the noise action plans.

(11) The detailed contents of the noise action plans, the manner of preparation and the manner of data collection for the purposes of creating noise action plans, as well as the manner of their collection, keeping and registering shall be prescribed by the minister heading the state administration body competent for issues in the field of environment.

## **Article 18**

### **Public participation in planning the protection against environmental noise**

(1) During the preparation of the noise action plans, the competent bodies shall organize a public debate where all interested parties may take part: state administration bodies, legal entities and natural persons, public institutions, scientific and expert institutions, citizens' associations, urban communities, municipalities, City of Skopje and the municipalities in the city of Skopje, as well as other interested parties.

(2) The bodies competent for preparation of the action plans for environmental noise, prior to the public debate, shall enable a public insight in the draft proposals of the action plans for environmental noise in duration of 30 working days. They shall inform the parties referred to in paragraph (1) of this Article through the media:

- by publishing an announcement in at least one newspaper distributed throughout the territory of the Republic of Macedonia and/or
- in other appropriate manner, about the place where the insight in the proposed noise action plans can be performed, together with the information on the procedure for public participation, as well as about the manner, place and date of the public debate.

(3) The competent bodies for adoption of noise action plans shall be obliged, during the preparation of the plan document, to take in consideration the public opinion given in accordance with paragraph (2) of this Article and to prepare a separate report which shall be an integral part of the documentation for adoption submitted to the competent body for their adoption.

(4) The manner of information publishing and the public participation in the procedure for preparation of the noise action plans referred to in paragraph (1) of this Article and the manner of preparing the report from the public debate referred to in paragraph (3) of this Article shall be carried out in accordance with the provisions on strategic assessment of the impact on the environment of the Law on Environment.

## **VII. PROTECTION MEASURES AGAINST**

# ENVIRONMENTAL NOISE

## Article 19

### Determination of protection measures against environmental noise

(1) The legal entities and natural persons shall be obliged to undertake the following protection measures against noise:

- to select, purchase and use equipment, installations, devices and working devices and means of transport which generate low level of noise,
- to select, purchase and use equipment, devices and appliances intended for household use which generate noise within the limit values of noise level,
- to select, purchase and use products having a mark for the sound level they emanate,
- to perform construction activities, as well as to undertake protection measures, in the manner and with the purpose of reducing noise and bringing it into the limit values of noise level,
- to build constructions that satisfy the standards for protection against noise related to incorporation of appropriate sound insulation in the constructions for the purposes of bringing down the noise and the noise sources in the offices and apartments to the limit values of noise level from the neighborhood,
- to incorporate or set appropriate sound insulation in office and apartment buildings considered noise sources,
- to perform their activities in such manner as not to allow noise generation in the environment above the limit values of noise level,
- to restrain from activities which may cause people's annoyance from noise,
- to monitor the noise in accordance with the integrated environmental permits and
- to undertake other measures for protection against noise.

(2) The state administration bodies, the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje shall be obliged to undertake the following measures for protection against noise:

- to monitor the noise in accordance with the monitoring programs of the state and local environmental noise monitoring networks;
- to occasionally limit the emission of noise from the noise sources;
- to limit or prevent the sound emission from the emitting source;
- to carry out acoustical measurements for control and constant supervision of the noise situation;
- to implement acoustical prevention measures on the basis of measurement and analysis of noise at the emission places, paths of noise diffusion and places of noise immission;
- to carry out planned location of noise sources in the space and/or constructions, as well as to envisage objects that need to be protected against noise;
- to adjust the noise level caused by other independent sound sources within the determined limit values, and depending on the time period;
- to ensure implementation of measures and conditions for protection against noise in the spatial and urban plans with spatial disposition of the infrastructure, industrial, residential, recreational and other constructions and to plan quiet zones, as well as to establish a special regime of use of the quiet zones;
- to inform the public on noise situation and
- to take other measures for protection against noise.

## Article 20

### Duration of the day and night

The protection against noise shall be implemented throughout the day and

night, whereas for the purposes of this Law it is considered that the day lasts 12 hours from 7,00 to 19,00, the evening 4 hours from 19,00 to 23,00 and the night 8 hours from 23,00 to 7,00.

## **Article 21**

### **Ban on placing on the market, use and production**

(1) Placing on the market, use and production of machines, means of transport, devices and work equipment, as well as household devices, tools and appliances which are not in conformity with the prescribed technical norms and standards for protection against noise in relation to the limit values of noise generated under specific conditions of use and which do not have a mark with data on the emitted sound volume, shall be banned.

(2) The data on sound volume emitted by the machines, devices, appliances and equipment referred to in paragraph (1) of this Article have to be marked on the product in accordance with the Macedonian standards, as well as the standards and recommendations of the European Union.

## **Article 22**

### **Contents for protection against noise in spatial planning**

(1) The spatial and urban plans and the by-laws for their implementation, within the framework of protection contents, should contain protective measures against noise.

(2) The protective measures against noise referred to in paragraph (1) of this Article which should be included in the spatial and urban plans shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in accordance with the minister heading the state administration body competent for issues in the field of transport and communications and the minister heading the state administration body competent for issues in the field of health.

## **Article 23**

### **Standards for protection against noise in constructions**

(1) During the procedure for issuing a construction approval, the state administration body competent for issues in the field of spatial arrangement and the mayors of the municipalities and of the municipalities in the city of Skopje, shall be obliged to determine whether the facility plan documents subject to construction approval have met the necessary conditions and measures related to the standards for protection against noise, that is:

- whether the noise level, resulting from the use or activity of a source, does not exceed the prescribed limit values of noise source emission level,
- whether the measures for protection against noise have been provided, for preventing or reducing the noise level, resulting from the use or activity of a noise source in the facility,
- whether, within the areas of increased road, railway, air and/or water traffic, the limit values of noise level are not exceeded, resulting from the use or activity of a noise source and
- whether other conditions and measures necessary for protection against noise have been provided, in accordance with the specific function of the facility and its position.

(2) During the selection of conditions and measures referred to in paragraph (1) line 2 of this Article, a priority shall be given to conditions and measures for reducing noise emission in its source over the measures

for prevention of noise and noise diffusion.

## VIII. ENVIRONMENTAL NOISE MONITORING

### Article 24

#### Objectives of the monitoring

(1) The monitoring of noise situation (hereinafter: monitoring) shall be performed in the manner and under conditions defined by this Law.

(2) The objective of noise monitoring shall be the establishment of accord and standards in the creation and functioning of the systems for monitoring and control and maintenance of comprehensive database needed for revision and managing of the noise situation by:

- systematic following, observance, measurement and assessment of the noise situation and the impact of the noise modifications,
- identification, planning and distribution of noise sources,
- evaluation of harmful effects of noise on human health and environment,
- establishing and proposing measures for improvement of noise situation and
- use of other methods for establishment, assessment and improvement of noise situation, especially by modeling and identification of future problems.

### Article 25

#### Environmental noise monitoring

The noise monitoring shall provide the following data:

- 1) data on noise emissions from mobile sources;
- 2) data on noise emissions from stationary sources;
- 3) data on determined noise level, at specific residential places;
- 4) data provided by state bodies, scientific and expert organizations and institutions and other legal entities performing measurements and following the noise situation from all noise sources;
- 5) data from the noise situation assessment;
- 6) data about alarming and measures for human health protection and improvement of the noise situation and
- 7) other data related to noise.

### Article 26

#### State monitoring network

(1) A national network for noise monitoring (hereinafter: state network) shall be established by the state administration body competent for issues in the field of environment for the purpose of noise monitoring on the territory of the Republic of Macedonia.

(2) The state network shall provide constant noise monitoring as an integral part of the complete monitoring of the environment.

(3) The state administration body competent for issues in the field of environment shall monitor the noise situation through the state network and shall manage the state network, in accordance with this Law and the Law on Environment.

### Article 27

#### Local monitoring networks

With regard to the noise monitoring on the territory of the municipalities, the City of Skopje and the municipalities in the city of Skopje may

establish local monitoring networks on the basis of previously received opinion from the competent body for performance of expert works in the field of environment, under the conditions and in the manner determined in this Law and the Law on Environment.

## **Article 28**

### **Monitoring program**

(1) The minister heading the body competent for issues in the field of environment shall adopt an annual work program for the state noise monitoring network.

(2) The municipalities and the City of Skopje shall adopt an annual work program for the local noise monitoring network which shall be submitted to the state administration body competent for issues in the field of environment for approval.

## **Article 29**

### **Measuring stations and measuring sites**

(1) Monitoring of the noise situation shall be performed by the measuring stations and measuring sites, especially for:

- education facilities, health institutions and spaces in agglomerations, industrial and other areas, roads, airports and railways,
- protected areas declared as such pursuant to the Law on Nature Protection, delicate eco systems, as well as places of cultural and natural heritage and
- other areas or facilities which, according to their purpose or significance, are important for determining the noise situation.

(2) The locations of the measuring stations and measuring sites shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in accordance with the minister heading the state administration body competent for issues in the field of transport and communications and the state administration body competent for issues in the field of health.

## **Article 30**

### **Monitoring methodology**

The manner, conditions and procedure for network establishment and functioning, the methodology and manner of monitoring, as well as the conditions, manner and procedure for submission of information and data from the noise monitoring shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in accordance with the minister heading the state administration body competent for issues in the field of transport and communications and the state administration body competent for issues in the field of health.

## **Article 31**

### **Monitoring performance**

(1) Authorized scientific, expert organizations and institutions, as well as other legal entities and natural persons may perform certain expert works regarding noise monitoring under conditions and in the manner determined by this Law.

(2) The parties referred to in paragraph (1) of this Article shall be authorized by the minister heading the state administration body competent for issues in the field of environment to perform certain expert works regarding noise monitoring, provided that they meet the following

conditions:

- to be accredited pursuant to the Law on Accreditation,
- to have employed at least one person with a university degree – graduated engineer in the field of technical sciences, environment, architecture, construction, machinery, electrical engineering or graduated physicist and/or medical specialist in hygiene and/or health ecology, with at least three years of working experience and
- to have equipment for noise measuring.

(3) More detailed requirements for the necessary equipment that the parties referred to in paragraph (1) of this Article should possess shall be prescribed by the minister heading the state administration body competent for issues in the field of environment.

(4) The mayors of the municipalities, of the City of Skopje and of the municipalities in the city of Skopje, in accordance with their competence, may entrust the monitoring of individual sources within their municipality to be performed in its name and on its account to a party referred to in paragraph (1) of this Article.

(5) Two or more municipalities and/or the City of Skopje may set up a joint service for monitoring of the area of the municipalities or the City of Skopje, or may entrust it to a party referred to in paragraph (1) of this Article to perform the monitoring in their name and on their account, which shall be regulated by a separate law.

(6) The state administration body competent for issues in the field of environment shall keep a record on the authorized parties referred to in paragraph (1) of this Article.

## **Article 32**

### **Submission of data and information from the monitoring**

(1) The mayors of the municipalities, of the City of Skopje and the mayors of the municipalities in the city of Skopje and other parties monitoring the noise situation in accordance with this Law, shall be obliged to deliver the data and information without any recompense to the state administration body competent for issues in the field of environment, pursuant to the Law on Environment.

(2) The state administration body competent for issues in the field of environment shall prepare and deliver reports on the monitoring, for the needs of the state administration body competent for issues in the field of transport and communications, the state administration body competent for issues in the field of health, the competent information and alert center, as well as the mayors of the municipalities, of the City of Skopje and the mayors of the municipalities in the city of Skopje and other state bodies and institutions.

(3) The state administration body competent for issues in the field of environment for the purposes of fulfilling the obligations under the international agreements ratified or acceded to by the Republic of Macedonia shall be the competent body for presentation of the data on noise situation, according to this Law and the Law on Environment.

## **IX. INFORMATION SYSTEM**

### **Article 33**

#### **Information system for environmental noise situation**

(1) The state administration body competent for issues in the field of environment shall set up and manage a unified information system for



environmental noise situation (hereinafter: information system) which shall be a part of the entire environment information system in the Republic of Macedonia pursuant to this Law and the Law on Environment.

(2) The collected, processed and verified data and information on noise situation shall represent an official database on environmental noise situation, serving as a base for management of and protection against noise.

## **Article 34**

### **Database on environmental noise situation**

The information system for environmental noise situation shall include:

- 1) data obtained from noise monitoring in accordance with Article 25 of this Law;
- 2) data from strategic noise maps;
- 3) data from noise action plans and
- 4) other relevant data obtained by individual noise measuring.

## **Article 35**

### **Cadastre of Environmental Noise Generators**

(1) The Cadastre of Environmental Noise Generators shall be part of the Environment Cadastre established and administered by the competent body for carrying out expert works in the field of environment, pursuant to this Law and the Law on Environment.

(2) The Cadastre referred to in paragraph (1) of this Article shall contain data on noise sources, especially data on:

- name and address of the entity,
- noise source type,
- micro and macro location of noise source,
- short description of activities and/or technological process,
- important data related to emitted noise volume,
- information, related to issuing consents, permits and changes in the permits and consents and other relevant data which refer to environmental noise situation,
- performed control, established situation and measures taken for protection against noise and
- other data on noise sources relevant for determining the situation of environmental noise.

(3) The legal entities and natural persons shall be obliged to deliver data for preparation and keeping of the Cadastre referred to in paragraph (1) of this Article, in accordance with the provisions of the Law on Environment referring to the information system.

(4) The data contained in the Cadastre referred to in paragraph (1) of this Article shall constitute an integral part of the environmental information system.

(5) The municipalities, the City of Skopje and the municipalities in the city of Skopje, for their areas, may prepare and keep a Cadastre of Environmental Noise Generators. The mayor of the municipality, the mayor of the City of Skopje and the mayors of the municipalities in the city of Skopje, once a month at least, shall deliver data from the Cadastre to the state administration body competent for issues in the field of environment.

## **Article 36**

### **Informing the public on the environmental noise situation**

(1) The state administration body competent for issues in the field of environment shall prepare reports on noise situation, as integral part of the report on environment situation, pursuant to the Law on Environment, as well as other types of reports in accordance with the obligations under the international agreements ratified or acceded to by the Republic of Macedonia.

(2) The state administration body competent for issues in the field of environment shall be obliged, in the course of the year, to timely and precisely inform the public on the current environmental noise situation, achieved improvement, future plans and directions for improvement of the environmental noise situation.

(3) The mayors of the municipalities and the City of Skopje shall be obliged to publish the strategic noise maps and the noise action plans in accordance with Articles 15 and 17 of this Law, as well as to inform about any other measures for protection against noise and on the measures and activities for improvement of the general situation in the area, implemented during the previous year and about the anticipated activities for the following year.

(4) The content and manner of informing and notifying about the conditions in the protection against noise shall be performed in accordance with the Law on Environment.

(5) The state administration body competent for issues in the field of health, as well as the competent health institutions which assess the harmful effects on the health of people exposed to higher level of noise and the harmful effects on the health of people exposed to noise, shall be obliged to inform the concerned persons and the competent bodies, on a regular basis, about the prevention and the decrease of the noise and about the potential negative health effects from noise.

## **Article 37**

### **Access to information**

(1) The data and information on the environmental noise situation of the information system shall be available to the public.

(2) The competent bodies and other legal entities which have data and information on noise situation shall be obliged to ensure their public access, in the prescribed form, in the manner and procedure established in the Law on Environment.

## **X. CONDITIONS AND TECHNICAL MEASURES FOR PROTECTION AGAINST ENVIRONMENTAL NOISE GENERATED BY SPECIAL SOURCES**

### **Article 38**

#### **Environmental noise generated by road, railway, air and water traffic**

(1) Special noise source in the environment shall be considered:

- road traffic, i.e. motor vehicles with at least four wheels and a maximum speed exceeding 25 km/h,
- railway traffic, i.e. railway system, railway transportation and railway infrastructure,
- air traffic, i.e. airplanes with maximum weight on taking-off of 34.000 kg or more with maximum internal seating capacity of over 19 passengers, excluding the seats of the crew and
- water traffic, i.e. vessels in domestic waters.

(2) The more specific types of the special noise sources referred to in paragraph (1) of this Article, as well as the conditions for protection against noise generated by road, railway, air and water traffic, shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in concurrence with the minister heading the state administration body competent for issues in the field of transport and communications, the minister heading the state administration body competent for issues in the field of health and the minister heading the state administration body competent for issues in the field of internal affairs.

## **Article 39**

### **Environmental noise generated by plants, equipment, installations and devices used in open space**

(1) Special noise sources in the environment shall be considered:

- plants, equipment, installations and devices used in open space especially including:

- 1) machinery, apparatuses and/or devices which are automotive or excited by a driving element and
- 2) non-automotive equipment for industrial use.

(2) The more specific types of the special noise sources referred to in paragraph (1) of this Article, as well as the requirements that need to be met by the plants, equipment, installations and devices used in open space related to the emitted noise and the standards for protection against noise, shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in accordance with the minister heading the state administration body competent for issues in the field of economy, the minister heading the state administration body competent for issues in the field of labor and social policy and the minister heading the state administration body competent for issues in the field of health.

## **Article 40**

### **Environmental noise generated by household devices, instruments and appliances**

(1) Special noise sources in the environment shall be also considered the household devices, instruments and appliances including machines, parts of machines or installations produced mainly for use in the households, including basements, garages and other auxiliary facilities, as well as household appliances for maintenance, cleaning, preparing and storage of food, production and distribution of cold and hot air, air-conditioning and other appliances used for non-professional purposes.

(2) The more specific types of the special noise sources referred to in paragraph (1) of this Article, as well as the requirements that need to be met by the household devices, instruments and appliances regarding the standards for protection against noise, shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in concurrence with the minister heading the state administration body competent for issues in the field of economy, the minister heading the state administration body competent for issues in the field of labor and social policy and the minister heading the state administration body competent for issues in the field of health.

## **Article 41**

### **Environmental noise generated in the neighborhood**

(1) Special environmental noise source shall be considered the activities of

the neighbors, including the construction activities in the neighborhood, as well as the activities, devices, instruments and apparatuses which are performed, that is used in the neighborhood for professional purposes.

(2) The more specific types of the noise sources referred to in paragraph (1) of this Article, the conditions for protection against noise generated by the special sources referred to in paragraph (1) of this Article, shall be prescribed by the minister heading the state administration body competent for issues in the field of environment in concurrence with the minister heading the state administration body competent for issues in the field of transport and communications and the minister heading the state administration body competent for issues in the field of health.

(3) Construction activities in apartment buildings may be performed only during the day.

(4) The constructor shall be obliged to perform the activities in the shortest possible period of time and in a manner that causes the lowest possible noise level. The constructor shall be obliged to ensure at least two hours daily rest, which shall be regulated by an agreement with the household council of the apartment building.

(5) As an exemption to paragraph (3) of this Article, in case of danger or in order to prevent any other risk, the constructor may perform the construction activities for a longer period of time informing the household council thereof.

(6) The household council shall be obliged to enable the constructor to have 10 working hours a day for performance of the construction activities.

(7) The construction activities in apartment buildings without household council shall be regulated by a mutual agreement between the householders, appropriately applying the provisions of this Article.

## **Article 42**

### **Environmental noise generated by other independent sound equipment**

The environmental noise generated by other independent sound sources, depending on the time period and the position of the source, has to be within the limit values of noise level, determined according to the provision of Article 9 paragraph (4) of this Law.

## **XI. FINANCING**

### **Article 43**

#### **Sources of financing**

(1) The funds for environmental noise management, under the competence of the state administration body competent for issues in the field of economy, shall be provided from the Budget of the Republic of Macedonia, as well as by other sources of funds determined by law.

(2) The Annual Work Program of the state monitoring network for environmental noise, the preparation of the strategic noise maps referred to in Article 14 paragraph (1) line 1 of this Law and the noise action plans referred to in Article 14 paragraph (1) line 2 of this Law, the informing and education of the population, as well as the other measures for protection undertaken in accordance with this Law, shall be financed by the funds referred to in paragraph (1) of this Article.

(3) The funds for establishment, work, maintenance and development of

the state network referred to in Article 26 of this Law, shall be provided from the Budget of the Republic of Macedonia and other sources determined by law.

## **Article 44**

### **Funds provided from the budgets of the local self-government units**

(1) The funds for environmental noise management, under the competence of the municipalities, the City of Skopje and the municipalities in the city of Skopje, shall be provided from the budget of the municipalities, the City of Skopje and the municipalities in the city of Skopje, as well as by other sources of funds determined by law.

(2) The Annual Work Program of the local monitoring network of environmental noise, the preparation of the strategic noise maps referred to in Article 14 paragraph (1) line 1 of this Law and the noise action plans referred to in Article 14 paragraph (1) line 2 of this Law, the informing and education of the population, as well as the other measures for protection undertaken in accordance with this Law, shall be financed by the funds referred to in paragraph (1) of this Article.

(3) The funds for establishment, work, maintenance and development of the local networks referred to in Article 27 of this Law, shall be provided from the budgets of the municipality, the City of Skopje and the municipalities in the city of Skopje and by other sources of funds determined by law.

## **Article 44-a**

### **Funds collected from payment of the imposed fines**

The funds collected from payment of the imposed fines by the authorized environmental inspectors of the municipalities, the authorized environmental inspectors of the City of Skopje and the authorized environmental inspectors of the municipalities in the City of Skopje shall be incomes of the municipalities, the City of Skopje and the municipalities in the City of Skopje.

## **XII. SUPERVISION AND COMPETENT BODIES**

### **Article 45**

#### **Competent bodies**

(1) Supervision over the application of this Law and the regulations adopted on the basis of this Law shall be performed by the state administration body competent for issues in the field of environment.

(2) The inspection supervision over the application of this Law and the regulations adopted on the basis of this Law shall be performed by the State Environmental Inspectorate, through the state environmental inspectors.

(3) The inspection supervision over the application of this Law and the regulations adopted on the basis of this Law regarding the issues under the competence of the municipalities, the City of Skopje and the municipalities in the city of Skopje, determined in this Law, shall be performed by authorized environmental inspectors of the municipalities, the City of Skopje and the municipalities in the city of Skopje (hereinafter: authorized environmental inspectors).

(4) The inspection supervision over the application of this Law and the

regulations adopted on the basis of this Law about measures for prevention and reduction of the harmful effects of noise on the health of the exposed population shall be performed by the State Sanitary and Health Inspectorate.

(5) The inspection supervision over the application of this Law and the regulations adopted on the basis of this Law related to placing of machines, means of transport, devices and equipment for work and production, as well as household devices, instruments and appliances on the market, regulated in Articles 21 and 40 of this Law, shall be performed by the State Market Inspectorate, and regarding the putting into service, i.e. use of the machines, devices and equipment, the inspection supervision shall be performed by the State Inspectorate for Technical Inspection.

## **Article 46**

### **Assistance in the inspection supervision**

The state environmental inspectors and the authorized environmental inspectors while undertaking activities of inspection supervision in the field of protection against noise, may ask for cooperation from representatives of the state administration body competent for issues in the field of internal affairs.

## **Article 47**

### **Procedure for inspection supervision**

The state environmental inspectors and the authorized environmental inspectors shall carry out the inspection supervision in the field of protection against noise in accordance with the provisions of this Law, the Law on Environment and the Law on Inspection Supervision.

## **Article 48**

### **Supervision scope of the state environmental inspector**

While performing the supervision within his/her scope, the state environmental inspector, in accordance with the provisions of this Law and the Law on Environment, shall have the right:

- 1) to perform supervision over the application of the measures for protection against harmful noise from installations with A-integrated environmental permit and B-integrated environmental permit in protected areas and to determine whether:
  - the functioning of the devices for noise measuring is in line with the stipulated norms and in conformity with the integrated environmental permits,
  - the operator of the noise source has provided conditions for the noise to be within the prescribed limit values,
  - the noise has been reduced, in the cases when the circumstances that caused a higher level of noise than the prescribed limit values have ceased,
  - the prescribed measures for protection against noise have been applied and
  - the requirements for protection against noise regarding the plants, equipment, installations and devices used in open space have been met;
- 2) to determine whether the legal entity and the natural person have undertaken all the required technical, technological and other measures and have met the required standards for bringing noise within the prescribed limit values regarding the used equipment and technological processes, as well as regarding the areas and locations of people's dwelling;
- 3) to determine whether the limit values of noise level from the noise

sources which are under exclusive competence of the state administration bodies (Article 9) have been observed;

- 4) to determine whether the measures for protection against noise have been undertaken;
- 5) to determine whether devices and equipment for work and production in the installations (Article 21) have been used;
- 6) to determine whether the measures for protection against noise during increased road, railway, air and/or water traffic (Article 38) have been undertaken;
- 7) to determine whether the requirements for protection against noise generated by road, railway, air and/or water traffic (Article 38) have been met and
- 8) to determine other situations so as to enable implementation of this Law.

## **Article 49**

### **Supervision scope of the authorized environmental inspector of the municipality and the City of Skopje**

While performing the supervision within his/her scope, the authorized environmental inspector of the municipality and the City of Skopje, in accordance with the provisions of this Law and the Law on Environment, shall have the right:

- 1) to perform supervision over the application of the measures for protection against noise from installations with B-integrated environmental permits and from other facilities determined by the Law on Environment, and to determine whether:
  - the operator of the noise source has provided conditions for the noise to be within the prescribed limit values,
  - the noise has been reduced, in the cases when the circumstances that caused a higher level of noise than the prescribed limit values have ceased and
  - the operator of the noise source has undertaken all the required technical, technological and other measures for bringing the noise within the prescribed limit values regarding the equipment, technological processes, constructions, plants and installations in the areas and locations of people's dwelling;
- 2) to establish whether the legal entity and the natural person have undertaken all the required technical, technological and other measures and have met the required standards for bringing the noise within the prescribed limit values regarding the used equipment and technological processes, as well as regarding the areas and locations of people's dwelling which are under exclusive competence of the municipality and the City of Skopje;
- 3) to determine whether the limit values of the noise level generated from the noise sources which are under exclusive competence of the municipality and the City of Skopje (Article 9) have been observed;
- 4) to determine whether the legal entities and natural persons have undertaken the measures for protection against noise as referred to in Article 19 paragraph (1) of this Law;
- 5) to determine whether the requirements for protection against noise generated by plants, equipment, installations and devices used in open space (Article 39) have been met;
- 6) to determine whether the noise generated by other individual sound sources is within the limit values of noise level;
- 7) to determine other situations so as to enable implementation of this Law.

## **Article 50**

### **Supervision scope of the authorized environmental inspector of the municipality and the municipality in the city of Skopje**

(1) While performing the supervision within his/her scope, the authorized environmental inspector of the municipality and the municipality in the city of Skopje, in accordance with the provisions of this Law and the Law on Environment, shall have the right to control the application of measures for protection against harmful noise, i.e. whether:

- 1) the noise level during catering and tourist activity has been within the prescribed limit values;
- 2) the manager of the catering and tourist facilities being a noise source has provided conditions for the noise to be brought within the prescribed limit values;
- 3) the plan documents for the facilities subject to construction approval have met the special requirements and measures related to the standards for protection against noise (Article 23);
- 4) the requirements for protection against noise generated by plants, equipment, installations and devices used in open space (Article 39) have been met;
- 5) the requirements for protection against noise generated by activities of the neighbors, including the construction activities in the neighborhood, as well as activities, devices, tools and appliances performed, that is used in the neighborhood for professional purposes (Article 41) have been met;
- 6) the activities defined in Article 41 of this Law have been implemented in a manner which ensures protection against noise;
- 7) the noise generated by other individual sound sources has been within the limit values of noise level (Article 42) and
- 8) shall determine other conditions so as to ensure implementation of this Law.

(2) The authorized environmental inspector of the municipality in the city of Skopje shall perform the inspection supervision referred to in paragraph (1) points 4 and 7 of this Article over those activities and facilities that are under exclusive competence of the municipality in the city of Skopje.

## **Article 51**

### **Supervision scope of the State Market Inspectorate**

(1) While performing the supervision within its scope, the State Market Inspectorate shall have the right to:

- determine whether the machines, means of transport, devices and equipment for work and production, as well as the devices, tools and appliances for use in households which are placed on the market, are used or produced, have been adjusted to the prescribed technical norms and standards for protection against noise (Article 21 paragraph (1)),
- determine whether the machines, means of transport, devices and equipment for work and production, as well as the devices, tools and appliances for use in households have been marked for the sound volume they emit (Article 21 paragraph (2)),
- determine whether the devices, tools and appliances for use in households including machines, parts of machines or installations produced mainly for use in apartments, including basements and garages and other auxiliary facilities, as well as households appliances for maintenance, cleaning, preparing and storage of food, production and distribution of cold and hot air, air-conditioning and other devices used for non-professional purposes have met the conditions for protection against noise (Article 40) and
- determine other conditions so as to ensure implementation of this Law.

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

## **Article 51-a**

### **Education procedure**



(1) If in the course the inspection supervision, the state environmental inspector, that is the authorized environmental inspector, that is another body of the state administration that has conducted the inspection supervision, establishes that there has been an irregularity referred to in Article 57 paragraph 1 points 3,5,6,8 and 9 of this Law, he/she shall be obliged to prepare minutes to define the irregularity and indicate that the established irregularity should be eliminated in a determined time period and shall at the same time hand over an invitation for education to the person or the entity where such irregularity has been established during the inspection supervision.

(2) 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 performance of the activities in the field of environment.

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

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

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

(6) 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.

(7) If in the course of the control supervision the state environmental inspector, that is the authorized environmental inspector, that is another body of the state administration that has conducted inspection supervision determines that the established irregularities referred to in paragraph (1) of this Law have been eliminated, he/she shall adopt a conclusion to stop the procedure for inspection supervision.

(8) If in the course of the control supervision the state environmental inspector, that is the authorized environmental inspector, that is another body of the state administration that has conducted inspection supervision determines that the established irregularities referred to in paragraph (1) of this Law have not been eliminated, he/she shall file a motion for initiation of a misdemeanor procedure with the Misdemeanor Commission.

(9) The State Environmental Inspectorate, the state environmental inspector, that is the authorized environmental inspector, that is another body of the state administration that has conducted inspection supervision shall keep records for the delivered education in a manner prescribed by the minister heading the body of the state administration responsible for performance of the activities in the field of environment.

## **Article 51-b**

### **Reports**

The state environmental inspector, that is the authorized environmental inspector, that is other body of the state administration that performed the inspection supervision shall be obliged to keep records of the inspections and the checks performed on the legal entities and natural persons, prepare quarterly reports and publish them on the web site of the body of the state administration competent for performing activities in the field of environment, that is the municipality web site, that is the City of Skopje, that is the web site of the other body of the state administration that

performed the inspection supervision.

## Article 52

### Decisions by environmental inspectors

(1) While performing inspection supervision, the environmental inspectors referred to in Articles 48, 49 and 50 of this Law, may order to the legal entities and/or the natural persons, by a decision:

- in a defined period of time, to undertake measures for reducing the value of the noise emission level within the prescribed limit values,
- to perform acoustical measurements or assessment of the application of the standards for protection against noise or the application of the protective measures against noise,
- to measure the permeability of noise between neighbors,
- to determine the time of performing the construction activities in the neighborhood and the protective measures that need to be undertaken for protection against noise,
- to perform acoustical measurements at legal entities and natural persons which use a noise source in the areas where people dwell,
- to undertake prescribed and established measures for protection against noise,
- to ban the use of built, reconstructed constructions and adapted constructions, if the prescribed measures for protection against noise have not been implemented, until those measures are to be implemented,
- to restrict or ban the activities which, because of the generated noise, have been disturbing people's rest and nighttime peace, provided that it is not possible to accomplish by the measure referred to in line 8 of this paragraph,
- to ban the use of machines, means of transport, devices, tools, facilities, individual sound sources and equipment without having any information from the producer about the noise level, emitted at certain conditions of use,
- to ban the performance of activities if they have been commenced without a document by the competent bodies confirming that the prescribed measures for protection against noise have been implemented,
- to limit or ban the activities until the prescribed conditions are fulfilled and technical measures are implemented and until the noise is brought within the limits of the prescribed limit values, within 30 days the most.

(2) The decision referred to in paragraph (1) of this Article may be executed, by sealing the device, equipment and facility if the noise measurement has shown that the noise emission is at higher level than the prescribed limit values.

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

(5) The appeal referred to in paragraphs (3) and (4) of this Article shall not postpone the execution of the decision.

(6) The sealing of the device, equipment and facility referred to in paragraph (2) of this Article shall be performed by affixing a stamp by the authorized inspector.

(7) The content and form of the stamp referred to in paragraph (5) of this Article shall be prescribed by the minister heading the state administration body competent for issues in the field of environment.

## **Article 52-a**

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

(1) The state environmental inspectors and the authorized environmental inspectors 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 inspectors and the authorized environmental inspectors 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 53**

### **Supervision over the legality of the work of the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje**

(1) The supervision over the legality of the work of the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje shall be based on the principle of legality, responsibility and independence in the exercise of their competence.

(2) The supervision referred to in paragraph (1) of this Article shall be performed by the state administration body competent for issues in the field of environment.

## **Article 54**

### **Competence in the supervision over the work of the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje**

(1) While performing the supervision over the work of the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje, the state administration body competent for issues in the field of environment shall perform the following:

1) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje have prepared the strategic noise maps and the noise action plans in accordance with Articles 15 and 17 of this Law;

2) determines whether the public participation has been enabled during the preparation of the noise action plans (Article 18);

3) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje are taking measures for protection against noise in accordance with Article 19 paragraph (2) of this Law;

4) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje have stipulated protection measures against noise (Article 22) in the spatial and urban plans and in the bylaws for their implementation;

5) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje have prepared and submitted the work program of the local network for noise monitoring (Article 28 paragraph (2)) to the state administration body competent for issues in the field of environment for approval;

6) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje have been imposing measures to ban activities, as well as to improve the noise situation, on the basis of the regulation referred to in Article 211 of the Law on Environment.

7) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje are submitting information from the

monitoring (Article 32 paragraph (1));

8) determines whether the municipalities, the city of Skopje and the municipalities in the city of Skopje are submitting data for maintaining the respective cadastres (Article 35 paragraph (5));

9) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje are informing the public about noise in accordance with Article 36 paragraph (3) of this Law;

10) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje are providing information and public access to the information system of environmental noise situation in accordance with Article 37 paragraph (2) of this Law;

11) determines whether the municipalities, the City of Skopje and the municipalities in the city of Skopje are ensuring that their competences are performed in conformity with the standards and procedures established with this Law;

12) points out to the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje any exceeding of their competences determined by this Law and other regulation and proposing appropriate measures for overcoming that condition;

13) points out certain material and procedural defaults in the work of the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje which may impede the activities of public interest with local importance;

14) gives recommendations for consistent implementation of the competences of the municipality, the City of Skopje and the municipalities in the city of Skopje established by this Law, on their request;

15) monitors the timely adoption of the regulations and the plan documents which the municipality, the City of Skopje and the municipalities in the city of Skopje adopt in conformity with this Law;

16) submits initiatives and proposals to the municipality, the City of Skopje and the municipalities in the city of Skopje if determines non-implementation of this Law;

17) submits initiatives and proposals to the municipality, the City of Skopje and the municipalities in the city of Skopje if determines non-implementation of this Law as a consequence of the competence conflict between the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje;

18) monitors the legality of the decisions that the mayor of the municipality, the mayor of the City of Skopje and the mayors of the municipalities in the city of Skopje are adopting while addressing issues of individual rights, obligations and interests of the natural persons and legal entities;

19) gives opinion and expert assistance on the draft regulations of the municipality, the City of Skopje and the municipalities in the city of Skopje on their request;

20) monitors the publicity of the work of the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje, especially from the aspect of regular, timely, accurate and complete informing of the citizens;

21) monitors the execution of the previous supervision over the regulations of the municipality, the City of Skopje and the municipalities in the city of Skopje;

22) timely informs the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje about the determined situation in their work and about the undertaken measures while performing the supervision and

23) determines other issues referring to whether the municipalities, the City of Skopje and the municipalities in the city of Skopje have undertaken the necessary measures for implementation of this Law within their competence.

(2) The state administration body competent for issues in the field of environment shall inform the state administration body competent for issues in the field of local self-government about the undertaken measures and activities referred to in paragraph (1) of this Article.

(3) While performing the activities referred to in paragraph (1) of this Article, the state administration body competent for issues in the field of environment shall be obliged to give a notification to the municipality, the City of Skopje and the municipalities in the city of Skopje and to determine a deadline for elimination of the determined defaults in the execution of their competence.

## **Article 55**

### **Suspension of competence execution**

(1) If the bodies of the municipality, the City of Skopje and the municipalities in the city of Skopje, in spite of the indication and undertaken measures and activities, have not ensured the performance of the works defined by this Law as their competence, and the responsibility for their executing lies with the municipality, the City of Skopje and the municipalities in the city of Skopje, shall be suspended respective competence, and the performance of the works shall be taken over by the state administration body competent for issues in the field of environment, in duration of one year from the day of their taking over at most.

(2) The state administration body competent for issues in the field of environment shall perform the works referred to in paragraph (1) of this Article in the name of and on account of the municipality, the City of Skopje and the municipalities in the city of Skopje.

(3) The state administration body competent for issues in the field of local self-government and the state administration body competent for issues in the field of finances shall be notified about the undertaking of the works referred to in paragraph (1) of this Article.

## **XIII. MISDEMEANOR SANCTIONS**

### **Article 56**

(1) Fine in the amount of Euro 500 in Denar counter-value shall be imposed on the legal entity for a misdemeanor if:

- 1) the noise level during catering and tourist activity exceeds the frames of the prescribed limit values;
- 2) it uses household equipment, devices and appliances that generate noise higher than the prescribed noise limit values (Article 19 paragraph (1) line 2);
- 3) it generates noise higher than the prescribed noise limit values with regard to the protection determined during the day and night (Article 20);
- 4) the activities of the neighbors, including construction activities in the neighborhood, as well as activities, devices, means and appliances performed, i.e. used in the neighborhood for professional purposes are performed in the manner contrary to the provisions referred to in Article 41 of this Law and exceed the noise limit values;
- 5) the construction activities in the apartment buildings are performed contrary to the provisions referred to in Article 41 of this Law and
- 6) it generates noise from independent sound sources higher than the limit values prescribed in accordance with this Law (Article 42).

(2) Fine in the amount of Euro 300 in Denar counter-value shall be imposed for a misdemeanor on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 150 in Denar counter-value shall be imposed for a misdemeanor on the natural person for the activities referred to in paragraph (1) of this Article.

(4) Competent body for pronouncement of the misdemeanors referred to in this Article shall be the Misdemeanor Commission formed in conformity with the Law on Environment.

(5) As for the misdemeanors referred to in this Article, the authorized inspectors may impose the misdemeanor sanction on-the-spot by serving a payment order for the fine which the perpetrator shall be obliged to pay within eight days.

(6) In case the fine referred to in paragraph (5) of this Article is not paid in the stated deadline, the state and the authorized environmental inspectors shall be obliged to file a motion for initiation of a misdemeanor procedure with the Misdemeanor Commission.

### **Article 57**

(1) Fine in the amount of Euro 3.000 in Denar counter-value shall be imposed for a misdemeanor on the legal entity if:

1) the measures for protection against noise (Article 19 paragraph (1)) are not undertaken;

2) it uses equipment, installations, devices and work tools and means of transport which generate noise level higher than the prescribed one (Article 19 paragraph (1) line 1);

3) the noise and the noise sources in the constructions and/or the appropriate sound insulation in the working facilities and the residential facilities are not enable the noise to be brought within the limit values for noise from the neighborhood (Article 19 paragraph (1) line 5);

4) the noise monitoring is not performed in conformity with the integrated environmental permits (Article 19 paragraph (1) line 9);

5) it places, uses and/or produces machines, means of transport, devices and equipment for work and production, as well as instruments, appliances and apparatuses for household use without a mark for the level of sound they emit on the territory of the Republic of Macedonia (Article 21 paragraph (1));

6) it uses, imports and produces devices which do not comply with the prescribed technical norms and standards related to the noise limit values generated under certain conditions of use (Article 21 paragraph (1));

7) it does not label the product with information for the sound level being emitted by the machines, means of transport, devices and equipment, under certain conditions of use, in accordance with the Macedonian standards as well as with the recommendations and norms of the European Union (Article 21 paragraph (2));

8) it does not deliver the information from the monitoring in accordance with Article 32 of this Law;

9) it does not deliver the data required for preparing the cadastre of environmental noise generators in accordance with Article 35 of this Law and

10) it does not meet the requirements for protection against noise established with this Law (Articles 38, 39, 40 and 41).

(2) Fine in the amount of Euro 700 in Denar counter-value shall be imposed for a misdemeanor on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 500 in Denar counter-value shall be imposed for a misdemeanor on the natural person for the activities referred to in paragraph (1) of this Article.

(4) Competent body for pronouncement of misdemeanors referred to in this Article shall be the Misdemeanor Commission formed in conformity with the Law on Environment.

### **Article 58**

(1) Fine in the amount of Euro 8.000 to 20.000 in Denar counter-value shall be imposed for a misdemeanor on a legal entity, if:

1) it performs constructions which do not meet the standards for protection against noise (Article 19 paragraph (1) line 5);

2) it places, uses and/or produces machines, means of transport, devices and equipment for work and production, as well as instruments, appliances

and apparatuses used in the households on the territory of the Republic of Macedonia which are not adjusted to the prescribed technical requirements related to the prescribed noise level generated under certain conditions of use (Article 21 paragraph (1));

3) the protective measures against noise are not included in the spatial and urban plans and bylaws for their implementation (Article 22);

4) it failed to fulfill the special requirements and measures related to the standards for protection against noise in conformity with the provisions referred to in Article 23 of this Law and

5) the measures for protection against noise are not undertaken in the construction of roads, airports and railways.

(2) Fine in the amount of Euro 1.400 to 2.500 in Denar counter-value shall be imposed for a misdemeanor on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(3) Competent body for pronouncement of misdemeanor sanctions referred to in this Article shall be the competent court.

## **Article 59**

### **Settlement and mediation procedure**

(1) With regard to the misdemeanors set out in Articles 56 and 57 of this Law, the state and authorized inspectors shall be obliged to firstly recommend a settlement procedure to the perpetrator before filling a motion for initiation of a misdemeanor procedure.

(2) As for the misdemeanors referred to in Article 58 of this Law, the state and authorized inspectors may suggest mediation and reaching an agreement under which the perpetrator should pay the fine, the other fees or to eliminate the consequences from the misdemeanor.

(3) When agreement for settlement and mediation is reached, the fine for the perpetrator may be reduced for a half of the maximal determined fine for the misdemeanor at most.

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

## **Article 60**

### **Conducting a misdemeanor procedure**

The procedure in the misdemeanor body shall be conducted in accordance with the provisions of the Law on Environment.

## **XIV. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 61**

(1) The programs referred to in Article 28 of this Law shall be adopted within three years from the day of entry into force of this Law.

(2) The strategic noise maps referred to in Article 15 of this Law and the noise action plans referred to in Article 17 of this Law shall be adopted within five years from the adoption of the by-law referred to in Article 15 paragraph (11) and Article 17 paragraph (11) of this Law.

### **Article 62**

(1) The regulations for implementation of this Law shall be adopted within three years from the day this Law enters into force.

(2) Until the day the regulations referred to in paragraph (1) of this Article

enter into force, the existent regulations shall be applied.

### Article 63

The machines, means of transport, devices and equipment for work and production, as well as the devices, tools and appliances used in the households, and other noise sources which are used until this Law enters into force, and which do not have a mark, i.e. data on the sound volume they emit, should be harmonized with the regulations from this Law within five years from the day of its entry into force.

### Article 64

As of the day of entry into force of this Law, the Law on Prevention of Harmful Noise ("Official Gazette of the Republic of Macedonia" no. 21/84) shall cease to be valid.

### Article 65

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and shall be applied from July, 1st 2007.

**PROVISIONS OF OTHER LAWS:**

Law Amending the Law on Protection Against Environmental Noise ("Official Gazette of the Republic of Macedonia" no.124/2010):

**Article 2**

The detailed regulations of this Law shall be adopted within 15 days as of the day of entry into force of this Law.

Law Amending the Law on Protection Against Environmental Noise ("Official Gazette of the Republic of Macedonia" no.47/2011):

**Article 6**

Article 2, 3 and 4 of this Law shall start to apply as of the day of application of the Law on Inspection Supervision.

Law Amending the Law on Protection Against Environmental Noise ("Official Gazette of the Republic of Macedonia" no. 163/2013):

**Article 2**

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.