

## **ADMINISTRATIVE MEASURES FOR PROTECTION OF LIVING ENVIRONMENT IN THE REPUBLIC MACEDONIA**

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### **Abstract**

Administrative measures for protection of the living environment in the Republic of Macedonia are: normative and regulatory measures, organizational measures, control and supervision measures and sanction measures.

Normative regulatory measures include the adoption of laws and sublaws regulations for the normative regulation of social relations in the field of environmental protection.

Organizational measures are reduced to organizing the system of state bodies and social institutions for the protection of the environment and determining their competences.

Control measures are monitoring all activities of social control and inspection conducted by state bodies and social institutions for the smooth and efficient implementation in life the provisions on the protection of the living environment contained in the Law on Nature Protection and in the Law on the Living Environment of the Republic of Macedonia.

Sanction measures include measures of detection and prosecution of offenders for acts of misconduct against the environment undertaken by administrative and other state bodies of the Republic of Macedonia.

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**Keywords:** Administration, protection, measures, living environment, control, supervision

### **Introduction**

Legal protection of the environment presents a set of normative regulatory measures for the legal regulation of environmental protection against pollution and the measures and procedures for the performance of adopted normative acts regulating these. It includes administrative law protection, constitutional law protection, penal law protection, civil law protection, economical law protection, etc.

Constitutional law protection is tantamount to the elimination of the legal system of laws and by-laws or their provisions, which regulate social relations in the field of environmental protection, which are not in accordance with the constitution or laws of the state. To implement this protection are competent constitutional courts.

Administrative law protection includes a set of measures taken by the authorities of the state administration and institutions with public authorizations in order to protect the environment. It includes normative regulatory measures, organizational measures, control and surveillance measures sanctioning measures under the jurisdiction of the public administration in order to protect the environment.

Civil law protection covers a very narrow range of legal measures for the prevention of damage inflicted on the components of the environment and measures for securing compensation to damaged legal entities which have occurred pollution, degradation and destruction of components of the environment. For its implementation organs of public administration and the courts are competent.

Penal law protection covers the detection, prosecution and sanctioning perpetrators of penalized offenses against the environment. Its implementation is the responsibility of the courts and public prosecutors.

Economic law protection consists of measures and actions aimed at securing the proper and sustainable goods iskorišćavannja environment by economic operators. About her take care companies and public administration bodies.

Administrative law protection of the environment is very complex. It is the most complex form of its legal protection. As such, it stands in very close relation with other forms of legal protection of the environment. All other forms, in most cases, support to it. Thus, detecting violations of the constitutionality of laws or their provisions usually comes through the work of public administration. They discover them in the application of rules in the procedures for resolving the rights and obligations of legal entities in connection with the exploitation of the environment. After discovering, they submit initiatives or proposals to the Constitutional Court for assessment of their constitutionality and legality, because they interfere with their work.

The bodies of public administration, and their inspection and other control and protective services (such as forest police, etc.) usually reveal punished offenses and their perpetrators, report them to bodies of internal affairs or directly to public prosecutors. They, in most cases, reveal damages to objects and elements of the environment and initiate administrative and judicial procedures for their compensation. Then, they take care of the proper use of the environment by economic enterprises, propose normative regulation of its exploitation, controll the work of economic enterprises in its exploitation and take measures attributed by law to in the occasion of unlawful exploitation.

Thus, administrative law protection incorporates other forms of environmental protection in a dialectical unity of forms of their legal protection.

From a sociological point of speaking, administrative protection of the environment represents a system of measures undertaken by organs and institutions of the society for the prevention and elimination socio-pathological phenomena and their consequences which occur in the relationship between social entities (men as a an individuals and their organizations) to the living environment and relationships between them regarding with the environment.

All measures taken by the authorities of the public administration in order to protect the environment have a sociological dimension. This is because they are taken on the basis of legal norms contained in laws and regulations. Legal norms regulate legal relations and legal relations are nothing more than social relations regulated by legal norms.

By undertaking measures to protect the environment comes establishing a legal relationship between the organs of public administration and legal entities (physical and legal entities) to which these measures are taken. Given that, these measures are taken by authorities of the administration, these relations are called administrative-legal relations in the field of environmental protection.

To the establishing of administrative and legal relations regularly comes when they take control - surveillance and sanction measures. This is because the control and supervisory authorities of public administration (inspection bodies, specialized police services and others), in most cases of their control and monitoring initervention, initiate procedures and

render decisions on the rights, and in most cases on obligations (indemnities, payment penalties), of legal persons in connection with their activities to environment.

### **Normative-regulatory measures of public administration for environmental protection in the Republic of Macedonia**

Normative-regulatory measures of public administration include preparation of draft laws and proposals for environmental protections and the adoption of by-laws - regulations, ordinances, orders, instructions and others by-laws for the execution of adopted laws. These activities in the Republic of Macedonia are generally conducted by the Ministry of Environmental Protection and Physical (Spatial) Planning and by the Ministry of Agriculture, Forestry and Water Economy.

The others state administration bodies and public administration bodies, generally prepare laws and adopt by-laws, regarding the exploitation of national resources from the environment. Thus, the Ministry of Economy prepare draft laws and proposals and adopt by-laws in the areas of geological exploration, exploitation of mineral resources and energy; the Ministry of Health in the areas of protection of the population from the harmful effects of gases, ionizing radiation, noise and air pollution, water and land; the Ministry of Transport and Communications is responsible for dealing with matters from the area of spatial arrangement and management of construction land in ownership of the Republic of Macedonia and other matters.

The biggest problems in normative regulation of environmental protection appear in relations between the Ministry of Environment and Spatial Planning and the Ministry of Agriculture, Forestry and Water Economy.

The Ministry of Environment and Spatial Planning, has competence for the preparation of the draft laws and proposals on the nature protection, environmental protection and for their changes and amendments. According to this, his competence includes the preparation of the Law on Protection From Ionizing Radiation and Radiation Safety; the Law on Protection of Smoking; the Law on Quality of Ambient Air; the Law on Execute of Hydro-meteorological Affairs; the Law on Noise Environmental Protection; the Water Law; the Law on Protection of Ohrid, Prespa and Doiran Lake, as well as numerous laws for proclamation on certain locality for natural monuments of for strict nature reserves.

The Ministry of Agriculture, Forestry and Water Economy has competence for the preparation of the draft laws and proposals on the Forests Law; the Law on Reproductive Material of Forest Types of Trees; the Agriculture Land Law; the Law on Perform of Agricultural Activity; the Water Management Law; the Pastures Law; the Hunting Law; the Law on Fisheries and Aquaculture, as well as other laws. Both ministries have competence for adoption by-laws for execution of these laws (regulations, orders, instructions, etc.). The Government of the Republic of Macedonia is responsible for adoption the regulations for execution of these and other laws of this areas.

Bearing in mind the titles of this laws, for which preparation and execution are responsible the listed ministries, and in this regard, the areas of social activities that are regulated by these laws, without any doubt we can conclude, that in this legislation there are a number of collision of legal norms. The most obvious is conflict of norms between the Forests Law on the one hand, and the Law on Nature Protection and the Environment Law on the other hand.

According to Article 35, Paragraph 3 of the Law on Nature Protection, the Minister of Environment and Spatial Planning, on the basis of prior opinion of the National Council for the Nature Protection, determined strictly protected wildlife species and protected wildlife species. According to the same article (paragraph 5), he can also repeal the protection

of certain wildlife species, that no longer endangered, or can transfer them from one category to another category of protection.

In connection with these provisions, the problem is that the Minister of Environment and Spatial Planning is the state official from the same rank as the Minister of Agriculture, Forestry and Water Economy. Therefore, he can't determine the rules of behavior to the Minister of Agriculture, Forestry and Water Economy. It certainly has to do the Government of the Republic of Macedonia, as hierarchically superior authority, referred to ministers. Such problems also occur in other provisions of the Law on Nature Protection.

The Law on Nature Protection regulates specific elements, activities and action of administrative function in relation to protected areas. According to Article 66 of this Law, protected areas are strict reserves, national parks, natural monuments, nature parks, protected spatial and multi-purpose areas. These areas include national habitats, ecosystems, geological and physical-geographic formations, that are characteristic for the territory of the Republic of Macedonia.

On the basis on Article 21 of the Law on Organization and Work of the State Administration, the administrative function regarding to forests conduct the Ministry of Agriculture, Forestry and Water Economy. According to Article 28 on the same Law, the administrative function related to protected areas conduct the Ministry of Environment and Spatial Planning.

Forests Law, which implementation is under the competence of the Ministry of Agriculture, Forestry and Water Economy, in section 6, does not exclude forests which belong to protected areas. Accordingly, this Ministry is responsible for performing administrative function in relation to these forests. But, as it is apparent from the above provisions of the Law on Nature Protection and the Law on Organization and Work of the State Administration, administrative function in relation to that forests is conducted by Ministry of Environment and Spatial Planning. Thus, the both Ministries perform administrative function in relation to the same object of legal protection. Therefore, it has not the better argument for the collision between the legal norms contained in Article 6 of the Forests Law and in the Article 66 of the Law on Nature Protection.

In addition to the general provisions contained in Article 66, the Law on Nature Protection contains specific standards that define the details of the protection of individual protected areas. These standards are contained in articles 68 - 71 of strict nature reserves: in articles 72 up to 76 relating to national parks; in articles 76-79 - monuments of nature; in articles 84 up to 87, relating to protected areas; in articles 87 and 92 to 97 - to protected areas and articles 88 up to 90 - the multi-purpose area. According the provisions of article 6 of Forests Law, being in conflict with the general standards of Article 66 of the Law on Nature Protection, they are also in conflict with the special regulations on certain protected areas, which are based on the provisions of Article 66.

The Law on Nature Protection for which implementation the Ministry of Environment and Spatial Planning is competent; there are other provisions that are in conflict with the provisions of the Forest Law. Between them certainly, in the first place come the provisions to terms on monitoring of forests in protected areas, provision of inspection supervision and etc.

Conflict between the provisions of these laws, creates numerous disagreements between the Ministry of Environment and Spatial Planning and the Ministry of Agriculture, Forestry and Water Management.

These differences lead to a condition called legal conflicts of jurisdiction. Conflicts of jurisdiction reduce the efficiency of operations of these ministries related to forest management in the Republic of Macedonia.

State administration must be efficient in all areas of social life. Therefore, we need to eliminate all sources of inefficiency in its work. As for the collision between the Forests Law and the Law on Environmental Education as a primary source of inefficiency in work of listed ministries of the Republic of Macedonia, to overcome them, should use some of the existing ways.

Theory and practice offers four ways or methods for resolving collisions of legal norms. These are normative-regulatory method, organizational method, legal and logical method and consensual method. On the basis of normative-regulatory methods are additional regulation of social relations in a certain areas of social life in order to eliminate the legal standards that are in collision. Performs should to be adoption of any amendment to the normative acts - laws and regulations.

For resolve collisions of legal norms applying these methods in the areas of forestry and the environment, primarily should consider all legal norms in the collision laws which regulated social relations in these areas and their negative implications in practice. Then, should to be applied teamwork of experts in these areas as well as from the Ministries of Agriculture, Forestry and Water Management and so from the Ministry of Environment and Spatial Planning which will make proposals for amendments to the law and give them the further procedure for their adoption.

There are indications that in the relevant ministries currently no mood for amendments to the law to resolve collisions of legal norms, because it does not suit the interests of certain interest groups in society. But, the process of further democratization of the Macedonian society will enable the creation of objective conditions for more often application of this method in all spheres of social life, and so, in the areas of forestry and the environment.

The organizational method consists in the redistribution of jurisdiction of the civil administration in relation to environmental protection. About this method we will look in more detail when reviewing organizational measures to protect the environment.

Third, legal and logical method of resolving collision legal norms consists in applying legal and logical rules for the application and interpretation of legal norms in the case of their collision.

In the first place they should indicate the legal rules for resolving collision legal norms, which is included in the formulation of the Latin *lex specialis derogate lege generali* - special law repeal general. According to this rule, if the regulation of social relations in a certain area of social life, there are two laws of which a general, to in a more general way regulate social relations, and other, special regulates them in a more concrete manner or regulate their segments only one, in which case the applicable are standards of special law. A legal logic of this rule is that a special law is more adapted on social relations in specific areas of social life or to their certain segments then the general law.

In this case, the Forest Law is a special law, or *lex specialis* in relation to the Environmental Protection Law and the Law on Environment. Thus in cases of collision between legal norms contained in these laws and legal norms contained in the Forest Law, should apply legal standards to the Forest Act.

Within logical methods, circumstantial offers us another option for resolving collision legal norms contained in the Forest Law and these two environmental laws. It is the application of *lex posterior derogate lege priori*. Translation of this sentence from Latin means later law repeals the previous law.

A legal logic of this rule consists in the fact that the subsequent law or newer better adapted to the particular state of social relations that are very dynamic, and therefore it should give priority to solving existing legal rights. In this case, fortunately Forest Law came into force on 30 May 2009, the Law on Environmental Protection came into force on 12 October

2004, and the Law on Environment 13 July 2005. So Law on Forestry is from much more recent date in relation to both the laws of the living environment. Therefore, we should, apply this rule in cases of collision of legal norms apply this law and not legal norms contained in the laws of the living environment. Unfortunately, the officials of the Ministry of Agriculture, Forestry and Water Management and the Ministry of Environment and Spatial Planning, the majority are non-lawyers, and therefore do not know the rules of application of legal norms in the case of their collision. In addition, they usually are not in the mood to listen the advices of lawyers. Therefore, resolve collision of legal norms contained in the Forest Law and the laws of the living environment, applying logic method is called into question. Output of it should look into adopting a special law on solving collision in which legal norms will be implemented following rules of this method, and so other rules for the interpretation of legal norms in contentious situations. In the legal systems of some European countries, such as for example, Bulgaria, Romania, Spain, there are such laws. Therefore, we should follow their example.

A consensual way of solving collision between legal norms uses governmental authorities, in agreement, when there is an interest, and above all, legal possibilities to reach a consensus on some contentious issues. For example, the provision of Article 42 paragraph 2, of the Law on Nature Protection provides that the Minister of Environment and Spatial Planning in agreement with the Minister of Agriculture, Forestry and Water Management determines the measures and activities for protection of protected wild species and the manner and extent of use of these species.

### **Administrative organizational measures for protection the living environment in the Republic of Macedonia**

Protection the living environment is a constitutional obligation of each legal entity in the Republic of Macedonia. This obligation is based on article 43, paragraph 2 of the Constitution of the Republic. According to this provision, each is obligated to promote and protect living environment and nature. The provision is for exercise the constitutional right of every man who lives and resides in the territory on a healthy living environment, guaranteed by paragraph 1 of the same article. With provision of paragraph 3 of the same article, the Constitution obligates the Republic as a state that provides conditions for exercising the right of citizens to a healthy living environment. In order to perform this obligation, by the Law on the Organization and Work of the State Administration, was formed Ministry of Environment and Spatial Planning. According to Article 48, of the said Law, the Ministry is competent for: monitoring the condition of the living environment, the protection of water, soil, flora, fauna, air and ozone depletion, pollution, noise protection, radiation protection, protection of biodiversity, geo-diversity, national parks and protected areas, restoration of contaminated parts of the environment, proposing measures for the treatment of solid waste and overseeing the use of the environment by social entities in the Republic.

Listed competencies of the Ministry apparently are directly aimed at protecting the living environment. In addition to these competencies, the Ministry is competent for spatial planning. Implementation of these competencies is also a means of protecting the environment, but indirectly. So for administrative matters relating to the Ministry of spatial planning, among other things, performs the sizing conditions for human life and work of citizens, the protection and improvement of the environment and nature for sustainable development in the use and protection of the environment, etc.

The competence of the Ministry of the establishment and functioning of spatial planning includes information system on environment, which is of great importance for the monitoring of the situation in it, and taking timely measures for its protection.

These tasks are directly performed by internal organizational units and organs at the Ministry. Among them, in terms of environmental protection, the most important certainly are: Department for Environment, Macedonian Information Centre for Environment, Spatial Planning Department, Sector of Spatial Information System, Sector for Sustainable Development and Investment and the State Inspectorate for Environment and Nature. Inspection supervision is carried out by inspectors in the majors - town municipalities which cover territories of smaller - rural municipalities in their area.

Despite Ministry for Environment and Spatial Planning, in second place in terms of involvement in environmental protection in the Republic of Macedonia, as we saw above, there is the Ministry of Agriculture. This ministry carries out tasks related to the use of agricultural land, forests and other natural resources, hunting and fishing; protection of livestock and plants from pests, monitoring and study of the state of water, maintenance and improvement of water regime in the Republic; hydro-meteorological systems, agro-meteorological and hydrological measurement, protection against frozen falls, study and research meteorological, hydrological and bio-meteorological phenomena and processes and inspection of the implementation of these measures.

Within this Ministry there are multiple organizational units whose activities are directly or indirectly related to environmental protection. Among them, certainly the most involved in protecting are the Sector of Forestry and Wildlife Management from the departments to the arrangement and use of forests, for raising forests and afforestation, forest protection from biotic and abiotic factors and for hunting, hunting grounds, landscaping and giving to use the concession; Sector of Agriculture with Department of Fisheries and Aquaculture and the other departments; Sector of Viticulture, Wine and Fruit, Sector of Rural Development with Department for Sustainable Rural Development and other departments, Sector of Forest Police, Administration for Water Management, the State Inspectorate for Agriculture and State Inspectorate for Forestry and Hunting with regional departments in the territory of the Republic, for conducting inspections in the areas of the municipalities within the region.

Ministry of Environment and Spatial Planning is oriented towards security of environment. Its main duty is to protect the environment. That is not the case with the Ministry of Agriculture. It is directed towards the exploitation of resources for doing business. Agriculture must be conducted in accordance with the principle of sustainable development. It commits the Law to protect the environment.<sup>46</sup> That is the need of society. This obligation is respected by all authorities and services of the ministry. Problems arise due to numerous collisions in legal norms contained in laws for enforcement of are competent both the ministry. Their substantive legal base is just in a different orientation of these ministries to environment which is dialectical unity with basically their different interests.

These problems can be overcome only by using certain solutions in the organizational set-up of the state administration which will eliminate or will, at least, reduce conflicts of interest and thus will facilitate the solving collision in legal norms.

In the specific case, organizational solution that offers but only theoretically, is the switching operations for protect the environment from the jurisdiction of the Ministry of Environment and Spatial Planning to the Ministry of agriculture. This organizational decision will encumber the Ministry of Agriculture, and will relieve the Ministry of Environment and Spatial Planning. It will remain just planning matters. Due to the reduction in workload this ministry could be transformed into the Agency for Spatial Planning, which is numerically much smaller and more economical authority of the state administration of the ministry. This

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<sup>46</sup> See article 8 from Law to protect the living environment (Official gazette of RM, No. 53/2005)

will reduce the number of ministries, which is large and heavy burden on the already poor budget of the Republic of Macedonia.

It is possible, now also theoretically, and vice versa solution that would consist of the transfer of forestry works within the jurisdiction of the Ministry of Agriculture in the jurisdiction of the Ministry of Environment and Spatial Planning. With this solution will relieve, by now quite burdened Ministry of Agriculture, and will normally be encumber Ministry of Environment and Spatial Planning with adding another department that is compatible with the sector for environmental protection. This can't reduce the number of ministries but realizes more regular load existing ministry tasks and duties of the state administration.

Thus, the system of state administration of the Republic of Macedonia has the appropriate authorities to protect the environment. But in spite of that he can't be maximally effective in carrying out administrative tasks for its protection, because it is not adequate organizational set up, which cause a number of disagreements between the organs of administration in carrying out their tasks, which are a source of inefficiency in the work of those bodies in the protection of the environment.

Control supervision measures of the public administration of the Republic of Macedonia in order to protect the environment

Control supervision measures are general element of administrative function of public administration. This is because they are implemented in every area of social life, and so in the field of environmental protection. For the implementation of these measures in public administration there are specialized organizational units. These are inspectorates. Their primary obligation is to control and monitor the implementation of the rules in the area of social life, which was founded in the appropriate ministry.

Inspectorates conduct inspection supervision using the Law on Inspection Supervision<sup>47</sup> which is a general law or *lex generalis* to conduct inspections of all areas of social life of the Republic of Macedonia. In addition to the *lex generalis*, in every sphere of social life, the provisions on the inspection of the laws which regulated social relations in these areas are used. These laws are special laws or *leges speciali* in relation to the Law on Inspection. So, *leges speciali* to implement inspection supervision in the field of the environment in the Republic of Macedonia, are the Law on Nature Protection<sup>48</sup> and the Law on Living Environment.<sup>49</sup>

State Inspectorate for Environment and Nature within the Ministry of Environment and Spatial Planning is responsible for overseeing the enforcement of laws that directly or indirectly protect the environment. So, it oversees the implementation of the Law on Living Environment, the Law on Nature Protection, the Law on Waste Management, the Law on Management of Packaging and packaging waste, the Law on Quality of Ambient Air, the Law on Water, the Law for Protection of Harmful Noise in the Living Environment, the Law on Chemicals, the Law on the Supply of Water for Drinking and Taking Urban Waste Water, the Law on Batteries and Accumulators and Waste Batteries and Accumulators and other laws.

By performing an inspection of the implementation of these laws, Inspectorate, primarily control the application of technological measures to protect air, water, land, flora and fauna against degradation and pollution, protection of geo and biodiversity; protection of individual natural resources in the territory of the Republic, as well as national parks, natural monuments, forest park, nature reserves and other protected areas, followed by measures to

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<sup>47</sup> Official Gazette of the Republic of Macedonia, n. 50/10.

<sup>48</sup> Official Gazette of the Republic of Macedonia, n. 67/04, 14/06, 84/07 и 35/10.

<sup>49</sup> Official Gazette of the Republic of Macedonia, n. 53/05, 81/05 24/07, 159/08, 83/09, 48/10 и 124/10.



protect the ozone layer, to protect against harmful noise in the living environment and to protect against ionizing radiation.

In addition to the inspection supervision of the implementation of the Law on Protection of environment who carry out inspection bodies within the Ministry for Environment and Spatial Planning, very important is supervision to carry out the inspection bodies in the Ministry of Agriculture, Forestry and Water Management. They are the State Inspectorate for Agriculture and the State Inspectorate for Forestry and Hunting.

The State Inspectorate for Agriculture supervises the implementation the laws and other regulations by the state authorities, public corporations, companies, institutions and legal and natural persons engaged in activities in the field of agriculture. In this context, he supervises the transport of plants, agricultural products and other objects of supervision in the field of agriculture; review and control of agricultural land, agricultural crops, orchards and vineyards, livestock and livestock products, as well as the equipment used for their processing and finishing, facilities for storing agricultural and livestock products, agricultural techniques, documents that are compiled and maintained by the performing agricultural jobs, etc.

State Inspectorate for Forestry and Hunting conducted inspections of the implementation of the Law on Forests, Hunting Law, the Law on the Reproductive Material of Forest Types of Trees , the Law For the Protection of Plants Against Diseases and Pests and other laws that are closely related to forestry and hunting as well as the activities of the society that are performed in the living environment .

In addition to these Inspectorates, great importance in the administrative protection of the environment protection has a forest police. Its activities have primarily protective-sanctioning nature. But, the Forest Law,<sup>50</sup> in Article 82 paragraph 1, item 6, obliges members of the forest police to monitor forest conditions and to report to the relevant authorities about illegal cutting of forests, forest thefts, forest fires, plant diseases, forest pests and other negative phenomena in the forests. Unlike inspectors, the members of forest police are regularly present in the terrain. Therefore, they are better able to detect violations of law by the offenders and that, on the spot to take measures against them.

Bearing in mind the fact that the inspectorates and their organs in cases of violation of the natural environment, act almost regularly, based on the notification of citizens, the experiences of the forest police should to be used in performing control and supervisory jobs in other sectors of the competent ministries (agriculture and water management ) as well as control supervision jobs in other sectors of the Ministry of Agriculture Forestry an Water Management and in the Ministry of Environment and Spatial Planning . So, it should form the police for the environment and the agricultural police and the police for water management. But, if the formation of these polices will burden budget of mentioned ministries, it should establish mobile teams of listed inspectorates, which will be constantly present in the terrain and their presence will act preventively in relation to the possible disruption of the natural environment and, of course, and repressively if they discover such breaches .

On behalf of the Inspectorate inspection conducted directly authorized inspectors. When performing an inspection they can to prohibit or restrict the exercise of certain activities, to prohibit or restrict the use of certain funds for the work, to prohibit or limit the application of certain technological processes at work, to restrict or prohibit operation of the legal or natural person who has not filed an application for obtaining integrated environmental permit, temporarily to remove from the owner or user the equipment, products, devices and appliances which represent sources of pollution or degradation of the

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<sup>50</sup> Official Gazette of the Republic of Macedonia, n. 64/2009

environment or do not meet the prescribed conditions for use, etc. They issue its decision in the form of solutions or orders. Against their decisions an appeal before a higher authority is allowed, and against second instance decision is allowed to initiate an administrative dispute before the competent administrative court of the Republic of Macedonia.

### **Sanction measures of public administration in order to protect the environment**

The aim of the sanction is to prevent offenders who committed offenses punished if they do not make, under the threat that they will be more severe punished, to force them to think about done and, by thinking to understand their mistakes and not make mistakes. That is, indeed, the essence of reintegration of perpetrators of penalized offenses. Then, the goal of the sanction is the educational impact on other citizens that does not make punishable offenses because it warns. It intimidates those who have not misused the law by putting the knowledge that they will suffer the same consequences as the one that has been misused.

The bodies of administration in terms of sanction measures for protecting environment have two possibilities. The first possibility applies to serious breaches of rules in relation to the environment which, because of the consequences that are caused or may cause, represents crimes. It consists in reporting offenses to the state prosecutor who is responsible, according to the Law, and who is competent for the prosecution of their perpetrators. The logging, in most cases, perform inspection authorities and members of the forest police, because they are dealing with the control and supervision of the environment and, of course, they are able to discover the perpetrators. As they discover, are obliged to marry them apply, because the failure of the offender, in itself, represents a criminal offense, but only for crimes for which the law prescribes imprisonment for a term exceeding five years, which, after all belongs largest number of offenses.

Another possibility consists of in the immediate sanctioning of perpetrators of penalized offenses. Administrative organs can directly sanction only perpetrators of delicts against the environment According to the Law on Misdemeanors the adult perpetrator of misdemeanor (offenders of delicts against the environment are in majority such them), can be imposed on one of the following misdemeanor sanctions: fines, warning, termination of driving license, prohibition to drive a motor vehicle; a ban on exercising the profession, activities or duties; expulsion of aliens and compulsory treatment of alcoholics and drug addicts.

By their nature, offenders against the environment are imposed to fines, warning, prohibition of the exercise of the profession, activities or duty and expulsion of aliens (if he caused a forest fire).

Offenders of misdemeanor against the environment and, so against the other social good, can be legal entities and they are imposed to penalties.

The use of these options by the administration authority is limited. They may take misdemeanor procedure and impose offenders to penalties only in cases when their competence is proscribed by law, and against the perpetrators of misdemeanor for which a penalty sanction is in precisely defined amount, - for individuals of up to 500 EUR in MKD equivalent value and for legal entity of up to 1000 EUR in MKD equivalent and which are subject to the imposition of a fine on the spot.

For other offenses the courts are competent organs, to which bodies of public administration submit the requests for initiating court proceedings against their perpetrators.

If an organ of public administration are appearing in the role of the prosecuting authority against offender, it receives a status of misdemeanor organ. Status misdemeanor authorities in relation to misdemeanors against the environment usually have a Ministry of Environment and Spatial Planning and the Ministry of Agriculture, Forestry and Water Management. Besides them, the status of misdemeanor authorities may have other bodies of

public administration that are authorized to exercise supervision over the implementation of laws in area of environmental protection.

On behalf of the misdemeanor authority procedure is leaded by the Commission for deciding on misdemeanors which is stipulated by law or other regulation. Members of the Commission are authorized officers of the misdemeanor authority with appropriate level of education and work experience. At least one of the Commission members must be a law graduate from the bar exam,

Misdemeanor authority, in procedure for misdemeanor, makes decisions. Their decisions secure court protection before the Administrative Court of the Republic of Macedonia.

## **Conclusion**

The legal system of the Republic of Macedonia provides good opportunities for efficient performance of public administration in the protection of the environment. Without doubt, the laws on environmental protection has certain vagueness and ambiguities that are the source of many conflicts of interest and, in connection with these, conflicts of competence , primarily between two key ministries responsible for the implementation of the provisions of the above laws - Ministry of Environment and Spatial Planning and the Ministry of Agriculture, Forestry and Water Management. However, these conflicts can be easily solved or, at least reduced, if there is a mood for cooperation in achieving common interest - effective protection of the environment from degradation and destruction.

Cooperation in overcoming problems should be primarily focused on improving the legislation in order to remove all provisions of law in which implementation conflict of interest appears. In addition, it should be working to improve the quality of education of officers of both ministries, particularly those in the Ministry of Agriculture, Forestry and Water Management by going to, in their education and environmentally 's and social aspects will be implemented, not only economic aspects in relation to the exploitation of environment .

The officers of both the ministries, as a mater of fact, of the other ministries, in solving problems related to the protection of the environment, in accordance with the principle of sustainable development, in their work, have to use "the word of science." They should cooperate with scientists in the field of environmental protection, agriculture, forestry, water management, industry, mining, etc. It seems that the word of science in decision-making power is slightly used, not only in the field of environmental protection, but also in other spheres of social life in the Republic of Macedonia.

Post industrial society, as renowned economist Peter Drucker writes, is knowledge society. In it, progress those societies, those countries that are, in all social activities, supported by science, by knowledge that it brings. Societies, who ignore the science, that ignore the application of its achievements in social life lags behind in their development.

Protecting the environment is an imperative whose execution is without delay, because the environment is space in which and by whose resources the man lives. A man and a space in which he lives constitute a dialectical unity. If space is degraded, and human life will be degraded. The bodies of state administration are the most powerful social entity for the management of all social activities, including the protection of living space, and the environment. That, their power should be used. From society depends on how it will be used and how they will use it. There is no doubt that it can be best uzed in an organized society of knowledge, aimed at protecting human values and interests Politicized and divided siciety in which the main driving force of human activities is profits, (as it is Macedonian society) cannot do it.

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