

# **Analysis of situation with water management in the Republic of Macedonia and consumers rights protection**

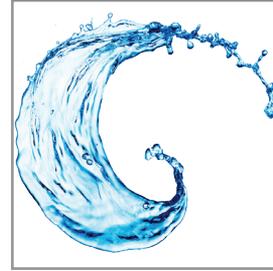
Prepared within the project

**“Citizens active partner in water policy reforms“**



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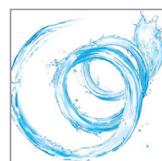




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## INTRODUCTION

Water is one of the key elements for achieving sustainable environmental development. The water status and quality is of crucial importance for the socio-economic development, environmental protection, as well as for the survival and well-being of mankind. As an irreplaceable and limited resource, it is renewable if it is managed accordingly only.

Sustainable management with water resources is a major challenge and if managed in an efficient and balanced manner, water can play a key role in ensuring social well-being, economic prosperity, as well as healthy ecosystems.

The „water balance“ management is the basis effective water management policy. The increasing imbalance between the water supply and demand in many parts of Europe, as well as in Macedonia, water availability and water shortages have gradually turned into major points in creating water policies at national and EU level. Changes in water availability can adversely affect ecosystems and several socio-economic sectors, including drinking water pumping, agriculture, industry, electricity generation and sailing. One of EU water policy basic obligations is to clearly identify and measure the risks of water scarcity.

Water resources in Macedonia are used for many purposes, that is, for activities that involve accumulation, capture, and abstraction for:

- consumption for multiple purposes by people such as: irrigation, industrial and technological needs, economic needs, etc.;
- electricity production;
- fish farming, transport, sailing;
- sports, recreation, bathing, tourism and other purposes.

The analysis will focus on the water use and availability for consumers, civil sector as well as their involvement in the creation of water management policies and the policy for formulating water services prices.

The report contains an analysis of the existing national legislation in the field of water management, as well as the EU regulation. It shows the level of the national legislation implementation, and situation with the EU regulations transposition.

The analysis addresses access of public to information in the field of environment also, in particular about waters and the manner of its participation in the decision-making process on water management.

The responsible authorities at national and local level, the key authorities in the water management and their responsibilities in accordance with national legislation are identified.

An overview of the water management funding, respectively sources of funding prescribed in national legislation, has been made.

Finally, conclusions and recommendations from the public participation aspect in the entire water management process, as well as the rights and obligations of the end service users in specific case of water services are given.



## List of abbreviations

<b>EU</b>	European Union
<b>EC</b>	European Commission
<b>MS</b>	Member States
<b>WFD</b>	Water Framework Directive
<b>NWS</b>	National Water Strategy
<b>WB</b>	Water Economy base
<b>RBMP</b>	River Basin Management Plans
<b>NPAA</b>	National Program for the Acqui Adoption
<b>MEPP</b>	Ministry of Environment and Physical Planning
<b>MTC</b>	Ministry of Transport and Communications
<b>MH</b>	Ministry of Health
<b>FVA</b>	Food and Veterinary Agency
<b>GRM</b>	Government of the Republic of Macedonia
<b>ULSG</b>	Units of Local Self-Government
<b>PHC</b>	Public Health Centers
<b>PCWS</b>	Public Company for Water Supply
<b>PHI</b>	Public Health Institute
<b>LW</b>	Law on Water
<b>LE</b>	Law on Environment
<b>CPL</b>	Law on Consumer Protection
<b>LCA</b>	Law on Communal Activities
<b>COM</b>	Consumer Organization of Macedonia

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# **1** **REVIEW OF THE EU LEGISLATION IN THE FIELD OF WATER**



## 1.1 General information on the EU legislation in the field of water

The field of environment is one of the most complex fields in the European Union, regulated by numerous legal acts, which regulate the media and the fields of the environment. As part of the environmental field, respectively as an environmental medium, the field of waters is regulated by numerous legal acts regulating different aspects of waters.

The main EU legal acts regulating water management are:

- Water Framework Directive 2000/60/EC;
- Council Directive 91/271/EEC on urban waste water treatment;
- Council Directive 98/83/EC on drinking water quality;
- Council Directive 2006/7/EC on bathing water quality;
- Directive 2007/60/EC of the European Parliament and the Council on flood risk assessment and management;
- Directive 2006/11/EC of the European Parliament and the Council on pollution caused by certain hazardous substances discharged into the aquatic environment and
- Directive 2006/118/EC of the European Parliament and the Council on groundwater protection against pollution and quality impairment.

In addition to the specific legal acts regulating water management, it must be noted that water management is regulated by other legal acts, which complement each other, and regulate other areas of the environment. These will be analyzed below in the analysis<sup>1</sup>.

This chapter presents EU legal acts, which regulate water management. More attention has been paid to legal acts regulating certain issues that present an immediate concern of the public, respectively legal acts which rights and obligations for the main stakeholders in water management such as acts regulating the integrated water management (IWM), water intended for human consumption, bathing waters, urban waste water, assessment and protection against flooding derive from..

## 1.2. Water Framework Directive

The main EU legal act regulating the water area is the Water Framework Directive 2000/60/EC (WFD). The WFD establishes main objectives and guidelines of the water management policy that establish integrated water management in the EU, and emphasizes the need for further integration of water protection and sustainable management, and other policies in the fields of energy, transport, agriculture, fisheries, regional policy and tourism, too. The Directive particularly promotes cooperation and joint action at Union and local level as well as the level of information, consultation and public involvement, including the users, too.

The establishment of integrated water management within the European Union aims:

- to prevent further destruction, protect and improve the state of aquatic ecosystems, as well as terrestrial ecosystems and wetlands that are directly dependent on aquatic ecosystems, in terms of their needs for water;
- to promote sustainable use of water, based on long-term protection of available water resources;
- to undertake measures for enhanced protection and improvement of the aquatic environment, inter alia, through special measures for progressive reduction or for gradual exclusion of discharges, emissions and losses of priority substances, and
- to contribute to mitigating the effects of floods and droughts that will contribute to: ensure satisfactory supply of good quality water, and sustainable, balanced and fair use of water.

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<sup>1</sup> Analyzed in the same Chapter point 1.9 - Other EU regulations in the field of environment that are important for water management

- 
- Main obligations that Member States (MS) have to undertake, and which should enable the implementation of the objectives set out in the Directive, are the following:
  - to determine individual river basins within their national territory and, in addition, to ensure adequate administrative set-up for each river basin district as well as to designate competent authority for application of the Directive rules;
  - to prepare an analysis of properties, for each river basin district or part of the district of a river basin in their territory, the human activity impact on the state of waters and an economic analysis of the use of water, which shall be made in accordance with technical specifications;<sup>2</sup>
  - to prepare a Management Plan for each river basin district, which is entirely located on their territory;
  - to encourage active involvement of all stakeholders in the Directive implementation, in particular in the preparation, revision and updating of RBMPs. It is particularly important to publish RBMPs for each river basin district and to make them available to the public, including users, in order to receive comments;
  - to determine all water bodies within each river basin district that are used for exploitation of water intended for human consumption, which provide on average more than 10 m<sup>3</sup> per day or serve more than 50 persons, and those water bodies which, in the future should be used for this purpose. They provide the necessary protection of the identified water bodies, in order to avoid reduction of their quality, to reduce the level of treatment required to provide drinking water. MS may establish protected zones for those water bodies;
  - to compile water monitoring programs in order to establish a coherent and comprehensive overview of water status within each river basin district, and
  - to commit for each river basin district or part of the river basin district of their international river basin to prepare a Program of Measures that will include “basic” measures representing minimum requirements that need to be respected, and “additional” measures, which are designed and implemented as an addition to the basic ones.

RBMP examples and all subsequent updates of plans, within three months after their publication, shall be submitted to the European Commission (EC) and to all other concerned MS.

MS have an obligation to submit summary reports on economic impact analysis and monitoring programs within three months after their completion.

Within three years after the announcement of each RBMP or its update, MS are obliged in the meantime to submit a report describing the progress in terms of implementation of the Program of Measures.

MS will establish a register or registers of all areas located within each of river basin districts, which are marked as districts requiring special protection.

The EC, under the Directive provisions, is obliged to publish:

- a report on the Directive implementation no later than 12 years after its entry into force, which will include the following documents: revision of progress in terms of Directive implementation, review of the surface and groundwater situation in the Union, RBMP review, including proposals for future plans improvement, a summary of all proposals, control measures and strategies.
- a progress report on the implementation, based on summarized reports that MS prepare, as well as an interim report describing implementation progress, based on interim reports of the MS according to deadlines defined in the Directive.
- in accordance with the reporting cycle, to organize a conference of stakeholders on Union’s water policy from each of MS, at which Commission reports on how MS should share their experiences will be reviewed. It should be especially noted that participants should include representatives of the competent authorities, representatives of the European Parliament, non-governmental organizations, social and economic partners, consumer bodies, academia representatives and other experts.

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<sup>2</sup> provided in Annexes II and III of the WFD



In fulfilling the WFD objectives, MS take into account the principle of „covering water services costs“, including environmental and resource costs, in accordance with the economic analysis<sup>3</sup> and the „polluter pays“ principle.

MS should ensure that the water service price policy will adequately encourage users to efficiently use water resource, thereby contributing to the fulfillment of environmental objectives and ensuring adequate contribution of different water uses (distributed at least to industry, households and agriculture) to cover water services costs in accordance with the „polluter pays“ principle, while taking into account the social, environmental and economic effects of the coverage, as well as geographical and climatic conditions of the district or affected districts. It is not considered Directive violation if MS decide, in accordance with established practices (Article 9 paragraph 1 second sentence) not to apply entirely provisions, while noting the reasons for the incomplete application of provisions in the river basins management plans.

The cost coverage principle is applied to ensure sufficient funding of the activity, or to reduce the need for subsidies. From that perspective, return of costs is a matter of economic (or financial) sustainability and equity. In many cases, when the amount of the service is measured, with the cost collection is provided an incentive to make a change in the consumption, which is reflected in the collection, too. This is not always the case for water services, but there are many cases where water and waste water services are paid using the norm principle (i.e. assumed average consumption). In cases when the consumer pays on a norm basis, and the actual consumption does not affect the payment, then there is no incentive to optimize the use of water. It is important to emphasize that cost coverage and incentive prices are two different concepts. When it comes to covering the cost of a service, it is implicitly assumed that cost coverage also creates an incentive for rational use of the service. However, cost coverage alone does not support the achievement of WFD objectives. In case of a volumetric water cost (for example, when water consumption is measured) the full cost coverage will mean a greater incentive.

The concept of the „polluter pays“ principle is based on the idea that payment depends on the level of caused pollution. While water prices, which provide for cost coverage could be independent of the actual amount of water used or the burden of discharged pollution. The „polluter pays“ principle implies that payment should be related to the actual use of water, or water pollution resulting from discharges into the waters or that there is contribution from all users in terms of consumption or pollution. The „polluter pays“ principle is a key element of WFD<sup>4</sup>, because cost coverage should be carried out particularly in accordance with this principle and appropriate contribution for different uses of water should be ensured, while taking into account the „polluter pays“ principle. There are numerous unresolved issues as to how this principle is applied in practice particularly in relation to:

- identification of the “polluter” and the “victim” as well as the possibility to (directly) establish a cause-effect link between the activities of the “polluter” and the damage suffered by the “victim”.

This requires detailed insight into the mechanisms involved, which “translate” the specific action (for example, discharging an amount of pollutant X in a specified water body) into specific damage (for example, reduction or damaging specific fish population). This largely matches with the considerations needed to calculate environmental and resource costs, but there are additional challenges related to, for example, each pollutant contribution to the total damage. This is particularly important in case of diffuse pollution. These problematic issues arising from the application of the “polluter pays” principle are not limited to WFD as they are relevant to all fields of the environmental policy. Specific researches are needed about the application of the “polluter pays” principle in water policy in order to gain insight into the specific challenges arising in this field.

It is possible to ensure full cost coverage in a manner that does not provide incentives for efficient use of resource, and therefore there would be no impact on, for example, water conservation. It is also possible to make incentives/stimulations without having to cover the costs. Incentives require the price to be linked to a parameter, which will be used to cause an impact. Prices determined on the basis of the volume of waters determined according to the measured consumption are necessary to introduce water saving incentives. Therefore, any pricing scheme prerequisite is that the water consumption has been measured or it is measured in one way or another.

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<sup>3</sup> According to Annex 3 of WFD

<sup>4</sup> Article 9 of WFD



Generally, it can be concluded that stimulating prices directly affect achievement of the WFD objectives, by providing incentives or stimulation of efficient water use. However, application of the “cost coverage” principle and the “polluter pays” principle will contribute to achieving the WFD objectives, by ensuring that those who incur costs (including environmental costs), which are associated with water consumption and use will contribute for them.

In a broader sense, it can be assessed that if the pricing strategy is related to quantities of the resource used or the level of pollution (incentive prices for rational use of waters), then the other two principles should ensure fair distribution of costs between water users (the polluter pays principle) and between the economic sector by reducing or eliminating water service subsidies (cost coverage).

It is clear that the design of prices needed to achieve the WFD objectives will also depend on the interpretation and operationalization by MS for these purposes. In addition, water prices will need to take into account the specific circumstances of MS, particularly other policy instruments that are used (or may contribute) to achieving the WFD objectives.

The three above-mentioned sub-objectives are compatible with each other in principle, since it is possible to design a pricing structure that provides incentives, covers costs and it is based on the actual use/contribution by each water services user.

Additionally, the cost coverage principle and stimulating water prices have significant potential to help in fulfilling objectives set out within other policies. They can particularly help to mitigate the impacts and phenomena of water shortages and droughts throughout Europe (by reducing water demand and potential promotion of alternative water supply sources) as well as to play a role in the climate change adaptation, since the impact of stimulating water prices on mitigating water and drought deficits, as well as in preventing and mitigating floods, are part of support for adaptation to climate changes also.

Given the different approach to water pricing policy implementation in accordance with the WFD, it is not possible to make a definitive assessment of the contribution to other policy areas. For example, the approach taken by MS in defining the water and services use, so the sectors to which WFD applies will therefore, play a significant role in determining its contribution to other policy areas. Full implementation of these principles (defining water services, full costs coverage, strict definition of the polluter pays principle etc.) has the potential to maximize the contribution to fulfilling other policy objectives in different areas.

Policies that have been identified where water prices can provide interaction in terms of results delivery by the policy are:

- lack of water and droughts, mitigation of floods
- adaptation to climate changes and
- sustainable development.

### 1.3. Directive on water intended for human consumption

Water intended for human consumption is regulated by Directive 98/83/E3 of the Council on the quality of water intended for human consumption from 3 November 1998. The Directive was amended with:

- Regulation (EC) no. 1882/2003 of the European Parliament and the Council of 29 September 2003;
- Regulation (EC) no. 596/2009 of the European Parliament and the Council of 18 June 2009, and
- Commission Directive (EU) 2015/1787 of 6 October 2015

The Directive objective is to protect people’s health from adverse effects, which may arise from any pollution of water intended for human consumption, while ensuring that water is clean and proper.

The Directive implementation will allow to:

- prevent negative impact on human health in case of drinking water contamination;
- provide clean and proper drinking water for the users;
- supervise the drinking water quality, and

- 
- undertake appropriate and timely measures in cases when deviation related to the quality of drinking water occur.

The Directive stipulates for the obligation to ensure drinking water control by introducing standards in accordance with the latest scientific discoveries, control through appropriate supervision, assessment and application of drinking water quality.

According to the Directive MS are obliged:

- to undertake necessary measures so that the water does not contain concentrations of micro-organisms, parasites or harmful substances that could be hazardous to human health, as well as to fulfill minimum standards when using water from the public water supply systems or tanks.
- to conduct regular water monitoring at pre-determined measuring stations in order to verify that water fulfills the values of the microbiological, chemical and indicative parameters.
- to undertake all necessary measures to enable regular monitoring of the quality of water intended for human consumption in accordance with requirements set in the Directive, so that water available to consumers is in accordance with the values of the prescribed parameters.
- competent authorities to develop appropriate monitoring programs for all waters intended for human consumption in accordance with the minimum requirements<sup>5</sup>.
- in cases of non-fulfillment of standards, an immediate investigation must be carried out and appropriate corrective measures need to be taken, while in the meantime, water supply should be either prohibited or limited, if it is found that water consumption is a threat to public health.
- in all cases of non-fulfillment of defined standards, the reason for this will have to be investigated and immediate activities should be undertaken in order to eliminate the reason for failure to fulfill the standards. In such a case, MS must ensure that drinking water which is a potential danger to human health is prohibited or its use is limited or another action is taken in order to protect human health. In these situations consumers should be notified in a timely manner and necessary advice should be provided. The competent authority shall decide on the action to be undertaken, taking into account the risk to human health that may arise as a result of the supply disruption, or restriction of drinking water use.
- In the case of non-compliance with the parameters values or with the specifications set in the Directive<sup>6</sup>, MS are obliged to determine whether such non-compliance presents a risk to human health. In order to protect human health, MS have the obligation to undertake additional measures for restoring the water quality, such as:
  - when corrective measures are taken, for which the consumers are notified, except in cases where the competent authorities consider that non-compliance with the parametric value is insignificant;
  - every 3 years, to publish a report on water quality. Such information for the public should be sent to the EC;
  - to regularly provide updated data on the drinking water quality for their consumers, and
  - to prepare a three-year report on the drinking water quality in order to inform the consumers.

In 2015, with the Commission Directive (EU) 2015/1787 of 6 October 2015 Annexes II and III were amended by Council Directive 98/83/EC on the quality of water intended for human consumption. In order to improve the drinking water supervision, the Directive gives greater flexibility to MS in terms of water monitoring within the EU, which is in line with the EU citizens requirements for better, more equitable and more comprehensive water supply. The essential water quality standards at EU level are established, and obligation for regular monitoring of a total of 48 microbiological, chemical and indicative parameters is prescribed.

In accordance with the Directive, the EC undertakes every 3 years to publish a report in which national data on drinking water quality will be synthesized and in every 5 years review of microbiological, chemical and

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<sup>5</sup> Minimum requirements set out in the Annex II of the Council Directive 98/83/E3 on the quality of water intended for human consumption

<sup>6</sup> Annex I, Part B of the Council Directive 98/83/E3 on the quality of water intended for human consumption



indicative parameters and monitoring specifications, taking into account the progress of technology and science should be carried out.

#### **1.4. Directive on water quality management intended for bathing**

Bathing waters are regulated by the Bathing Water Quality Directive 2006/7. The Directive regulates monitoring, classification and management of bathing water quality, and it contains provisions for informing the public about the bathing waters quality.

The Directive objective is to protect, improve and preserve the quality of the environment and human health by supplementing the Water Framework Directive.

The Directive applies to surface water intended for bathing and it does not apply to swimming pools and spa pools, enclosed waters which are subject to treatment or which are used for therapeutic purposes, and artificially created enclosed waters separated from surface waters and groundwater.

Main requirements of the Directive are:

- establishment of a monitoring calendar for each bathing water area before each swimming season;
- bathing waters assessment;
- bathing waters classification on the basis of established criteria according to which bathing water can be classified as poor, sufficient, good and excellent;
- establishment of certain management measures, to ban swimming or putting a note against swimming, to provide information to the public or appropriate measures in places where the quality is designated as poor;
- to determine the bathing water profile and
- to provide appropriate information for the public, which is related to bathing waters classification and description, as well as information on protection measures.

MS have an obligation to provide the public to participate in the Directive implementation, and provide means by which the public can participate, that is:

- to find a way to participate;
- to formulate proposals, remarks and complaints. This applies particularly to establishing, checking and updating the list of bathing waters. Competent authorities are obliged to take into account the information received.

This Directive lists the information that should be made available in easily accessible places close to all bathing waters in order to inform the public on time during the bathing season.

The list of bathing water should be available each year before the bathing season starts. Results of each bathing water classification after completion of the analysis shall be available online.

MS and EC, if possible, provide information to the public by using appropriate technology and present it in a clear and coherent manner, particularly through the use of signs and symbols.



### 1.5. Directive on Urban Waste Water

The Urban Waste Water Directive 91/271 of 21 May 1991 was amended supplemented with Commission Directive 98/15/EC of 27 February 1998 to amend the Directive which relates to the requirements set down in Annex 1 of the Directive. Main directive objective is to protect the aquatic environment from negative impacts of urban waste water.

MS are obliged to:

- collect waste waters in urban settlements with at least 2.000 equivalent inhabitants (Article 3)
- provide waste water treatment for all agglomerations, and that:
  1. Application of secondary treatment of collected waste waters (Article 4 and Annex IB Table 1);
  2. Application of stricter treatment for agglomerations with more than 10.000 equivalent inhabitants accommodated in certain sensitive areas and their catchment areas (Article 5 and Annex IB Table 2) and
  3. Provision of adequate treatment of discharges from (existing) systems for agglomeration aggregation with less than 2.000 e.i. in fresh waters (Article 7).
- guarantee that treatment plant is properly maintained, for proper operation and that they could operate in all normal weather conditions (Article 10);
- require approval for discharges from the industry in urban waste water collection systems and waste water treatment plants (Article 11);
- require approvals for discharges from waste water treatment plants for urban waste waters (Article 12);
- require approvals for waste water discharges of more than 4 000 e.i. from special industries into the recipients (Article 13);
- undertake measures to limit the recipients' pollution from the atmospheric waters inflow;
- require approvals for sludge removal from urban waste water treatment plants (Article 14);
- encourage the sludge re-use resulting from the waste water treatment (Article 14)
- monitor the treatment plants and water recipients' operation (Article 15);
- monitor the sludge removal and its reuse (Article 14), and
- are obliged to ensure that every two years competent authorities publish reports on the urban waste water condition and silt in their areas. These reports will be submitted to the Commission as soon as they are published.

### 1.6. Directive on flood risk assessment and management

The objective of Directive 2007/60/EC of the European Parliament and the Council on flood risk assessment and management is to establish a framework for the flood risk assessment and management in order to reduce harmful effects of floods on human health, environment, cultural heritage and economic activities.

For implementation of the Directive, MS may designate a competent authority, which will be responsible to undertake obligations of the Directive, as well as to identify certain coastal areas or individual river basins and assign their management to other management units, and not to those that according to WFD are responsible for river basin management.

MS have an obligation:

- for each river basin or management unit or part of an international river basin located in their territory to carry out a preliminary flood risk assessment in order to assess the possible risk of floods;
- to prepare flood hazard maps and flood risk maps;

- 
- to prepare flood risk management plans in which all aspects of flood risk management should be listed with particular attention to prevention, protection, preparedness, including flood forecasts and early warning. The Directive, when preparing the flood management plans, refers to the WFD, respectively indicates that preparation of the first plan can be done in coordination with or can be integrated into the RBMP.
  - involvement of all stakeholders in accordance with the WFD provisions.
  - to make available to the public all initial estimates of flood risks, flood risk maps and flood risk plans and MS to encourage all stakeholders to actively participate in the preparation, modification and updating the flood risk management plans.

### **1.7. Directives for the groundwaters protection against pollution**

Groundwaters as natural resources are important for ecosystems dependent on groundwaters as well as for supply with drinking water.

Groundwaters in water bodies that are used for drinking water absorption or intended for such purpose must be protected in the future in such a manner that will prevent deterioration of those water bodies, in order to reduce their treatment in the future. In order to protect the environment as a whole, especially the human health, harmful concentrations of harmful pollutants in groundwaters have to be avoided, prevented and reduced.

Council Directive 2006/118/EC of the European Parliament and the Council on the groundwaters protection against pollution and quality impairment sets down specific measures for prevention and control of groundwater pollution in accordance with those set down in the WFD. The measures in particular include criteria for groundwater chemical status assessment, and criteria for identifying and redirecting significant and persistent upward trends and determining the starting points for trend redirection. This Directive amends provisions, to prevent or limit the inputs of polluting substances in groundwaters and which are also regulated in the WFD and aim to prevent deterioration of the status of all groundwaters bodies.



## 1.8. Directive on pollution caused by certain dangerous substances discharged into the aquatic environment

Directive 2006/11 of the European Parliament and the Council of 15 February 2006, on pollution caused by certain hazardous substances discharged into the aquatic environment relates to the MS obligation to undertake activities to eliminate hazardous substances listed in the Directive<sup>7</sup> as well as to reduce the pollution of waters with hazardous substances<sup>8</sup> in accordance with the Directive provisions. For all discharges into waters that may contain substances from Annex 1 of the Directive, it is necessary to obtain a prior authorization from the MS competent authority. The permit must contain emission standards for discharges, into the waters, of any of those substances as well as for discharge into the sewerage network. Permits are issued for a limited period of time.

For pollution reduction of waters containing hazardous substances from Annex 2, competent authorities are obliged to issue a permit that regulates pollution reduction, in which emission standards will be defined.

## 1.9 Other EU environmental legislation important for water management

In addition to legal acts that directly regulate water issues, it must be emphasized that, the field of water is related to other areas in the field of environment.

Legal acts of the horizontal legislation regulating general environmental issues applied in all fields of the environment are particularly important. It is important to specifically mention the following legal acts:

- Directive 2011/92/EU on the impact assessment of certain public and private projects on the environment, which has been amended by Directive 2014/52/EU that regulates the procedure for environmental impact assessment from the implementation of projects, which regulate the procedure for environmental impact assessment, while it is in the project phase. When implementing this procedure, public participation is mandatory, and one of the issues that shall be considered is certainly the project impact on the waters.
- Directive 2003/4/EC on access to environmental information, which regulates access to environmental information held by public authorities or legal entities, which have information about them. The aspect of waters is important because there are many information that public authorities, in accordance with the water regulations, are obliged to collect regarding the permit issuing, thus all these data in the area of water should be available in accordance with the Directive requirements.
- Directive 2001/42/EC on Strategic environmental assessment of plans and programs imposing an obligation on public authorities to identify and assess the significant impact that planning documents have on the environment. In order to consider the environmental impact of the planning document, impact needs to be assessed early in the process of planning document preparation, prior to its adoption. When conducting this procedure, the impact assessment from the water aspect is also mandatory.
- Directive on Reporting 91/692/EEC and Water Questionnaires (92/446/EEC and 95/337/EEC) regulate the information submission on waters by MS to the EU.

Waste regulations are also related to water protection, particularly the Waste Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008, where impact on the waters should be taken into account during the waste treatment and waste infrastructure establishment, too.

Regulations for industrial pollution and risk management are an important area for water management, and that:

- Directive on industrial emissions 2010/75/EU of the European Parliament and the Council is EU's main instrument for regulating emissions from industrial installations. This Directive integrates seven previously existing directives. The Directive objective is to achieve a high level of human health and the environment protection, taken as a whole, by reducing harmful industrial emissions in the EU,

<sup>7</sup> Given in the Directive Annex 1

<sup>8</sup> Given in the Directive Annex 2



especially through the use of the best available technologies (BAT). Installations that are obliged to obtain a permit in accordance with the permit standards are listed in Annex 1 of the Directive. The permit contains determined conditions in accordance with the Directive principles and provisions, and it is based on several pillars, such as: 1. integrated approach, 2. use of the best available techniques, 3. flexibility, 4. inspections, and 5. public participation.

- Integrated approach means that permits must take into account all environmental media and areas, respectively, takes into account environmental integrated management, such as: air, water and soil emissions, waste generation, raw materials use, energy efficiency, noise, accident prevention and remediation of a location at closure. Conditions defined in the permit, including emission limit values, must be determined in accordance with the best available techniques (BAT). The Commission adopts BAT conclusions which should be a reference for determining the conditions in the permit.

The Seveso-III (Directive 2012/18/EU) was adopted by EU in 2012, taking into account, among others, amendments of the Union legislation on chemicals classification, and the increased citizens' rights to access information and justice. According to the Directive provisions, major accidents involving the use of hazardous chemicals pose a significant threat to humans and the environment as a whole. Such accidents cause enormous economic losses and affect sustainable growth. The use of large quantities of hazardous chemicals in some industrial sectors, which are vital to a modern industrialized society, is inevitable. The Directive adoption provides for measures to prevent major accidents and provide adequate preparedness and response if such accidents occur.

In terms of nature, Habitat Directive 92/43/EEC and the Birds Directive 79/409/EEC, which govern the protection of protected habitats and bird species should be mentioned. Water quality is a particularly important factor for the survival of these areas and species. These areas need to be identified in RBMP and measures should be provided in the program of measures, in accordance with it.

The Aarhus Convention, which is equally important to the environment, generally including water management, has to be mentioned, because issues of access to information, public participation in decision-making and access to justice apply to waters, especially in the permit issuance section, and the preparation of planning documents as well as other issues.

The European Pollutants for Release and Transfer Registry (E-PRTR) is a register in Europe, which provides easily accessible key environmental data from industrial facilities in EU Member States. The register contributes to the transparency and public participation in decision-making related to the environment. It has been established in accordance with the PRTR protocol to the Aarhus Convention on access to information, public participation in decision-making and access to justice on environmental issues.

Climate changes have a significant impact and are largely related to water management because they affect the water resources quality and availability, which according to all forecasts will increase in the future due to global warming and due to water scarcity.

In order to increase water availability, there will be an increased need for efficient water distribution system.



## 1.10. Degree of EU water legislation transposition into the national water legislation

Starting from the strategic commitment of the Republic of Macedonia for acquisition of full membership in the European Union, the country in the past years is constantly working on harmonizing the national legislation with the EU legislation.

After the Stabilization and Association Agreement was signed by MS, and its entry into force on 1 April 2004, and after obtaining the candidate status for membership in the European Union in 2005, the European Commission is constantly monitoring the progress of the Republic of Macedonia as an EU candidate country.

The last European Commission Progress Report for 2016 of the Republic of Macedonia, in the part for waters notes the following:

*„The country, in terms of water quality has reached a certain level of preparation. River basin plans have been prepared, agglomerations have been identified and sensitive areas have been defined. In January 2016, a new Law on Setting Prices for Water Services was adopted. A system for monitoring the quality and quantity of water is needed. Untreated urban waste water remains the main source of pollution. Preparation of specific plans for implementation of the Directives for urban waste water and drinking water treatment is underway. New infrastructure is being constructed and existing infrastructure is being upgraded, although national funding is insufficient. Administrative capacities are insufficient to implement all measures required in the water-related directives. The dangers of flooding and dangerous risks for all river basins should also be developed.“*

EC monitors the process of transposition and implementation of the EU legislation on environment and climate through the preparation of a report on the transposition and implementation level of EU environmental legislation into the national legislation.

In the latest Progress report monitoring transposition and implementation of the environmental and climate legislation, from 2016 in terms of transposition, it has been concluded that the Urban waste water Directive is fully transposed into the national legislation, while for the WFD transposition further actions need to be taken for adoption of remaining by-laws arising from the Water Law. In terms of drinking water Directive, amendments to the Directive 2015/1878 should be transposed into the national legislation.

Transposition of the bathing water Directive, the groundwater Directive and the flood Directive should be continued in the coming years with adoption of by-laws arising from the Water Law as well as appropriate changes in the Water Law for its harmonization with the stated water regulations.

The table below is a summary of the transposition level of the national regulation with the EU Water Regulation.

Overview of the level of water legislation transposition into the national legislation<sup>9</sup>

<b>EU act title</b>	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
<b>WATER QUALITY</b>										
<i>2000/60 /EC Water Framework Directive</i>									88%	
<i>91/271/EEC Directive on the urban waste water treatment</i>										100%
<i>98/83/EC Directive on the drinking water quality</i>										97%
<i>2006/7/EC Directive on the bathing water quality</i>		11%								
<i>2006/118/EC Directive on groundwater protection against pollution and quality impairment</i>					48%					
<i>2007/60/EC Directive on flood risk assessment and management</i>		16%								

<sup>9</sup> The table is taken from the Progress Report monitoring the transposition and implementation of the legislation on environment and climate, 2016



**Project “Citizens active partner  
in water policy reforms”**

**“Analysis of situation with water  
management in the Republic of Macedonia  
and consumers rights protection “**

## **2 WATER MANAGEMENT IN THE NATIONAL LEGISLATION**



## 2.1. Status of the waters in the Republic of Macedonia

The environmental, and its media status and well-being are guaranteed in the Constitution of the Republic of Macedonia also, starting from the principle that every individual has the right to healthy environment and is obliged to promote and protect the environment and nature. The Republic provides conditions for the exercise of citizens' right to a healthy environment.

Spatial organization and humanization and environmental protection and promotion of the nature are fundamental values of the constitutional order of the Republic of Macedonia<sup>10</sup>.

The Constitution of the Republic of Macedonia prescribes that all natural treasures of the Republic, flora and fauna, goods in general use, as well as things and objects of particular cultural and historical significance determined by law, are of general interest to the Republic and they all enjoy special protection. The manner and conditions under which certain goods of general interest for the Republic can be used, is regulated with law. Water as a good of general interest is owned by the Republic of Macedonia. Water is not subject of ownership right of natural persons and legal entities, regardless the legal regime of the land on which they are located.

The waters cover all surface waters (all flowing and non-flowing waters on the earth surface), including the permanent watercourses or watercourses in which water flows temporarily, lakes, accumulations, springs and groundwater (waters that lie beneath the earth surface in the saturation zone and are in direct contact with the surface or with the sub layers).<sup>11</sup>

The field of waters in the Republic of Macedonia is regulated by several regulations:

- Law on Environment ("Official Gazette of the RM" no. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11,123/12, 93/13, 187/13, 42/14, 129/15, 192/1 and 39/16);
- Law on Waters ("Official Gazette of the Republic of Macedonia" no. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13, 180/14, 146/15, 52/16);
- Law on drinking water supply and drainage of urban waste water (Official Gazette of the RM no. 68/04, 28 / 06,103 / 08, 17/11, 54/11, 163/13);
- Law on determining the water services prices ("Official Gazette of the Republic of Macedonia" no. 7/16);
- Law on Water Economy ("Official Gazette of the Republic of Macedonia" no. 51/15, 93/15) and
- The Law on Food Safety ("Official Gazette of the Republic of Macedonia" no. 157/10, 53/11, 1/12, 164/13, 187/13, 43/14, 72/15, 84/15, 129/15, 213/15 and 39/16).

## 2.2. Regulations that regulate water management in the Republic of Macedonia

Water management is regulated in several regulations. They regulate different aspects of water treatment. Below, in the report are analyzed national regulations governing water management, such as: Law on environment, Law on waters, the Law on drinking water supply and Urban waste water collection, the Law on water economy, the Law on food safety and Law on determining water services tariffs.

The basic law governing water management is the Law on waters (LW). LW was adopted in 2008 and it started to be applied in 2010.

## 2.3 Law on Environment

The LE is a framework law, which regulates general issues relevant to all fields of environment. The law regulates the so-called horizontal issues that are equally important and applicable in all other fields of environment as well as in the field of waters. The Law regulates the following issues: access to environmental

<sup>10</sup> Article 8 of the Republic of Macedonia Constitution

<sup>11</sup> Article 4 of the Law on Waters ("Official Gazette of the Republic of Macedonia" no.87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13,180/14, 146/15 and 52/16)



information, procedure for assessing the environmental impact from the implementation of certain public and private projects, environmental impact assessment from the preparation of plans and programs, issues of environmental damages and the procedure for issuing integrated environmental permits.

Chapter 8 of the Law on Environment regulates in general the issue of access to environmental information, which defines the obligations, conditions and manner of information providing that relate to the environment.

The law generally regulates media monitoring, while the environmental fields are regulated in a separate Chapter V- Environmental Monitoring. In order to carry out the media monitoring, and the areas of the environment in the territory of the Republic of Macedonia, a state network for environmental monitoring is established, consisting of the state monitoring networks of certain media and fields of the environment, which is established by the Government of the Republic of Macedonia (GRM). In order to monitor individual environmental media and fields, the local self-government units, in accordance with specific laws, can establish local monitoring networks.

Chapter VI of the National Environmental Information System states that for data management on the environmental state in the territory of the Republic of Macedonia, the MEPP establishes, develops, manages and coordinates the National Environmental Information System. The information system is established, developed, managed and coordinated in a manner that provides a database of relevant data - comprehensive, accurate and publicly available data and information on the condition, quality and trends of all media and areas of the environment. Information system includes collection, processing, systematization, storage, utilization, distribution and presentation of data and information obtained from the state monitoring network, the local monitoring network and its own monitoring, of different environmental media and fields, as well as the data from the Register of pollutants discharge and transfer, the Environmental Cadastre and the National List of Indicators.

The Register for pollutants discharge and transfer is established and managed by the MEPP. Legal entities and individuals are obliged to submit data for the preparation and maintenance of the Pollutant Register.

The Cadastre of pollutants in the waters is included in the Environmental Cadastre that is maintained and established by MEPP.

The Cadastre contains data on activities and installations that threaten or can threaten the environment. Legal entities and natural persons are obliged to submit data for preparation and maintenance of the appropriate cadastres.

The units of local self-government can, for their areas, establish and maintain Environmental Register and Cadastre.

The establishment of monitoring for certain media and areas, the establishment of an information system for a particular medium or area is regulated by special laws (waste, nature, etc.). In particular, the monitoring of waters and the information system for waters is regulated in more details in the Law on waters.

Public participation in environmental decision-making is regulated in the Law on environment. In the procedures for conducting strategic assessment of plans and programs, the procedure for assessment of certain projects impact and in the procedure for environment integrated management is regulated the manner and procedure of public participation.

Public participation in decision making as well as planning documents adoption in the field of waters is regulated in more details in the Law on environment.

It is important to say that the use of the resource can be done through integrated environmental permits, which also regulate the issue of large industrial capacities work which need to operate according to the best available techniques. These permits regulate the water use and the waste water discharge issue.

The Law on environment also regulates the strategic assessment procedure of the planning documents impact on the environment, as well as the procedure for assessing the impact that projects have on environment.



## 2.4 Law on Waters

The basic legal regulation, which regulates water management is the Law on Waters („Official Gazette of the Republic of Macedonia“ no. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13, 52/16) and the by-laws adopted on the basis of the Law on Waters. Law on Water is a framework law, which regulates the basic principles for water resources management. The law establishes a general legal framework for regulation of water management field in an integrated and comprehensive manner. At the same time water management covers all measures and activities for rational and efficient water use, sustainable development of water resources, water protection and protection against harmful effects of waters, water economy facilities and plants, organizational setup and water management financing, as well as the manner in which the waters are used or discharged.

The need for an integrated approach in the Water Framework Law preparation stems from the fact that management and protection aspects are essentially related and they cannot be regulated separately without taking into account their interconnection. Thus, this matter focuses on three areas: water use, water protection and pollution control and protection against the harmful effects of waters.

Numerous legal acts of EU law that regulate water management at EU level have been transposed in the Law on waters and the by-laws, such as:

- Water Framework Directive (WFD) 2000/60/EC;
- Directive 98/83/EC on the quality of water intended for human consumption;
- Directive 76/160/EEC related to the bathing water quality;
- Directive 91/676/EC for protection of waters against pollution caused by nitrates from agriculture;
- Directive 91/271/EEC related to urban waste water treatment;
- Directive 2006/118/EC on groundwater;
- Directive 2008/105/EC on environmental quality standards in the field of water;
- Directive 76/464/EC for discharge of hazardous substances into the aquatic environment in the community.

Objectives the Law on waters should achieve are:

- providing access to sufficient quantity of quality water, in accordance with the principles for sustainable management of drinking water and food production, for the needs of agriculture, industry, hydropower needs, for the needs of parks and other public areas, tourism, and other needs;
- protection, conservation and continuous improvement of the available water resources, improvement of the coastal land condition, aquatic ecosystems and ecosystems dependent on water, protection and promotion of the aquatic environment through rational and sustainable water use, and progressive reduction of harmful discharges, and gradual elimination of emissions of hazardous materials and substances in waters;
- mitigation of consequences of water harmful effects and the lack of water, and
- protection and promotion of environment, nature and aquatic ecosystems and biodiversity and protection of human health.

Principles for sustainable water management which the Law on waters is based on are: the principle of public participation and access to information, principle of stakeholders' participation and principle of water economy services universality.

Water management is defined as an activity of public interest and it implies undertaking all measures and activities and achieving the objectives defined in the Law on waters, while ensuring rational and efficient water use, sustainable development of water resources, water protection and protection from harmful effects of the waters. The measures, standards and environmental objectives are applied as minimum requirements, which are to be fulfilled in water management.



## 2.4.1 Planning the water development and management

Water management is a priority, which is reflected in several strategic documents adopted by the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia and the Ministry of Environment and Physical Planning (MEPP). Water is an important resource, which needs to be well protected and even better managed.

Planning the water development and management is done by adopting planning documents, which regulate water management, such as:

1. National water strategy
2. Water economy base
3. River basin management plans (RBMP)

1. **The National Water Strategy (NWS)** is a 30 year planning document prepared by the MEPP in cooperation with relevant authorities, and adopted by the Parliament of the Republic of Macedonia. The NWS defines the long-term water policy, which provides sustainable water development by meeting the needs of all users with quality water in sufficient quantities, rational and economical use of waters, protection of waters against pollution and pollution control, protection and improvement of coastal land and wetlands and protection and mitigation of the consequences by water harmful effects and water shortages.

The NWS of the Republic of Macedonia was adopted by the Assembly of the Republic of Macedonia in 2010 and it refers to the period from 2011 to 2041.

2. For the NWS realization as well as integrated planning and implementation of programs and measures for development of waters in accordance with objectives for national sustainable development, Water economy base of the Republic of Macedonia is adopted. The water economy base of the Republic of Macedonia was adopted in 1972.

Water economy base is adopted by the Assembly of the Republic of Macedonia for a period of 20 years upon a proposal of the Government of the Republic of Macedonia. Water economy base regulates the existing state of waters, current and future water needs, water balance, technical and economic solutions for rational water use, protection of waters against pollution and protection against harmful effects of waters in accordance with the sustainable development principles, as well as long-term environmental objectives and a program of measures for their implementation.

The Government of the Republic of Macedonia must take into account the harmonization of the Water economy with the Physical plan of the Republic of Macedonia, as well as in the preparation of long-term planning documents, which regulate the development of certain economic branches and utilization of natural resources, to carry out their mandatory harmonization with the Water economy base.

The procedure for drafting, revising and updating the Water economy base is regulated by the Rulebook on the methodology for the content, preparation method and procedure, revision and updating of Water economy base of the Republic of Macedonia (Official Gazette of the RM no. 148/09). The Water economy base of the Republic of Macedonia is revised, amended and/or supplemented at least every ten years, and, if necessary, earlier. During the preparation, respectively revision, modification and amendment, public participation is obligatory in accordance with the Law on Environment.

During the Water economy base preparation, it is mandatory to hold a professional discussion as well as to provide conditions for the expert public to have an insight in the draft of Water economy base and to express their opinions and views. Based on the opinions and views received from the expert discussion on the Draft Water economy base, a proposal on the Water economy base that is determined by the GRM on proposal by the MEPP is prepared. The Government of the Republic of Macedonia shall submit the proposal on the Water economy base to Assembly of the Republic of Macedonia for its adoption.

3. River basin management plans (RBMPs) are key documents, which the integrated water management is based on. In accordance with the WFD requirements, water management is assessed and managed at the

level of river basins, rather than by geographical and political boundaries. For each river basin district, GRM adopts RBMP. The territory of the Republic of Macedonia is composed of four areas of river basins, river basins of rivers Vardar, Crn Drim, Strumica and South Morava (Figure 1). The boundaries of the river basin districts are defined by the Decision on determining the river basin districts boundaries adopted by the Government of the Republic of Macedonia (“Official Gazette of the RM” no. 107/12).

The Vardar basin covers the watershed of the river Vardar with its tributaries in the Republic of Macedonia territory to the Macedonian-Greek state border, including the watershed of the Dojran Lake in the Republic of Macedonia territory and covers 80% of the waters in the country.

The Crn Drim basin covers the basins of the Prespa and Ohrid Lake, and the watershed of the river Crn Drim with its tributaries in the Republic of Macedonia territory, to the Macedonian-Albanian state border

The Strumica basin covers the watersheds of the rivers Strumica, Cironaska and Lebnitsa, to the Macedonian-Bulgarian state border.

The Southern Morava basin covers the watershed of the South Morava in the Republic of Macedonia territory, to the Macedonian-Serbian state border.

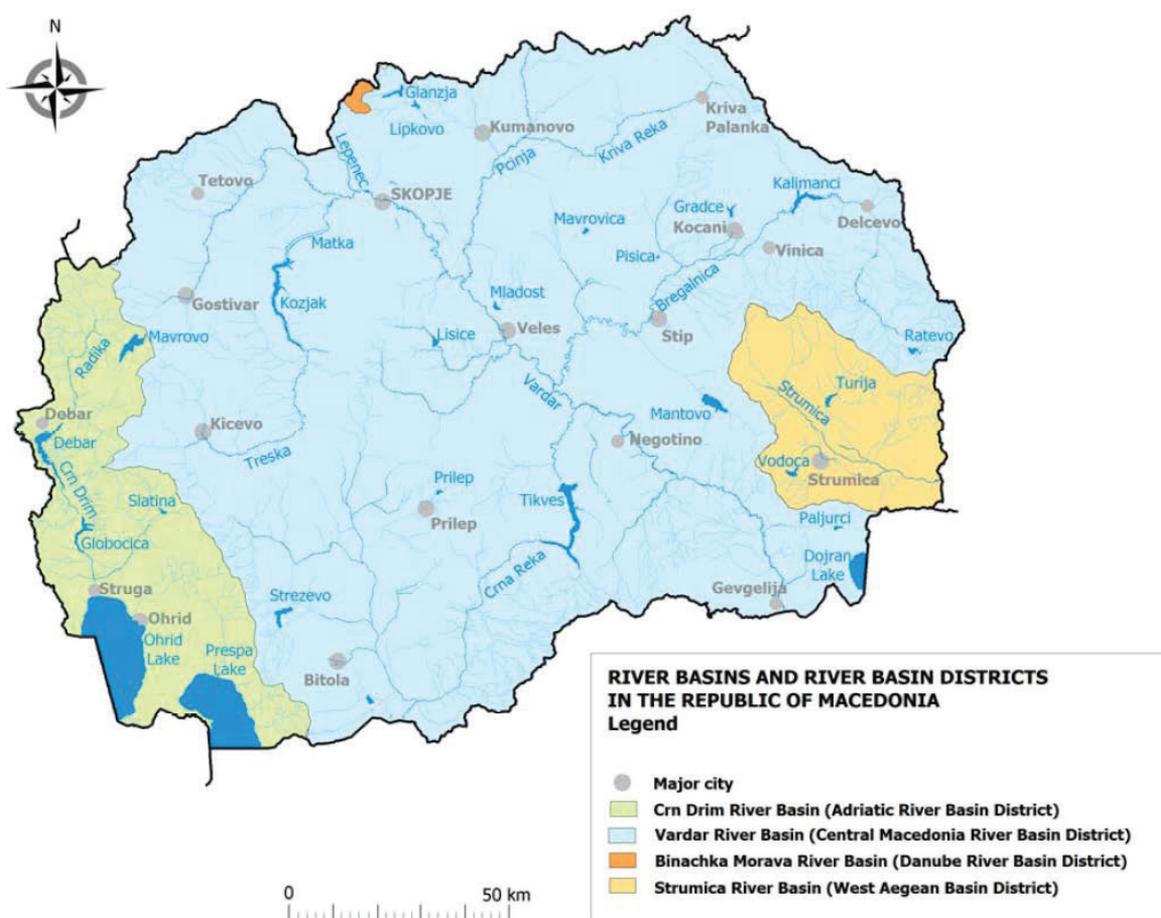


Figure 1. Slide show of the river basins in Macedonia

The time period for which RBMPs are adopted is six years. The preparation is regulated by the Rulebook on the content and manner of preparation of RBMP (Official Gazette of the RM no. 148/09).

For each river basin district, at least in every six years, the MEPP conducts an analysis of features, significant pressures and impacts of human activities on waters and economic analysis of water use in accordance with the Rulebook on the methodology for river basins assessment (“Official Gazette of the Republic of Macedonia” 148/09).



During the RBMP preparation, participation of the River Basin Management Council and the Councils for management of parts of the river basin district, realization of cooperation with other state bodies, scientific institutions and institutions and provision of active participation of the public in the procedure for adoption of the plan, which implies ensuring their participation in the various phases of the procedure for preparation of the Plan is mandatory.

In order to prepare and monitor the implementation of the River basin management plan, as well as to provide opinions and suggestions on the water management priorities, the GRM for each river basin district establishes a River basin management council. The establishment of the River basin management council is regulated by the Decree on the composition, the manner of participation, as well as the manner of nominating representatives in the management councils of river basin districts and the council for management of parts of the river basin districts, as well as the manner of work adopted by the Government of the Republic of Macedonia (Official Gazette of the RM no. 106/13). The Decree provides establishment of three river basin management councils, as well as councils for three individual river basin districts.

The River basin management council of river Vardar consists of 45 members, the Crn Drim River basin management council consists of maximum 35 members, and River basin management council of river Strumica consists of maximum 35 members. In terms of the fourth river basin district, of river Strumica, due to the size of the river basin of river South Morava, the management of the area of the river basin of the South Morava will be carried out through the council for management of Vardar river basin.

Council members are nominated representatives of: state administration bodies (environment, agriculture, health, transport and communications), local self-government units, consumer associations, water economies, representatives of water communities, water supply services and waste water drainage and treatment providers and other water users, industry, non-governmental organizations, councils for the management of parts of a river basin district and other stakeholders.

The number of the council members is determined depending on the size of the river basin district as well as the volume of water related activities, which take place in the area of a river basin. For a river basin district extending to a larger area or whose activities are larger and/or are distributed in such a manner that they can be grouped, a council for management of parts of the river basin district may be established. The council takes decisions by two-thirds of the votes.

The costs of work and the remuneration for the council work and the council for management of parts of the river basin district shall be paid from the MEPP budget. Nominated member who participates in the council work, prior to a Council meeting is obliged to consult the entities, which nominated that member, and whose interests the member represents and to ask for opinions and views regarding the topics that will be discussed at the scheduled Council meeting. When it is not possible to receive opinions and views on certain issues that will be considered at a Council meeting, the member should act in the best interest of the entities whose interests he/she represents, as well as clearly express the problems faced by the entities in relation to water management. When certain issues are of particular importance to the entities whose interests the member represents, the member may request the council meeting to be delayed for a maximum seven days and during this period the member should provide opinion and views on the issues of the subject matter. The Council sessions are public, except when by a Council decision it is decided the session to be closed for the public.

The MEPP is be obliged to notify the GRM, at least in every three years, for the implementation of the RBMP, and at least once an year to inform the GRM on the implementation of the Program of measures.

In terms of water management planning documents, in accordance with the Law on Environment, it is mandatory to carry out a procedure for strategic assessment on the environmental impact from water management planning documents.

#### **2.4.2. Water use**

General water use means the use of water for personal needs and needs of the household when it does not require special facilities and plants for water utilization. The general water use does not require a water use



permit. The general water use involves the use of drinking water, bathing and other sanitary needs of the household, for sports and recreation and for sailing with non-motorized vessels or for satisfying other personal needs, unless it requires construction of separate facilities and plants for which a permit for water use is envisaged. The general water use includes the use of water for extinguishing fires and taking the necessary sanitary and other measures in the event of a state of emergency or natural disaster or other activities of public interest.

Activities of water use are:

1. human consumption, irrigation, for industrial, technological, commercial needs and for other purposes;
2. electricity production and other propulsion purposes;
3. fish cultivation;
4. sailing;
5. sports, recreation, bathing and
6. accumulation, capture, pumping, use, diversion and other purposes.

Water use includes drainage and discharge activities also, as well as other actions on the waters.

Everyone is obliged to use water in volume, under conditions and in accordance with the law, in a rational and economical, balanced and fair manner in accordance with the principles of sustainable water management.

The priorities of water use are:

1. water supply for the population, health institutions and legal entities in the field of veterinary medicine, for the needs of defense, for food production and food processing industry and for feeding the livestock through a public water supply system;
2. irrigation of agricultural land;
3. water supply for the industry and for economic needs;
4. hydropower and other drive needs;
5. the needs of the parks and other public areas;
6. bottling of bottled water for commercial purposes and
7. other needs.

Water use is regulated by water legal right. The water legal right is acquired with a permit for water use and a permit for discharge into the waters. The permit is required for performing activities that may affect the water regime. Permits are issued in accordance with RBMP. A permit is issued by the MEPP on the basis of a submitted application for a period not exceeding 10 years, and depending on the type of the water economy facility. The MEPP, when issuing the permit, is obliged to provide the public with access to the information necessary for formulation of opinions and views, in accordance with the Law on Environment. Public may express their opinions and objections regarding the request for obtaining a permit within 15 days of the publication of the request. Authorities and the public may, in writing, within 15 days upon receipt of the request, submit their opinions and views regarding the request. When drafting a permit, the MEPP will not take into consideration opinions submitted after the deadline expiration. When drafting the permit, the MEPP must explain reasons for rejecting opinions and views of the public and the authorities. If authorities do not submit a written opinion, they are deemed to have no objections to the request. MEPP, by a decision, rejects the application if it finds that the permit issuance is not in accordance with the RBMP, the public interest is endangered, or provisions of an international agreement ratified by the Republic of Macedonia are violated. The water legal right that arises and is exercised under conditions and in a manner determined in the permit, can be temporarily limited, if with its realization the health of people is endangered and it limits the general use of waters.

The permit form and content for water use is regulated by the Rulebook on the content and the application form for water use and the necessary documentation, which is attached to the request for issuing a water use



permit (“Official Gazette of the Republic of Macedonia” no. 98/17), and Rulebook on the form and content of the water use permit (Official Gazette of the RM no. 37/17).

### 2.4.3. Water protection

#### 2.4.3.1. Environmental objectives

For the purpose of managing each water body of a river basin district, environmental objectives for surface and groundwaters, control of discharges and emissions, water quality objectives, and classification and categorization of waters are defined. In order to achieve the environmental objectives established in the RBMP, the GRM adopts a Program of measures for each river basin district in the territory of the Republic of Macedonia. The Program of measures is part of the RBMP. The content of Program of measures is defined in the Rulebook on the content and manner of the Program of measures preparation (Official Gazette of the RM no. 148/09). Program of measures contains basic and additional measures and it is updated in at least six years.

In order to maintain and improve the water quality, GRM performs water classification. In 2016, the Government of the Republic of Macedonia adopted the Decree on the surface waters classification (Official Gazette of the RM no. 99/16), and its application is envisaged to commence in 01.01.2019, while until

then the Decree on categorization of watercourses, lakes, accumulations and groundwater (Official Gazette of the RM no. 18/99) and Decree on Water Classification (“Official Gazette of the RM” no.18/99) is implemented. The environmental objectives for groundwaters are determined by the GRM with the adoption of groundwater classification Decree. This decree has not been adopted yet.<sup>12</sup> If the attainment of environmental objectives for a particular water body is not achievable or unjustifiably expensive, less stringent environmental objectives can be set for that water body. The GRM prescribes conditions for deviation from environmental objectives. This by-law has not been adopted yet.<sup>13</sup>

#### 2.4.3.2. Discharges into the waters

Activities, which pollute water, are prohibited. Discharge into waters is carried out on the basis of a permit for discharge into waters. The request for discharging into waters and permit for discharge is prescribed in the Rulebook on the form and content of the application form, as well as the necessary documentation, which is to be attached to the application for a discharge permit („Official Gazette of the RM“ no. 35/17)

Rulebook on the permit form and content for discharge into the waters („Official Gazette of the RM“ no. 35/17). MEPP issues a permit in accordance with the existing criteria for water quality and environmental objectives. The permit determines the limit values for substances emissions and their quantities and environmental standards, including emissions and standards determined by the regulations in the area that regulates the issuance of an integrated environmental permit, in order to achieve the environmental objectives of the water body. Legal and natural persons, including state administration bodies, municipalities, municipalities in the City of Skopje and the City of Skopje may discharge waste water or discharge or dispose materials and substances in the recipients only after obtaining a permit for discharge into the waters under the conditions and in a manner determined by law. For the implementation of RBMP, the permit for discharge is issued in accordance with RBMP.

#### 2.4.3.3 Protected zones

In accordance with the Law on Waters, GRM defines protected zones for:

- water bodies intended for human consumption (at the proposal of the MH and MEPP);
- water bodies intended for recreational purposes, including bathing water (at the suggestion of the MH and MEPP);

<sup>12</sup> Article 92 of Law on Water

<sup>13</sup> Article of Law on Water

- zones susceptible to nitrates (on the proposal of the MEPP, MAFWE and MH);
- water bodies sensitive to urban waste water discharge (on proposal by MEPP, MAFWE and MH);
- areas designated as protected natural heritage where the water status maintenance and improvement is an important factor (MEPP), and
- zones intended for protection of plant and animal species that live or are dependent on water and which have economic significance (MEPP and MAFWE).

Municipalities, the City of Skopje municipalities, and the City of Skopje may indicate to MEPP the need for designate a protected zone. The decision on the need for designating a protected zone is adopted by the municipal councils, and the City of Skopje municipal councils, and the City of Skopje.

Protected zones are marked on the spot by means of warning signs and information boards. Marking of protected zones is provided by MEPP.

At the suggestion of MEPP, GRM sets out measures necessary for the protected zones protection ensuring the achievement of environmental objectives.

Protected zones and water bodies within each river basin, which require special protection are recorded and continuously updated in the register of protected zones maintained by MEPP.

The data and the cartographic map of protected zones and data from protected zones register are integral part of RBMP.

GRM determines conditions and the manner of establishing protected zones for cartographic display of the protected zones.

#### **2.4.4 Water intended for human consumption**

Water intended for human consumption is regulated by the Food Safety Law („Official Gazette of the RM“ no. 157/10, 53/11, 1/12, 164/13, 187/13, 43/14, 72/15, 84/15, 129/15, 213/15 and 39/16), the Rulebook on water safety intended for human consumption („Official Gazette of the RM“ no. 46/08), Decree on Classification of waters (Official Gazette of the RM no. 18/99), Decree on categorization of waters (Official Gazette of the RM no. 18/99), Rulebook on drinking water, spring water and bottled water safety (Official Gazette of the RM no. 46/08), Rulebook on the professional education type, equipment and the spatial conditions to be fulfilled by professional legal entity for preparation of an elaborate for determination of protected zones boundaries, protection measures and other conditions for waters intended for human consumption („Official Gazette of the RM „no. 29/14) and Rulebook on the content and the manner of preparation of the elaborate for determination of protected zones boundaries, protection measures and other conditions for waters intended for human consumption („Official Gazette of the RM“ no. 29/14).

While the Rulebook on the form and content of the Protected zones register for water bodies intended for human consumption, protected zones for water bodies designated as recreational waters, including bathing waters, water bodies sensitive to urban waste water discharge as protected zones and Rulebook on the manner of determining and maintaining the narrower and wider protection zones and the manner of land processing, the construction and use of facilities and the performance of other works may adversely affect the quality and quantitative status of water body intended for consumption by humans have not been adopted yet.

Directive (EU) 2015/1787 amending the Directive 98/83/EU has not been yet transposed into national legislation, respectively its Annexes II and III need to be transposed in an appropriate manner while the basic Directive 98/83/EU is transposed in a large percentage.

In the LW „water intended for human consumption“ means any water, in its original condition or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless where it originates from, and whether it is supplied from a water supply network, from a tank, bottled or in containers, as well as water used for food production, processing, preserving or selling products or materials and substances



for human consumption, as long as it is established that water quality cannot affect the safety of final food product.

According to the LW within each river basin, it is necessary to determine water bodies which provide capture of more than 10 m<sup>3</sup> of water per day, intended for human consumption, or for consumption by more than 20 people. The Minister of the environment, in agreement with the health Minister, determines water bodies and submits them to the GRM in order to be designated as protected zones. In order to protect the water body used for the water supply intended for human consumption, it is necessary to establish and maintain a narrow or strict sanitary surveillance zone, and one or more wider protected zones.

Water intended for human consumption must always be safe and clean and:

- it should not contain microorganisms or parasites and materials and substances which in a certain number or concentrations can pose danger to human health; and
- to meet the minimum values and standards and parameters for water quality (microbiological, physical, chemical parameters and radiological parameters), and
- biological indicators (phyto and zooplanktons) for water supply from surface water and groundwater in certain wells.

It is prohibited any water supply intended for human consumption by a person who does not fulfill requirements of the prescribed standards or can pose a danger to human health. The MH determines minimum values, standards and parameters of water quality as well as measures necessary for achieving the quality objective.

MH, AFV and PHI together with PHC are responsible to inform the public about the drinking water quality. The PEWE as well as the mayor of the municipality are also responsible to inform the public.

#### **2.4.5 Food Safety Law**

Food Safety Law (Official Gazette of the RM no.157/10, 53/11, 1/12, 64/13, 187/13, 43/14, 72/15 and 84/15) includes water in the term „food“, as follows: a) drinking water from public supply systems for drinking water and water, which is used and/or incorporated in food during its manufacture, preparation or treatment.

The main objective of this law is a high level protection of human life and health and protection of consumers interests, including the practice of food trade, taking into account, where appropriate, animal health and welfare, health of plants and environmental protection.

The FVA Director in cooperation with the Minister of Health prescribes requirements for drinking water safety and quality, upon prior consent from the GRM (Article 27 paragraph 12).

Inspection supervision over this law is performed by the FVA through state food inspectors and official veterinarians and the State agriculture Inspectorate, through state agricultural inspectors and state phytosanitary inspectors.

#### **2.4.6 Bathing water**

Directive 2006/7 of the European Parliament and the Council of 15 February 2006 on bathing waters quality has been transposed into the LW and into rules deriving from this law. In terms of level of transposition of the LW it is necessary to adopt by-laws deriving from the law in order to achieve harmonization with the Directive requirements.

In the LW „bathing water“ is part of any flowing or non-flowing surface water in which bathing is permitted by a competent authority or in which bathing is not prohibited and traditionally practiced by large number of swimmers. Bathing water are not considered waters in pools and pools with spring water, spa waters used for therapeutic purposes and artificial enclosed waters separated from surface or under-groundwaters.

The manner and measures for bathing water management, technical criteria and objectives for bathing water quality are prescribed in the Rulebook on the manner and measures for bathing waters management, technical



criteria and the bathing water quality objectives, as well as the manner and procedure for informing the public about the results of bathing water monitoring („Official Gazette of the Republic of Macedonia“ no. 129/16).

The Mayor of the municipality informs the public about any change in the bathing water quality as well as the measures, which need to be taken.

#### 2.4.7 Urban waste water

Urban waste water in the LW is waste water from households or a mixture of household and industrial waste water and/or precipitation water.

The Urban waste water Directive has been transposed into the LW and in by-laws deriving from the law. By-laws, which regulate this area, are the following:

- Rulebook on hazardous and harmful materials and substances and their emission standards that can be discharged into sewerage or drainage systems, in surface or under groundwater bodies, as well as in coastal lands and water habitats (Official Gazette of the Republic of Macedonia no. 108/11);
- Rulebook on detailed conditions for collection, drainage and treatment, manner and conditions of designing, construction and exploitation of systems and stations for urban waste water treatment, as well as the technical standards, parameters, emission standards and quality norms for pre-treatment, drainage and waste water treatment, taking into account the load and treatment method of urban waste waters, which are discharged in areas sensitive to the urban waste water discharge (“Official Gazette of the Republic of Macedonia” Macedonia “No. 73/11);
- Rulebook on conditions, manner and emission limit values for waste water discharge after their treatment, manner of their calculation, taking into account the special requirements for protected zones protection (“Official Gazette of the Republic of Macedonia” no.81 / 11);
- Rulebook on detailed conditions, manner and maximum allowed values and concentrations of parameters of treated waste waters for their re-use (“Official Gazette of the Republic of Macedonia” no. 73/11);
- Rulebook on the form and content of the application form and the permit for re-use of treated waste waters, as well as the manner of permit issuing (“Official Gazette of the Republic of Macedonia” no. 60/11);
- Rulebook on the manner and procedure for sludge use, the maximum values of heavy metals concentrations in the soil in which the sludge is used, values of heavy metals concentrations in the sludge, in accordance with its purpose and the maximum annual quantities of heavy metals that can be inserted into the soil (“Official Gazette of the Republic of Macedonia” no. 73/11);
- Rulebook on the form, content and manner of data submission and the type of information on the use of sludge from urban waste water treatment in accordance with its purpose, treatment, composition and place of its use (“Official Gazette of the Republic of Macedonia” 60/11) and
- Rulebook on the form and the application form content and the permit for sludge use, as well as the manner of permit issuing for sludge use (“Official Gazette of the Republic of Macedonia” no. 60/11).

Municipalities in the Republic of Macedonia are obliged to collect, drain and treat the waste waters arising or generated in their area, including the removal of sludge. GRM, the Mayors of the municipalities, are obliged to provide:

1. existence of a waste water collection system in any settlement with more than 2,000 inhabitants;
2. proper treatment of all waste waters discharged from waste water collection systems from populated areas with less than 2,000 e.i.;
3. secondary (biological) or appropriate waste water treatment from waste waters collection systems from settlements with more than 2000 e.i. and
4. waste water discharged into zones sensitive to urban waste water discharges that will be subjected to stricter treatment.

If existence of a waste water collection and drainage system is not justified, due to the large costs or because the system will not contribute to the environmental improvement, individual systems or other appropriate systems, which can achieve the same level of environmental protection, are used.

MEPP in cooperation with MTC is responsible to develop a program for urban waste water discharge treatment and collection. GRM adopts a Program for urban waste water drainage, collection and treatment. The draft program for urban waste water drainage, collection and treatment is prepared based on program proposals by the municipal councils.

There are currently 19 operational waste water treatment plants in the Republic of Macedonia, and have a total capacity of 292.250 e.i. There are smaller water treatment plants that have been built, but they are not operational. Below are the functional treatment plants in the Republic of Macedonia..

**Waste water treatment plants - functional**

<b>Title of the Wastewater treatment plant</b>	<b>Name of the Municipalit</b>	<b>Projected e.i.</b>	<b>Construction year</b>
New Dojran	Dojran	12.000	1988
Miravci, Gevgelija	Gevgelija	3.000	2000
Bogorodica, Gevgelija	Gevgelija	2.500	2005
Lozovo	Lozovo	2.200	2006
Argulitsa, Karbinci	Karbinci		2016
Tarinci, Karbinci	Karbinci	600	2005
Kukurechani	Bitola		2008
Krivogastani	Krivogastani	3.200	2007
Berovo	Berovo	14.000	2010
Kumanovo	Kumanovo	91.000	2006
Chucher- Sandevo	Cucher - Sandevo	3.000	2007
Ilinden	Ilinden	1.250	2016
Marino, Ilinden	Ilinden	1.250	2011
Kadino, Ilinden	Ilinden	1.250	2015
Makedonski Brod	Makedonski Brod	5.000	2000
Volkovo	Gorche Petrov	19.500	2016
Ezerani, Resen	Resen	12.000	2004
Vranista, Struga	Struga	120.000	1988
Belchista, Debarca	Debarca	500	2006
		<b>271.950</b>	

Construction of five waste water treatment plants that should be completed and put into operation in 2018 has started, in the following municipalities: Gevgelija, Kichevo, Prilep, Radovis and Strumica. Construction of these waste water treatment plants will serve 235,491 e.i.

With the completion of these five new waste water treatment plants, the total treatment capacity will reach approximately 525.000 e.i. respectively 24.5% of the needed capacity.

In the future, it is planned to construct treatment plants in Bitola and Tetovo, which will increase the country's treatment capacity by additional 210,000 e.i., and the total capacity will amount to 735,000 e.i., about 34.3% of the total needed capacity.



## 2.4.8 Zones sensitive to nitrates

In order to protect the waters from the entry of nitrates from agricultural activities, the MAFWE together with the MEPP determines the criteria for determination of the zones sensitive to nitrates. The criteria are defined in the Rulebook on prescribing the criteria for determining the zones sensitive to nitrates („Official Gazette of the Republic of Macedonia“ no. 131/11). In order to protect the waters, MEPP, in coordination with MAFWE, adopts an operational plan for the protection of nitrate waters for a period of four years.

## 2.4.9 Protection against harmful effects of waters

Protection against harmful effects of waters includes activities and measures for protection against floods, erosion and torrents, protection against surface waters freezing and elimination of the consequences of harmful effects.

The protection against harmful activity is under the competence of local self-government units in their area.

For protection against harmful effects of waters, the MEPP, in cooperation with the MAFWE, prepares a Program for protection against harmful effects of the waters within the respective river basin as an integral part of the RBMP. For the Program implementation MEPP, the municipal councils and the water economy, adopt operational plans for flood protection and defense for the endangered areas.

MEPP, the local self-government units and water economies prepare, adopt and publish activity reports for the previous year and the foreseen activities for the next year. Reports are available to the public. MEPP informs the public in case of danger and provides information on measures taken as well as gives advices on measures, which need to be taken in order to protect the life and health of people and the environmental objectives.

### 2.4.9.1 Floods

Directive 2007/60/EC of the European Parliament and the Council of 23 October 2007 on flood risks management and assessment has been transposed into the LW.

The protection and defense against floods and the protection against other harmful effects of waters in urban areas is under the competence of municipalities in their area; legal entities that manage the water economy are also competent for protection and defense against floods and protection against other harmful effects of waters in the area their actions, including the arrangement and maintenance of the riverbeds and canals in their area.

Municipal councils upon Mayor's proposal adopt operational plans for protection and defense against floods for endangered areas in the municipality. In case of danger by demolition of dams, penetration of protection embankments, as well as discharge or spill over of larger water quantities from accumulations that can cause floods, water economy and other legal entities are obliged to provide reporting and alarming of the population in the endangered area.

MEPP immediately informs the public in the event of danger and provides appropriate information on the measures taken and advices on the measures to be taken in order to protect the life and health of people and the environmental objectives.

### 2.4.9.2 Protection against erosions and torrents

Local self-government units, more precisely, the municipal councils are obliged to determine the boundaries of the erosive area and the area endangered by erosion. MEPP, in cooperation with the MAFWE, defines measures for erosion protection and defines measures for protection against torrents.

Protection measures from erosion are forestation, grass planting and terracing, ban of land, sand, gravel and stone extraction, ban of trimming, cutting and clear cutting of trees and shrubs and ban of livestock grazing.



Protection measures against torrents are the competence of the local self-government units, respectively legal entity that manages the torrents or objects.

Legal entities and natural persons that create erosion with their behavior are obligated to take protection measures for erosion prevention, to eliminate the consequences and to compensate for their damage.

#### **2.4.10 Monitoring the waters**

MEPP is responsible for the overall monitoring of water bodies covered by the state network. MEPP establishes, maintains and develops the state network. The Mayor of the municipality is responsible for monitoring the water bodies covered by the local network and for its operation, maintenance and development.

MEPP monitors the waste water discharge. Monitoring is stipulated in the Rulebook on the methodology, reference measurement methods, methods and parameters for monitoring the waste water, including the sludge from the urban waste water treatment (Official Gazette of the Republic of Macedonia no. 108/11) and the Rulebook on the manner of the information transmission from the monitoring of discharged waste waters, as well as the form and content of the form used to submit the data („Official Gazette of the Republic of Macedonia“ no.108 / 11).

Monitoring of water intended for human consumption is carried out by MH with the Public health institute (PHI) and Public health centers (PHC) in accordance with the regulations on water and food safety. In the Monitoring program, involvement of a separate section for monitoring the safety of water for human consumption is mandatory. The program is integral part of RBMP. MH collects processes and stores all data and information obtained from the monitoring of water intended for human consumption and submits them to MEPP and AFV. MH is obliged to publish reports on the water status intended for human consumption every three years.

Monitoring of waters in the bathing zones is carried out by the Mayor of the municipality, in which the bathing zone is located. Mayor in whose area is located the bathing zone is obliged to monitor the bathing water quality and to submit data to the Ministry of Health, the State sanitary and health inspectorate and to MEPP. The Mayor submits to MEPP the data obtained from the local monitoring network, as well as the data obtained from the bathing water monitoring.

MEPP collects processes and stores all information obtained from the monitoring of water bodies.

Collection, processing, storing and delivering information received from the monitoring is done without compensation. Information received and processed in accordance with the obligations and competences stipulated by law, are available free of charge for all competent authorities.

#### **2.4.11 Water information system**

MEPP establishes and maintains a water book, which contains data on water management.

MEPP establishes, prepares and maintains Cadastre of pollutants as part of the Cadastre of pollutants determined in accordance with the Law on Environment. The Cadastre determines the degree of industrial waste waters, atmospheric and urban waters, waters from the landfills pollution, as well as their harmful impact on the water quality in the recipient, and for the determination of other sources of pollution of waters in the basin district.

The public access to data and information related to water monitoring is done in accordance with the Law on Environment. MEPP and MH, in order to facilitate public access to data and information related to water monitoring, publish data and results obtained from monitoring the water bodies and waters intended for use in periodic and/or annual reports. The Cadastre data are available to the public in volume, form and manner defined by the Law on Environment.

In order to inform the public, competent state administration bodies prepare periodic reports on the implementation of the obligations stemming from the LW, including the data obtained from the monitoring by the GRM.



### 2.4.12 Water economy services and facilities

Water economy facilities and plants are facilities intended for regulation of the water regime, provision, capture, bringing and preparation of water for supplying the population, industrial and other economic and communal needs (water supply facilities), water for agricultural land irrigation and acceptance and drainage of excess water (irrigation systems and drainage systems), water for electricity production (hydroelectric facility), capture, bringing and treatment of polluted waste waters and their drainage into a recipient (facility for water protection) and meeting specific purposes of the defense, environmental needs (special facilities).

The water economy facilities and plants construction, operation, management and maintenance for the purpose of providing water economy activities and services are activities and services of public interest.

Water economy activities and services are: public water supply with water intended for human consumption and for technological needs, electricity production, land irrigation and drainage, protection and preservation of waters, collection, drainage, treatment and discharge of waste water, protection against harmful effects of waters, exploitation of underground waters, extraction of sand, gravel and stone and provision of water reserves that provide a unified regime of waters in a basin or in part of it.

### 2.4.13 Water supply

In terms of water supply in the LW are determined rights and obligations of the legal entity, which manages the water economy facilities and plants.

The development and maintenance of an efficient and economical water supply system for drinking water in sufficient quantities and according to the requirements to all legal users and undertaking the necessary measures is under the authority of the mayors of the municipalities. In order to achieve quality standards and values, legal entities that supply water intended for human consumption are obliged to disinfect the water.

In case of deviation from the quality values and standards, the legal entity and bodies responsible for health protection investigate and identify the reasons, which have caused the deviation.

The user is obliged to use and maintain the home water supply system in a manner that will not cause a decrease in the drinking water quality and will enable water in sufficient quantities, as well as in a manner that minimizes the loss of water.

Mayors of municipalities, in cooperation with the water supply legal entity, are obliged, in the case of the deviation, immediately and without delay to take the necessary measures for remediation, as well as to determine restrictions and prohibitions on the use of water as deemed, in order to ensure water safety, as well as to inform FVA.

In case when the remediation measures affect the population, mayors of the municipalities are obliged to immediately inform the affected population about the measures taken and the measures to be taken, the duration of the measures and to give appropriate advice and recommendations on the activities to be undertaken in order to protect their health.

The legal entity, which carries out public water supply, is obliged to minimize the losses in the water supply system, as well as to take all necessary measures for this. All information and data on the drinking water quality are available to the public in accordance with the law.

Everyone is obliged to use the water carefully and rationally, only for the purpose which it is foreseen for. The water user is obliged to pay the incurred costs if, intentionally or negligently, causes damage or failure of the system that requires repair and thus has caused pollution or for improper use of water.

In order to inform the public MH, in every three years, prepares and issues a report on water intended for human consumption for the whole territory of the Republic of Macedonia. The report refers to three calendar



years and it's issued within one calendar year from the end of the previous and the beginning of the next reporting period.

The report contains information on the undertaken measures, quality standards, deviations from the prescribed values and quality standards, monitoring programs and results from monitoring the safety of water intended for human consumption, as well as data for all legal entities and natural persons, which supply water to more than 5,000 inhabitants or supply more than 1.000 cubic meters of water per day.

#### **2.4.14. Drinking water supply and urban waste water drainage**

Drinking water supply and urban waste water drainage is regulated by the Law on Drinking water supply and Urban waste water (Official Gazette of the Republic of Macedonia no. 68/04, 28/06, 103/08, 17/11, 54/11, 163/13, 10/15, 147/15 and 31/16) and LW.

The Law on Drinking water supply and Urban waste water drainage regulates the conditions and manner of drinking water supply, interruption of drinking water supply and urban waste water drainage into the recipient through the water supply and sewage system, construction, the maintenance, protection and connection of water supply and sewage systems, relations between the service provider and the service user, as well as supervision over the law implementation.

The objective of the law is:

- availability of sufficient quantities of healthy and clean drinking water for the service users needs;
- supply of healthy drinking water, and in the event of its contamination, prohibition or restriction of use;
- adequate information to the service users drinking water quality and undertaking measures to ensure the drinking water quality;
- appropriate treatment of industrial waste water before discharge into the recipient, and
- through urban waste waters drainage to provide protection against the adverse effects of their discharge (Article 2);

In the Law on drinking water supply and urban waste water drainage, service provider is the public enterprise founded by the municipality, the City of Skopje, the Government of the Republic of Macedonia or a legal entity that meets the requirements to perform the activity prescribed by law, and in which municipality, the city of Skopje or the Republic has the dominant capital (Article 3 paragraph 16).

The water supply and urban waste water drainage service providers is obliged to manage and maintain the water supply system and sewage system which it manages (Article 4);

The service provider is responsible to supply drinking water by capturing, processing and distributing water through the water supply system to the main water meter of the service user, urban waste water drainage into the recipient by collecting them from the service users through sewage network, treatment and discharge into the recipient, the atmospheric waters drainage into the recipient with their acceptance from the urban areas, by draining through the atmospheric sewage network and discharge into the recipient (Article 5);

The service provider provides permanent and uninterrupted supply of healthy and clean drinking water through the constructed water supply system, as well as urban waste water drainage through the constructed sewage system (Article 8), and examines the health safety of drinking water in a manner and procedure in accordance with the law (Article 9);

Regarding the users, the service provider is obliged to inform the service users for any disruption or interruption in the service provision (Article 8 paragraph 4). The service provider determines the fee for connection of a water supply and sewage system service user (Article 7), maintains the water supply connection of the service user (Article 14), sets correct water meter on the service user account, otherwise the service user may file an objection within 15 days from the day of establishing the defect to the service provider supervisory body (Article 30), determines the type and dimension of the meters (Article 27 paragraph 4), verifies the meters (



Article 27), manages the water supply or sewage system that is constructed with citizens funds, national and foreign donors or other users whose management is given away on the basis of a contract, and represents the whole of the unified water supply or sewage system (Article 32).

Inspection supervision over the application of this Law and regulations, which are adopted on its basis, is performed by the municipal authorized communal inspector, and the authorized communal inspector of the City of Skopje, State inspectorate of environment, the State communal inspectorate, the Food and veterinary agency through the state food inspectors and State sanitary and health inspectorates.

#### **2.4.15 Irrigation and drainage**

The use of water for irrigation and land drainage is done with hydro systems or irrigation or drainage systems.

The maintenance of the hydro systems or irrigation and drainage systems is regulated by the Law on Water economies.

#### **2.4.16 Water economies**

The Law on Water economy („Official Gazette of the RM“ no. 51/15, 93/15) regulates the management, use, operation and maintenance of hydro systems, irrigation systems and drainage systems.

The objectives of the law are:

- ensuring economical management, use, operation and maintenance of hydro systems, irrigation systems and drainage systems;
- defining the scope of services, which are provided to water users by entity performing the water economy activity;
- establishment of conditions for normal and successful operation of the entity performing the water economy activity and use of its services by water users, and
- establishment of joint-stock company owned by the state SA Water economy of the Republic of Macedonia.

Activities of the water economy are activities of public interest. In order to perform water economy activities, GRM has established the Joint stock Company for water economy of the Republic of Macedonia.

In addition to SA Water economy, water economy activities are performed also by the public enterprises Hydro system Zletovica, Strezevo and Hydro system Lisiche established by GRM, which within the scope of their operations for water economy activities and in performing their work apply the provisions of the LW.

SA Water economy uses, maintains and manages the irrigation and drainage systems as a whole, for:

- water supply for irrigation;
- water supply to a communal company for water supply for human consumption (drinking water and other needs);
- water supply for industrial and technological (commercial) needs, including the production of electricity;
- arranging river beds;
- drainage of land, and
- discharge of discharged waters

SA Water economy within the scope of its activities may provide water supply to a communal water supply company, to legal entities for industrial and technological (commercial) needs, including the production of electricity, only when the system allows it in accordance with the project documentation according to which it has been constructed, under conditions and in a manner consistent with this Law (Article 7).



In order to provide efficient operation of the system, to protect or to provide security to the facilities belonging to the system, and to carry out protection and defense against floods in accordance with the Law on Environment, SA Water economy with funds from MEPP programs: constructs and maintains facilities for protection and defense against floods, constructs and maintains buildings for the prevention and protection against erosion, constructs and maintains facilities for arranging rivers and torrents and performs other activities in accordance with the law (Article 10).

#### **2.4.17 Water services prices**

The method of determining the water services price is regulated by the Law on determining the water services price („Official Gazette of the RM“ no. 7/16).

The Law objective is to establish a financially self-sustaining water services system, which will provide high standard services with affordable prices according to NES and RBMP.

The law should ensure that the total price of water services for the average household shall be available in accordance with the total household incomes, creation of conditions for necessary investments in the water supply systems to create conditions that ensure sustainable use of the infrastructure to carry out water services in order to achieve full cost coverage and to improve the quality of water services for uninterrupted provision of water services in accordance with the best available practices, and by applying the polluter pays principle, the user pays and the resource cost principle.

- to improve the efficiency of water services in order to provide the best in quality water services with the least cost, and
- stable and predictable conditions for operation of water providers and consumers and users protection from abuse by the dominant position of water service providers.



**Project “Citizens active partner  
in water policy reforms“**

**“Analysis of situation with water  
management in the Republic of Macedonia  
and consumers rights protection “**

# 3

## **DISTRIBUTION OF THE COMPETENCES IN THE WATER MANAGEMENT AT CENTRAL AND LOCAL LEVEL**



Since the water is a national treasure, a resource that is generally useful, the authorities and institutions in the Republic of Macedonia have an obligation to manage and protect the quality of the waters, each in its own aspect, and the text below is an overview of the institutional set-up of the water sector/area in the Republic of Macedonia at central and local level.

### 3.1. Competencies at the central level in water management

Water management in the Republic of Macedonia in accordance with the existing legislation is divided between several bodies.

**The Assembly of the Republic of Macedonia** is responsible to adopt the NWS and WB.

The Government of the Republic of Macedonia according to the LW is responsible to:

- adopt RBMP;
- set up environmental objectives;
- draw and adopt a program of measures for each individual river basin management;
- set up water quality standards and
- identify water protection zones.

**MEPP** is the competent authority for:

- preparation of basic planning documents and overall development of water management policy, as well as coordination of management activities;
- collecting, processing and storing all information obtained from the water bodies monitoring as well as for maintaining an official water resources management database, development and supervision of water management and protection and exchange of relevant data with all competent bodies, upon their request and without compensation;
- in order to provide access to the data and information related to water monitoring to the public, the MEPP and the competent healthcare authority are obliged to publish the data and results obtained from the water bodies monitoring and waters foreseen for use in periodic and/or annual reports;
- establishment of a Water book, which is a complete and constantly updated register of: water use permits; discharge permits; permits for digging sand, gravel and stone from the troughs and coastal areas of the surface water bodies; protected zones; flooding zones; old rights and obligations; approvals for water resources management; requests for permits issuing; temporary forced management and other data relevant to administrative decisions relating to waters, and
- establishing and maintaining a Cadastre of water polluters (as part of the Environmental Cadastre) in order to determine the level of pollution of industrial waste waters, atmospheric and urban waters, waters in landfills, as
- well as their harmful effect.

Professional work in the area of water according to the LW is carried out by the EA and it is competent to:

- perform professional works and undertake measures and activities of significance for water management in the district of each river basin;
- take data and to carry out the necessary tests in order to determine the beds, quantity and properties of the waters, and requires undertaking the necessary measures for protection of groundwater found during geological exploration or exploitation of mineral resources, excavation of tunnels and other excavation activities or drilling of land;
- produce a basic assessment of each river basin properties;
- provide management of the part of a international river basin district, which is located in the territory of the Republic of Macedonia in accordance with the law and international agreement ratified by the Republic of Macedonia;

- 
- to carry out professional work in issuing permits and water economy consent in accordance with the LW;
  - keep and maintain the water book;
  - keep and maintain a register of protected zones;
  - coordinate activities and participate in the preparation of the National Strategy for Waters;
  - coordinate activities and participate in the preparation of the Water economy base of the Republic of Macedonia;
  - develop and implement River basin management plans;
  - develop a Program of measures;
  - implement the Program of measures;
  - collect process and store water monitoring data;
  - provide management of the part of the international river basin district located in the territory of the Republic of Macedonia in accordance with the law and international agreement ratified by the Republic of Macedonia;
  - collect, store and process data from the records of the water resources management facilities and plants;
  - establish, prepare and maintain cadastre of pollutants for the respective river basin;
  - carry out the implementation of measures for protection against the harmful effects of the waters in the respective river basin;
  - propose the expropriation of land on which groundwater needed for public water supply is found;
  - perform scientific-research activities in the field of waters;
  - promote techniques and methodologies for water conservation and to perform other activities determined by this or other law.

**National Council for Waters** is an advisory body established in accordance with the Act on the National Council for Waters Establishment („Official Gazette of the RM“ no.149 / 09) adopted by the GRM, in which participate members of the MEPP, MH, ME, MAFWE, MLSG, LSGU, MASA, a representative of the NGOs, and a representative of the River basin management council. The National council is responsible to review water management issues, harmonize and coordinate different needs and interests. The National water council is composed of nine members appointed by the Government of the Republic of Macedonia for a period of three years without the right to re-election, except for the representative of a river basin whose mandate is one year. The National water council members are selected from among prominent scientific and professional persons in the field of water management and related fields and from the association of water users. Besides the state administration bodies representatives (environment, health, transport and communications, economy, agriculture), in this council participate members of LSGU, the Macedonian Academy of Sciences and Arts, a non-governmental organization that works in the protection of waters on the proposal of non-governmental organizations, which in the last three years have worked in this area and the River basin management council, with one mandate every year alternately from each council. The National water council reviews and gives opinion, determines views and proposals and suggests adoption of regulations and undertaking measures for: draft laws and other regulations, which regulate water management issues, implementation of laws and other regulations that regulate issues in the field of water management, the draft of the national water economy base of the Republic of Macedonia, the draft river basin management plans, the need for amendments and supplements of the Water economy Base of the Republic of Macedonia and the plans for river basin management, other plans, programs and measures specified by this law and other issues in accordance with the Rules of Procedure.

**MH** is responsible to :

- prepare drinking water legislation, standards, criteria for monitoring the drinking water quality (with MEPP, GRM);

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- establish drinking water protected zones (together with MEPP and PHI);
  - identify water bodies suitable for drinking water and bathing water;
  - take care of the correctness and safety of drinking water and bathing waters;
  - inform and report to the public about the drinking water quality, and
  - inform consumers about the measures taken when there is a deviation from the drinking water quality.

**FVA** undertakes activities for the safety and security of the water the consumers are supplied with. FVA is responsible for establishing a drinking water safety database and assessing the risks to sources of pollution.

The professional work on monitoring the drinking water quality is performed by the **PHI and PHC** that through their laboratories in the territory of the Republic of Macedonia conduct regular monitoring of the drinking water quality (sampling and basic analysis). PHI prepares annual reports on drinking water monitoring on the basis of reports submitted by PHC.

**Public water supply** enterprises are obliged to provide good quality drinking water and to monitor its quality. PWSEs and PHCs immediately alert the FVA, MH and the public if the water quality is not in accordance with the prescribed standards, determine the reasons for pollution and are obliged to take measures for interruption and water use limitation.

**MTC** is responsible for communal infrastructure and issues of water supply and drainage, waste water drainage and treatment, and in particular for construction and management of water management facilities. MTC is responsible for the infrastructure for drinking water delivery.

**ME** is responsible for the use of mineral and thermal mineral resources, as well as the generation of energy from hydropower plants.

The **MAFWE** in cooperation with the MEPP remains the competent body for transposition, and the implementation of functions related to irrigation and protection of waters for pollution from agricultural resources (nitrate pollution) and the actual processes carried out by the water economy.

**Water economies** are responsible for operational management of irrigation water (water supply and drainage for agricultural purposes).

The **DHMW** is responsible for real water regime monitoring, as part of the state monitoring network of MEPP. MEPP should define and finance the implementation of monitoring programs, collect data, report on the status of waters and supervise the implementation of the LW provisions for water monitoring. In addition, the Hydro biological Institute monitors the three natural lakes in the Republic of Macedonia.

**ERC** determines tariffs for water services.

**Inspection supervision** – In terms of environmental inspection, the competence is divided at central and local level. At the central level, competent body for inspection is the State environmental inspectorate, and at the local level authorized environmental inspectors are in charge. Inspection supervision over water regulations is carried out by the State environmental inspectorate, by water economy inspectors and environmental inspectors.

Inspection supervision over the implementation of the bathing water section and waters intended for human consumption is carried out by the State sanitary and health inspectorate and food inspectors from the FVA.

Inspection supervision related to the monitoring nitrate vulnerable zones, irrigation and drainage is carried out by the inspectors of the State Agriculture Inspectorate.

Inspection supervision over the implementation of the competencies of the municipalities, the municipalities in the City of Skopje and the City of Skopje as determined by the LW is performed by authorized inspectors of the municipalities, the municipalities in the City of Skopje and the City of Skopje.



According to the LW, state sanitary and health inspectors are responsible to control the bathing water and recreational waters quality, while environmental inspectors supervise the protection against pollution of bathing zones.

The research institutes do not have permanent roles and responsibilities in the water management sector. The exception is the Hydro biological Institute (HBI), which has a mandate to monitor.

**The Hydro biological Institute** is a governmental public organization of higher education and research of national interest, which covers the limnological research entities of natural lakes (mainly), and artificial lakes and rivers. Main concern is the limnology of the natural lakes in Macedonia (Ohrid, Prespa and Dojran Lake). Traditionally, the Hydro biological institute researches are focused on fundamental issues related to hydrobiology, including nutrients, temperature (mixture and electricity), water transparency, primary production, chlorophyll, flora and fauna, endemism, species.

### 3.2. Competencies of the local self-government units in water management

In accordance with Article 22 of the Law on Local Self-Government, municipalities („Official Gazette of the RM“ no.5/02) are local self-government units responsible for:

- environmental and nature protection - measures for protection and prevention of water, air, land pollution, nature protection, protection against noise and non-ionizing radiation, and
- communal activities - among other things, drinking water supply, technological water supply, waste water drainage and treatment, atmospheric waters drainage and treatment. The waste water collection, drainage and treatment is defined as communal activity under the Law on communal activity and it presents explicit competence of the local self-government units.

**Municipalities** are responsible to protect waters against pollution and prevention of water pollution, to supply drinking water, waste water collection, drainage and treatment. They carry out activities through their own local infrastructure, as well as using the infrastructure of communal (municipal) enterprises, which practically function as public communal enterprises. Municipalities have an obligation to supply drinking water and are responsible for public enterprises for water supply that manage the drinking water supply infrastructure.

Local self-government units are responsible for local network, which is for monitoring local water bodies functioning within their respective areas, functioning, maintenance and development of the local monitoring network.

Regarding the bathing waters, the municipalities are responsible to designate bathing zones in the area of their territory, to take protection measures against pollution, to determine the bathing season period and to adopt Program of measures aimed at improving the bathing waters quality.

Municipalities are responsible to adopt and execute operational plans for protection and defense against floods, as well as to prepare, adopt and publish reports on realized activities for protection against harmful effects of waters.

LSGUs are responsible for collection, drainage and treatment of the waste water resulting from or generated in their area, including the sludge removal. LSGUs are also responsible to ensure that urban waste water, which enters into collection system, is adequately treated prior to discharge in accordance with the provisions of the LW. They must provide, improve and extend the sewage systems, as well as clean and maintain the drainage systems.

**Authorized environmental inspectors** are responsible to control waste water and waste oils discharges, in the sewage system, as well as to determine whether the discharge has been carried out in accordance with the law, to control of discharges from installations with B-IED and to control the sewage and drainage systems, including septic tanks in their territory, which are discharged into sewage systems.



**Authorized communal inspectors** are responsible to inspect the communal service providers established by the municipalities and users of such communal services, as well as for the implementation of the relevant decisions of the municipality for communal order.

**Communal Enterprises** - The operation and maintenance of collection, drainage and treatment systems is the responsibility of the Public Communal Enterprises (PCEs) that are established, controlled and owned by the LSGUs. PCEs are obliged to adopt annual development programs for provision of communal services after obtaining a prior consent from the LSGU.

In accordance with the Law on determining prices for water services, they are obliged to prepare Business plans and Plans for tariff adjustment.

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# **4**

## **FINANCING THE WATER MANAGEMENT AND INVESTMENTS IN THE WATER SECTOR**



Water is an indispensable resource, and it is used for environmental, economic and health purposes, such as water supply, irrigation, as well as in many industrial processes. According to the user pays principle, the price paid by water users should encourage them to use the water effectively in a manner that will contribute to the environmental objectives realization given that different water users should pay adequate compensation.

#### **4.1 Investments in the water sector**

Requirements to meet environmental standards are high and they demand investment of high amounts of financial resources. In the area of water, fulfillment of requirements arising from the urban waste water Directive and the Drinking water Directive require large investments.

In the past period in the Republic of Macedonia have been provided significant investments in the water sector, especially in the waste water treatment, mostly through the use of donor funds (mainly EU), but domestic sources also, mostly from the RM budget.

Within the implementation of the Operational Program 2007-2013, project documentation for construction of treatment plants for rehabilitation of the sewage network for the municipalities Prilep, Tetovo, Strumica Kavadarci, Bitola, Gostivar, Radovish, Kicevo and Debar has been prepared.

The construction of several water treatment plants, which should be completed and put into operation in 2018, has began in the following municipalities: Gevgelija, Kicevo (operational), Prilep, Radovis and Strumica (operational). The funds for construction in Kicevo, Radovish and Strumica are from the EU IPA Operational Program for 2007-2013.

Funds for waste water treatment plant construction in Gevgelija, are provided by the Swiss Agency for Development and Cooperation and the Republic of Greece;

Technical documentation preparation for construction of the first phase of the collector for waste water treatment plant in Kochani is supported by the Swiss Agency for Development and Cooperation;

Extension and rehabilitation of sewage networks in Kumanovo and Berovo;

Planning documentation preparation for Veles and Stip, sewage network rehabilitation and extension in Skopje and Kichevo.

Feasibility studies preparation to improve waste water collection and treatment in Ohrid, waste water treatment in Veles, waste water treatment in Stip and waste water treatment in Skopje.

In the future, according to the EU Operational Program for IPA II 2014-2020, it is proposed construction of at least two additional major projects: Bitola, Pelagonia region and Tetovo, Polog region as well as it is expected that activities for allocation funds from the central budget as well the budgets of water providers to continue.

In addition to foreign donors funds and IPA, certain activities are financed from the domestic budget, which provides funds for financing or co-financing: designing and construction of a water treatment plant such as Volkovo, Glumovo and Shishevo, Demir Hisar municipality); construction of water supply system (Lipkovo and Tetovo municipalities) and regional water supply system (Zajas); construction of a sewerage network and waste water treatment plant in village Trpejca, Ohrid, construction of a waste water collecting canal (Municipality Arachinovo), construction of part of the faecal sewerage network (settlement Sindjelic); design and construction of a filtration station of the water supply system in Gostivar, construction of a drinking water filtration station (village Dobridol, municipality Vrapciste) and construction of a filtration station at the water supply system in Gostivar.

#### **4.2 Water management program**

The funds for water management and development are provided by:

- the Budget of the Republic of Macedonia
- budgets of the municipalities, municipalities in the City of Skopje and the City of Skopje, and

- fee for water usage;
- international and European funds.

Funds for construction and maintenance of water supply and sewage system are provided from the water supply and drainage service price, as well as the fee for connection to the water supply and sewage system.

In the LW, Article 213 are set out the following fees: fee for using water intended for human consumption; fee for using water for irrigation, fee for using water for drainage of land; fee for using water in the production of electricity; fee for using water for thermal energy from geothermal waters; fee for use of water for fish raising, in fish farms and cages and waterfowl; fee for using water for sand, gravel and stone washing and separation; fee for using the water for production and processing food and beverages, industrial and technological needs and fee for discharge of water and fee for extraction of sand, gravel and stone.

The funds collected from the fees are used on the basis of the Water management program, which upon proposal by the MEPP, and in accordance with the MH, MAFWE and MTC, is adopted by the GRM.

MEPP every year submits to the GRM a report on the realization of the funds from the fees determined in the Water Management Program.

With the Water management program is financed and/or co-financed:

- realization of multi-year projects, programs, activities and/or measures contained in the program and planning documents adopted in accordance with the LW;
- preparation of the program and planning documents stipulated by law;
- realization of projects, programs, activities and/or measures intended for the municipalities, through the budgets of the state administration bodies.

The 2018 Water program envisages distribution of a total of 71.100.000.00 denars for the following purposes:

<b>Water management program for 2018</b>			
<b>Purpose of the funds</b>		<b>%</b>	<b>Planned funds (in denars)</b>
<b>1.</b>	- Design and construction of new public water supply facilities. and maintenance and improvement of the existing public water supply facilities,	79,2	<b>46.000.000,00</b>
	- Regulation and reconstruction of watercourses,		<b>10.300.000,00</b>
<b>2.</b>	Preparation of a flood management plan and flood protection at the Lepenec river basin	6,3	<b>1.500.000,00</b>
	- Preparation of a flood management plan for the river Treska River Basin		<b>1.500.000,00</b>
	- methodology for determining the minimum acceptable flow		<b>1.500.000,00</b>
<b>3.</b>	Purchase of chemicals to carry out Jugohrom monitoring	11,1	<b>7.900.000,00</b>
<b>4.</b>	Program implementation expenditures	3,4	<b>2.400.000,00</b>
<b>TOTAL</b>		100	<b>71.100.000,00</b>



### 4.3 Other programs used to finance activities in the water sector

Funds for financing activities in the area of water are also provided through the Program for environmental investment. Programs, projects and other activities eligible for funding from the environmental investment program are: procurement of equipment for direct environmental protection and protection and promotion of human health; preparation of investment documentation and feasibility studies and their realization; elaboration of operational plans and implementation of separate phases of the operational plans of the adjustment permit; performing construction works for direct environmental protection; encouraging the waste selection, recycling and disposal; harmonization with the environmental norms and standards; preparation of studies and planning documents for the protection and promotion of biodiversity; education and training of personnel and other similar activities for environmental protection and improvement.

Funds from the program are used to finance the preparation and implementation of programs, projects and other activities, as well as to undertake preventive measures and measures for encouraging, preserving, sustainable use, protection and improvement of the environment.

Funds for realization of the Investment program in the environment for 2017, in the amount of 122.800.000,00 denars were allocated for the following purposes:

1. Preparation of technical documentation and realization of projects and activities for protection, conservation and improvement of the water quality in the amount of 43.000.000,00 denars;
2. Realization of projects and activities for protection of nature and biodiversity in the amount of 3.000.000,00 denars;
3. Realization of projects and activities for raising public awareness, education and training in the field of environment in the amount of 8.000.000,00 denars;
4. Promotion of educational, research and development studies, programs and projects for the protection and improvement of the environment and nature in the amount of 5.000.000,00 denars;
5. Co-financing a Project for Strengthened CSOs for participatory transposition and implementation of the EU 2020 climate and energy package in the amount of 1.000.000,00 MKD;
6. Co-financing of current projects in the field of environment in the amount of 29,000,000.00 denars;
7. Realization of projects and activities approved in accordance with the Investment Program for 2015 and 2016 in the amount of 30.000.000,00 MKD, and
8. Program implementation costs in the amount of 3.800.000,00 MKD.

With the Environmental investment program for 2017, funds were allocated to the local self-governments for the preparation of technical documentation for water and sewage systems construction and for the riverbeds regulation. The envisaged 43 million denars for the improvement of the quality of the waters were allocated to 12 municipalities, for 14 projects, including:

- Municipality Zelino for construction of fecal sewerage network in the settlement Zelino;
- Municipality Tearce for preparation of documentation for waste water collection;
- Municipality Debar for atmospheric sewage (pipeline for accepting the waters from Vakovska river), Debar;
- Municipality Vasilevo for preparation of technical documentation for sewerage in the village of Dobrasinci;
- Municipality Kumanovo for preparation of technical documentation for the sewerage network in the villages Tabanovce, Sopot and Cetirce;
- Municipality Gostivar for continuation of construction of fecal sewerage in the settlement Debrese;
- Municipality Brvenica for basic project for the main collector for fecal canalization network for the settlement Dolni Chelopek, municipality of Brvenica;
- Municipality Lipkovo for regulation of the Slupchanska riverbed;

- 
- Municipality Plasnica for sewage for part of settlement Lower Plasnica, between the river Treska and the regional road Prilep-Kicevo;
  - Municipality Kriva Palanka for completion of the regulation of Skrljavski Dol;
  - Municipality Strumica for the regulation of the torrents St. Illyski in the segment from the base section to the flow in the river Vodocnica;
  - Municipality Strumica for regulation of the torrents Krushevo Republic in the segment from street Kliment Ohridski to the flow in the river Runna with ground arrangement around the canal;
  - Municipality Strumica for preparation of technical documentation for the project Main fecal collector for newly urbanized blocks in Strumica no.35-42;
  - Municipality Rankovce for preparation of an infrastructure project for sewerage network for waste water in the settlement Opila.

In Program for investing in the environment for 2018 are foreseen funds in the amount of 98,000,000.00 denars for the following purposes:

1. Preparation of technical documentation and construction of sewage systems and systems for drainage and waste waters treatment in the amount of 45,000,000.00 denars;
2. Realization of projects and activities for nature and biodiversity protection in the amount of 4.000.000,00 denars;
3. Realization of projects and activities for raising public awareness, education and training in the field of environment in the amount of 8,000,000.00 denars;
4. Promotion of educational, research and development studies, programs and projects for protection and promotion of environment and nature in the amount of 6.000.000,00 denars;
5. Co-financing a Capacity Development Project to ensure the sustainability of Lake Dojran in the amount of 2.000.000,00 MKD;
6. Co-financing a Project for technical documentation preparation for priority communal infrastructure in the municipality of Saraj in the amount of 2.000.000,00 MKD;
7. Support of measures and activities for air pollution reduction in the Republic of Macedonia in the amount of 10.000.000,00 denars;
8. Realization of projects and activities approved in accordance with the Investment Programs for 2015, 2016 and 2017 in the amount of 18,000,000.00 MKD, and
9. Costs for program implementation in the amount of 3,000,000.00 MKD.

In addition to MEPP, funds should also be provided from the budget of the Ministry of Transport and Communications for financing projects related to water supply and waste water collection and treatment.

In addition, funding for the aforementioned activities can also be provided through the Regional development programs through the Regional development bureau.



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# 5

## **PROTECTION OF CONSUMERS RIGHTS IN CREATING WATER POLICIES AND WATER MANAGEMENT**



## 5.1 Consumer rights

In the context of water policy-making, consideration must also be paid to the consumers' involvement aspect in policy-making as well as their participation in the water management.

The basis for adoption of consumers' protection legislation in the world respectively in the EU member states as well as in the Republic of Macedonia is based on the eight fundamental consumer rights adopted by the UN General Assembly in 1985, which refer to:

1. Providing access to the most necessary products and services for citizens;
2. Compensation for damages (right to compensation for damage to products or services that are of inadequate quality and which have caused damage);
3. Safety of products and services (the right to purchase and use free and reliable products and services that will not endanger the health or life of the consumer during normal use);
4. Informing (the right to truthful and timely information through the media, magazine for consumers, brochures, etc.);
5. Creation of mechanisms for citizens' participation as consumers in the creation and implementation of the consumer protection policy at all levels when deciding for their economic interests;
6. Education (educating consumers about their rights through the educational process);
7. Options for selection (possibility to choose between multiple products and services with guaranteed quality and at affordable prices), and
8. Healthy environment (right to life and work in an environment that does not pose a danger to the citizen life and health).

Starting from the basic project objective for consumers' active participation in the water policies creation, it can be noted that participation is directly related to six of the total of eight consumer rights, that is:

- ensuring citizens basic needs in terms of providing proper and safe drinking water to every citizen in the Republic of Macedonia;
- safety of products, that is, quality and safe water subject to control and high standards;
- possibility of information, which gives consumers the right to be informed about certain health aspects of drinking water, disadvantages, delivery disruption, quality of the distribution system through which drinking water is delivered to the households, the availability to submit complaints and appeals;
- environmental protection or provision of a healthy environment and responsibility of consumers and the state in its provision, as well as a system of notification that the environment is polluted, and
- creating mechanisms for citizens participation as consumers in the creation and implementation of consumer protection policy at all levels when deciding on their economic interests.

The objective of European policy is to ensure consumers rights protection and additional protection of vulnerable consumer groups (such as children, the elderly, the sick, the poor). Strengthening consumers position and effective protection of their safety and their economic interests are a key objective of the European policy, and with Article 97 of the SAA, the Republic of Macedonia undertakes to harmonize the standards for consumers protection with the EU standards in order to enable efficient consumer rights protection and market economy functioning.



### 5.1.1 Regulation on consumer rights protection

Consumer legislation is a comprehensive package of laws and by-laws, which prescribe legal norms, which directly or indirectly protect consumer rights.

Law on Consumers Protection Law (LCP) is a general law with specific legal nature, which contains general rules for consumers protection respectively it is a basic regulation (*lex generalis*), in relation to other special laws (*lex specialis*), which relate to special areas.

Transposition of the European Union Consumer Protection Directives into the general law is done in accordance with the *rationae personae* rule, so according to the Consumer Protection Law, consumer is “any natural person, respectively according to definition a consumer is: “any natural person who buys products or uses services for own immediate consumption in the business premises of the merchant, outside the business premises as well as by contracts in distance for purposes that do not fall within its commercial, economic a craft or professional activity “.

The civil participation domain in public services is regulated in section VI of the LCP, which refers to public services provided to consumers (from Articles 118 to 120). Public services, in terms of LCP, are considered sale of electricity from the distribution network, thermal energy, public telecommunication services, postal services, passenger transport services in public urban and suburban traffic, drinking water supply, waste water drainage and maintenance of cleanliness, as well as other services determined by law. The fee for the public services of consumers, when according to the nature of the public service is possible, must be calculated according to consumption over a certain period of time by applying the tariff system prescribed by law. If the fee is not calculated in this manner, the consumer may, within 15 days upon receiving the bill for the payment of services, file a written complaint to the service provider. The service provider is obliged, within 30 days of the submission of the objection, to make a statement on the complaint, and on the basis of the LCP, the trader must, in advance, inform the consumer with all conditions in terms of public services use, and to publicly announce those conditions in at least two daily newspapers.

Since its adoption until the year 2018, the LCP has undergone a number of changes and amendments, and a refined text has not been prepared yet, which creates difficulties for the average consumer in terms of accessibility and comprehensiveness of the Law provisions. The existing LCP is not completely harmonized with EU law and has many disadvantages to achieve effective protection of consumers’ rights and interests. In 2015, Consumers Organization of Macedonia (COM), submitted to the Ministry of Economy guidelines for drafting a Consumer Protection Strategy where, among other things, they propose adoption of a new law. Currently, a new consumer protection law is being drafted, and experts from the COM are included and participate in the working group for its drafting.

The new LCP will need to precisely specify public services and categorize them into public services that are provided at central level and public services that are provided at local level (communal services), which are regulated by the Law on Communal Services (LCS). Part of public services, including communal services, should be designated as services of general economic interest for which minimum consumers rights should be guaranteed. Likewise, in the LCP service providers’ obligations and obligations of competent authorities and institutions that have competencies in the field of consumer protection, procedure and deadlines for handling complaints and disputes resolution and general consumers’ rights when using public services should be determined. In the regulation of this area, particular attention should be paid to the existing inconsistency between the Law on Local Self-Government (Article 22, paragraph 1, line 4), which determines the competences of municipalities by enumerating 21 communal activities that are not harmonized with the LCA (which regulate 19 activities). For greater security in the legal traffic, as well as consistency in the public services formulation and regulation, harmonization of the activities in the LCP, LSG and LCA is necessary.

Otherwise, when we talk about citizens and civil society organizations participation, it is important to mention that Article 126 of the LCP defines the competences of the Consumer protection council more closely and defines its structure as a permanent working body of the municipal councils and the Council of the City of Skopje. Otherwise, these bodies are composed of public institutions representatives, civil and business sectors, that is “members of the Consumer protection councils of the municipalities, respectively the City of



Skopje, which are selected from the ranks of councilors, consumer associations and other citizen associations, public enterprises, chambers of commerce and state inspection bodies, which have responsibilities related to the Consumers protection. “Councils obligation is - to suggest the municipal councils, respectively the City of Skopje to offer local two-year programs for consumer protection, in accordance with the Consumer protection program of the Government of the Republic of Macedonia. Furthermore, Article 126 of the CAP provides that “Consumer protection councils in the local self-government units shall have regular contacts and cooperation with the Consumer protection council of the Government of the Republic of Macedonia”.

The legal obligation to establish consumer protection councils at the level of local self-government is not realized in the whole territory of the Republic of Macedonia, respectively the obligation is realized where there are consumer organizations (Bitola, Kocani, Ohrid, Skopje, Tetovo and Stip). A positive example of the LCP implementation is the City of Skopje where the Consumer protection council has been active since 2014 and adopts two year programs for consumer protection.<sup>14</sup>

Otherwise violations of consumer rights in the domain of public services are recorded by the Ombudsman. The Ombudsman’s report for 2017 indicates that the situation is not improving year by year. Namely, the Ombudsman in the report identifies many problems of citizens due to inadequate treatment by service providers - public enterprises and other companies. In 2017, citizens submitted about 300 complaints asking for intervention for their consumers’ rights protection. Majority of the complaints, respectively almost half, related to the public enterprise operation, which conducts communal activities for drinking water supply and urban waste water drainage, primarily to the PE Vodovod i kanalizacija Skopje (Water supply and canalization) (PE). In addition, it is characteristic that it wasn’t about isolated cases, on the contrary, citizens complained about repeated situations. After the implementation of necessary procedure, the Ombudsman in certain cases found violation of the constitutional and legal rights of the consumers due to omissions and irregularities in the PE work and non-compliance with the provisions of the LCP, the Law on water supply and urban waste waters drainage, and the Law on obligatory relations. In particular, the PE provided to users water delivery service, and for several years in the past, delivered “extraordinary bills” with extremely high amounts, without adequate explanation for the period the bills relate to, and without indicating the legal basis under which the PE can act in such a manner. The Ombudsman report said that PE requested the users to pay for a service, which wasn’t delivered to them, that is, the users did not use the volume they were charged for. Users excluded from the water supply system in order to re-join this PE, were conditioned to pay the total outstanding debt at once, even though part of the amount has already been charged in an enforcement procedure.”

### 5.1.2. Consumer rights in the Law on communal activities

The LCA regulates 19 communal services as services of public interest. Special laws have been adopted for most of activities listed in LCA. Characteristic from the consumers’ point of view and especially given the definition of a consumer as a natural person, according to this Law, the communal services are divided into two groups: services to satisfy individual consumption and services to satisfy the common consumption. Services for satisfying individual consumption include: drinking water processing and supply, technological water processing and delivery, waste water drainage and treatment, passengers transport in road transportation, communal waste collection and transportation, cemeteries construction and maintenance, use of outdoor and closed markets, cleaning chimneys and equipment for smoke removal, wrecked vehicles removal, maintenance of septic tanks, gas delivery to the user’s measuring instrument, and heat energy delivery to the measuring instrument of the user.

Services for satisfying common consumption include: atmospheric waters drainage and discharge, local roads reconstruction and protection, streets and other infrastructure facilities, public cleanliness maintenance,

<sup>14</sup> Historically, consumer protection at the local level was first introduced by the Law on Local Self-Government (LSG) from 2002, when pursuant to Article 56, the Council of the municipality, or the City of Skopje, has the possibility to establish a Consumer Protection Council. Such councils have the authority to consider issues and determine proposals related to the quality of the services of the public services of the municipality, and according to the LSG they are composed of representatives of the larger groups of public services users. The term “larger groups of public services users”, although not precise, covers consumer associations, pensioners’ associations, women’s associations etc. Civil society representatives are given the opportunity, through these councils, to respond to certain irregularities in relation to public services or to contribute to improving the quality of services



maintenance and cleaning and use of parks, zoos, park forests, recreational areas and greenery, traffic signalization of streets and municipal roads, public lighting, maintenance of cemeteries, supporting facilities and infrastructure in cemeteries, maintenance of facilities in outdoor and indoor wholesale markets, eradication of stray animals, settlements decoration, sanitary facilities maintenance and urban equipment maintenance.

The LCA provides contractual settlement of relations between the providers and the users of the communal services, respectively Article 4, paragraph 5 of the LCA stipulates: “A communal service user is any legal entity and natural person who uses services of the service provider, whose rights and obligations are regulated by mutual agreement “, and further, Article 18 of the LCA stipulates that communal services provision to a user of individual communal consumption is regulated by an agreement between the service provider and the user in a manner determined in accordance with the law.

In practice, it is perceived that some services lack the fulfillment of the legal obligation to conclude a contract (in this case the service for: drinking water supply, technological water processing and delivery, waste water drainage and treatment), which should be in written and the provisions should clearly reflect rights and obligations of the contracting parties, of both service provider and service user.

Article 17 of the LCA prescribes prohibition on limiting access to public service to consumers, except in certain cases under conditions and in a manner defined by law. It is positive that the Law on amending and supplementing the Law on communal activities, Official Gazette of the R. of Macedonia no. 31 from 22.02.2016, introduces new paragraph 2, which stipulates that if a user is restricted to access communal service, he is entitled to appeal it within 15 days from the restriction to MTC. The stated Law extends the deadline, from 8 to 15 days, for appeal submission against the decision, to the competent body related to the fee for the joint communal service.

In the future, amendments to the LCA should be made in terms of notification for service delivery termination, that is, to impose an obligation on the service provider to inform the consumer in writing or by means of public information when it comes to service termination both to a group or individual service termination.

### **5.1.3 Consumers in water regulations**

Consumers' rights and obligations are particularly important in the formulation of the water service price as well as the possibility for consumers to participate in the pricing.

The text below shows the procedure and the consumer's role in determining the price of the water service.

#### **5.1.3.1 Law on determining the water services price**

The method for determining the water services price is determined by the Law on determining the of water services price („Official Gazette of the RM“ no. 7/16).

The law should provide for improvement of the water services quality, uninterrupted provision of water services in accordance with the best available practices and application of the polluter pays principle; the user pays the resource cost principle in accordance with the LW, and

- improving the water services efficiency in order to provide the best in quality water services with the least cost, and
- stable and predictable operation conditions for water service providers and consumers and users protection from abuse of the water providers dominant position.

Water service provider is a legal entity established by the state or local government that provides one or more water services in the territory of one or more municipalities, municipalities in the city of Skopje or the City of Skopje, and for the provided water service it charges a price for the water service provided to the end water user.



Water services provided by service providers as basic services for their end users are: raw water and/or drinking water supply, urban waste water collection and drainage and/or waste water treatment.

The end users of water services are: individual households (natural persons who use water service for their own needs or for the needs of the household, commercial and industrial consumers), a legal entity that performs commercial and other activities for profit realization with production, trade and provision of services in the market, which is registered for performing trade and other activities and is connected to a system for using water services and consumers public institutions (local and state government units, public institutions, which are connected to use a water service).

The amount of the water service price is determined depending on the water service tariff, the fees for using the waters from the LW as well as the taxes determined by law.

Water service price is the total compensation required by the water service provider for payment by the water service end users, and it includes the payment arising from the water service tariff of the water service provider, the fees associated with the use of waters determined by LW or other law, as well as taxes determined by law.

The amount of the water service tariff depends on the costs incurred by the water service provider to provide the water service, including the support services costs.

Water service tariff is the monetary value of the service, which as part of the price for given water services are requested by the water services provider from the end users of water services.

The Energy Regulatory Commission (ERC) is the competent body to determine the water services tariff. When determining the water service tariff, the social aspect has to be taken account also, respectively the threshold of availability of households in the area in which the provider provides the water service. „Availability threshold“ is the upper limit expressed in percentages of the financial availability of water services calculated at the level of the Republic of Macedonia, where the water service price does not exceed the specified percentage of the average of the total household income in the area in which the water service is provided. ERC, at least once in every three years in a period of intensive investment, will make a recommendation on the availability threshold at the level of household income in the Republic of Macedonia and in every seven years if there are smaller investments.

The ERC determines the following types of tariffs by a decision:

- Tariffs for supply of raw water intended for water supply to the population;
- Tariff for drinking water supply or water supply;
- Tariff for waste water collection and drainage service, and
- Tariffs for waste water treatment service.

Types and manner of calculating tariffs for a water service are determined by the Methodology for determining water service tariffs adopted by the Energy Regulatory Commission and published in the „Official Gazette of the RM“ no. 63/17. The methodology determines the tariffs by which the water service providers will realize the regulated income required for performing one of the following water services:

- supply of raw water intended for water supply to the population;
- drinking water supply or water supply;
- urban waste water collection and drainage removal, and
- waste water treatment.

From the date of the commencement of the application of the Methodology for determining the tariffs for provision of a water service referred to in Article 5 paragraph (6),<sup>15</sup> of this law ceases the application of Article

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<sup>15</sup> Types and manner of calculating the water service tariffs, structure of tariffs for each water service separately, types of costs that are taken into account for tariff calculation for water services and the required revenues for covering those costs, as well as their characteristics and manner on their display, are determined by the Methodology for determining the water service tariffs .



6,<sup>16</sup> of Law on drinking water supply and of urban waste water drainage, as well as the fact that this law shall enter into force on the day of its publication in the „Official Gazette of the Republic of Macedonia“, and shall apply from 1 September 2016.

The method of determining the water service tariff, the procedure for water service tariff determination, the criteria for assessing the request and the submissions for water service tariff determination, the deadlines for the procedure, the negotiation procedure, as well as the manner, the procedure, the conditions and the necessary documentation for adopting a regulatory tariff for a water service is prescribed by the Rulebook on the manner and procedure for determining the tariff for water services and the regulatory tariff for water services adopted by the ERC and it's published in the (Official Gazette of the RM“ no. 63/17).

The water service provider charges the water service from the end user. The tariff for water service or regulatory tariff is determined by ERC with a decision, for each year separately.

The procedure for determining water service tariff, for each individual provider is regulated on the basis of the costs assessment of: costs for providing water services and support services; the amount of the proposed water service tariff and the water service price that will be achieved with the proposed tariff and its financial availability for households from the area the water service is provided for, and the percentage of households which the threshold for financial availability is exceeded for; planned capital investments for water services improvement and expansion; the water service efficiency compared with the performance indicators and achievement of values of the key indicators targets for success monitoring.

Tariff determination procedure for water services for each individual provider is regulated based on the evaluation of: costs for water services provision. Tariffs are determined based on submitted request for establishing water service tariff by the service provider, and submitted draft plan for water services tariffs adjustment. The tariff is determined for each service separately.

Participation of civil associations can be seen in paragraph 7 of Article 9 of the Law on determining water services prices, which stipulates that ERC should hold consultations with water providers and end users (consumers) associations, as well as state bodies responsible for water management and communal activities.

ERC after completing the request publishes it on its website and in two daily newspapers so that all stakeholders both individuals and legal entities can submit opinions and suggestions regarding the published request. The deadline for submitting opinions is not longer than 5 days upon the date of request publication. In the procedure for determining the water services tariffs, ERC is obliged to consider the remarks received by the water service provider respectively the founder of water service provider.

If the ERC assesses that submitted remarks can significantly influence the determination of the amount of the water service tariff may, within 15 days from the date of receipt of remarks, start negotiation procedure in order to harmonize the level of water services tariffs.

ERC holds a meeting t; determine the water service tariff. After drafting the text of the decision for determining the water service tariff, ERC is obliged to convene a preparatory meeting, which should be held no later than the expiration of the 50th day from the day of procedure commencement. The text of the decision and

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16 Funds for carrying out activities referred to in Article 5 of this Law shall be realized from the price for the use of those services and the fee for connection to the water supply and sewage system. (2) The price of drinking water and urban waste water drainage and atmospheric water are expressed in den/m3. (3) The price referred to in paragraph (2) of this Article depends on the costs of supplying drinking water to the service users and the urban waste water drainage, environmental protection costs around the source and the source itself, exploitation costs, costs for maintenance, replacement of depreciated parts and other damages, capital investments, interest payments on capital investments and other costs. (4) Determination of the price level shall be made by methodology, and based on the following criteria: - consumed quantity of drinking water by the service users, as average and excessive consumption, and - categories of service users. Consumption of drinking water as average consumption per family member is determined by the council of the municipality and the city of Skopje. (6) The price for each cubic meter of consumed drinking water above the average consumption (excessive consumption of drinking water) is increased by two times. (7) The price shall be determined by the service provider, upon the prior consent of the founder.8) The price is determined as: - compensation for m/3 drinking water, waste water and atmospheric water draining from households and industrial waste water; - compensation for m/3 only drinking water; and - compensation for m3 only for waste water and atmospheric water drainage from households and industrial wastewater. (9) The methodology for determining the price referred to in paragraph (4) of this Article shall be prescribed by the Minister managing the body of the state administration responsible for the communal works.



opinions received from the interested natural persons and legal entities should be attached to the invitation for preparatory meeting. Authorized representatives of the applicant, institutions and organizations, as well as other interested natural persons and legal entities are invited to attend and participate in the discussion at the preparatory meeting.

The decision determines the tariff amount for each water service provided by the provider, respectively a minimum and a maximum range expressed in percentages of the determined value within which the service provider is allowed to adopt a Decision to determine the water service tariff amount. The ERC shall publish the decisions in the „Official Gazette of the Republic of Macedonia“ and on its website and shall immediately submit them to the water service provider and to the founder of service provider in order to adopt a decision to determine the water services tariff. The mayor of the municipality has the right to court protection in front the Administrative Court against the adopted decision of the water service provider.

The Law has mechanisms to protect citizens from too high tariffs, because the service providers, in order to obtain approval for the decision on determining the tariff should submit it to the mayor of the municipality, who is obliged to initiate a procedure for granting approval within 60 days, and this means that the mayor may not give consent, and if no consent is given then Regulatory Commission within 150 days from the day of decision announcing for determining the tariff for water service, in the „Official Gazette of the Republic of Macedonia“, will adopt a decision for initiating a procedure for adopting a Regulatory tariff for water service.

ERC adopts a Regulatory tariff for water service for each service provider separately in cases when:

- Negotiations for determining TVU will not succeed respectively no agreement with the service provider have been reached;
- The service provider does not submit a request to establish TVU;
- The Provider has not submitted additional data to the ERC for supplementing the submitted request for TVS;
- The mayor has not approved, respectively the council of the municipality has not approved the decision to establish TVU.

Inspection supervision over the law application is carried out by the State environmental inspectorate through water economy inspectors.

The provider must not charge a water service price from the end user, in which the tariff for water service has not been approved by the Regulatory commission and determined in the decision for determining the tariffs for water services, that is, decision on regulatory tariff. The provider shall submit the bill for payment of the water service price to the end user who is a legal entity only electronically to his e-mail address, and only at the request of the end user who is a natural person the bill can be delivered to his e-mail address.

The application of new tariffs for service providers, which provide services in an area of more than 10,000 equivalent inhabitants and who provide raw water for water supply systems was due to begin by 2018. In 2017, service providers had an obligation to submit a request for the determination of new tariffs for water services. On the basis of submitted requests, the ERC adopted decisions for determining the water services tariffs for almost all service providers who submitted their application. It remains the obligation for municipal councils to make decisions for their adoption.

All other water service providers have an obligation to start applying a water service tariff no later than 2019.

A comparative overview of the existing average tariffs applied by water providers, as well as the minimum average tariffs determined by the decisions adopted by the ERC are given in Annex 2 of this report.<sup>17</sup>

Regarding the stakeholders participation in the procedure of adopting decisions for determining a water service tariff from the insight in their contents<sup>18</sup> it can be noted that the concerned institutions and organizations have been regularly invited at the ERC preparatory sessions. Institutions and organizations include: Consumers council, Consumers organizations, representatives of the Deputy Chairman in charge of

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<sup>17</sup> Report is taken form ERC, [www.erc.org.mk](http://www.erc.org.mk)

<sup>18</sup> Decisions adopted by ERC are published in [www.erc.org.mk](http://www.erc.org.mk)



economic issues at the GRM, the Economic chambers of the RM, MEPP, and in some cases MAFWE, LSGU, the Commission for protection of competition, Mayors of municipalities, ESI, Association of communal service providers – ACSP, and others as needed.

### 5.1.3.2 Law on drinking water supply and urban waste water drainage

The law on drinking water supply and urban waste water drainage defines the service user as a legal or natural person owner of a residential, business, production, administrative and similar facility, including the building house council connected to the water supply and/or sewerage network, as well as public communal companies connected to the regional water supply systems (Article 3 paragraph);

The service user in accordance with provisions of this Law has the following rights and obligations:

- to file a complaint within 15 days from the day of finding out about the violation or interruption in the service provision. The complaint is submitted to the service provider supervisory body, if the user has not been informed on time by the service provider (Article 8);
- to file a complaint to the service provider supervisory body for non information, within 15 days upon finding out about the it, if the service provider does not inform the service users for the manner of supplying drinking water in case of water supply interruption (Article 10 );
- to maintain the water supply network (Article 14) and sewerage network (Article 17);
- to immediately inform the service provider of any damage or defect that will occur on the user's sewerage network. In cases of defect or clogging of the user's sewerage network, the costs for elimination of the defect, respectively for unblocking are borne by the user (Article 18);
- the main water meter installed in the water meter (SHAHTA) of the water supply connection in the individual residential, industrial and commercial buildings and the special water meters in the collective residential buildings are property of the service user and they should be verified (Article 27);
- In residential buildings and residential-office buildings with different categories of service users, as well as in business and industrial buildings used by several users, each user is obliged to have a separate water meter (Article 28);
- provides access to an authorized worker of the service provider to read water meters and maintain the water connection, as well as to control the correctness of hydrophoretic installations and other devices whose fault can cause damage to the street water supply network (Article 29)
- within three days upon determining the defect, if the meter is defective, locked, melted, etc., to inform the service provider. If the water meter is defective, locked, melted etc, and the water quantity can not be determined, until the correct water meter is installed, the calculation and collection will be done on the basis of the annual average consumption before determining the water meter malfunctioning (Article 30).



**Project “Citizens active partner  
in water policy reforms”**

**“Analysis of situation with water  
management in the Republic of Macedonia  
and consumers rights protection “**

# 6

## **PUBLICITY IN THE ENVIRONMENTAL REGULATIONS**



In terms of valorizing the civil society sector contribution in the development of society, encouraging pluralism, tolerance and the development of democracy, on June 16, 2012, the GRM adopted the Strategy for cooperation of the Government with the Civil Sector with the Action Plan for Implementation 2012-2017<sup>19</sup>. The Strategy for Government cooperation with the Civil Sector 2012-2017 was adopted in accordance with the National Strategy for Integration of the Republic of Macedonia in the European Union, where as a important factor in the reform process in the country is highlighted the level of cooperation between the Government and the civil sector, as well as the government's commitment to developing the sector and strengthening mutual trust. The Strategy contains guidelines for the reform processes that need to be implemented and the objectives to be achieved in order to advance, support and promote partnerships between the Government and the civil society (associations and foundations) through measures to strengthen mutual cooperation. In 2011, the GRM established a Code of Good Practices for civil sector participation in the policy making process, whose implementation is followed by the General Secretariat- organizational unit for cooperation with the civil society organizations (hereinafter: Department for cooperation with NGOs). Every second year from the Code application, evaluation of the Code implementation is made, and recommendations are given to improve the cooperation.

The following areas are defined as priority objectives for the period 2012-2017:

1. A developed and sustainable civil sector
2. Participation in the policy creation processes, adoption of laws and European integration
3. Economic development and social cohesion
4. Civil activism and community support
5. Enhanced institutional framework and practices for cooperation.

Non-governmental organizations working in the field of the environment are very active in Macedonia and the largest single segment of the non-governmental sector belongs to them. There are between 70 and 100 registered NGOs, but the number of active ones is probably lower. Many of these NGOs implement numerous environmental projects, usually at the local level, and receive funding from both domestic and foreign donors. Civic associations working exclusively in the field of water and specialized in water issues is still insufficient. Annex 1 includes the list of NGOs active in the field of environment.

In order to increase the cooperation with the civil sector within the MEPP is the Public Relations Sector, which functions as a link between the MEPP and the public. The basic principle of the Sector work is two-way communication respectively giving and receiving information from the public, based on the Aarhus Convention and the Law on Free Access to Public Information. The basic role of PRS is to ensure transparency and public availability of information on various aspects of environmental protection, to increase public awareness and understanding of important environmental problems, obtain useful information from citizens and organizations that have personal and specialized knowledge about resources and environmental problems, and which can not be obtained in another way, to inform them about making decisions on environmental priorities and solutions and to involve the public into decision-making and developing databases for relevant institutions, organizations, business sector and individuals necessary for informing and implementing certain environmental processes.

Below are elaborated provisions that enable public participation in decision-making in the area of water, as well as obligations of authorities in implementing regulations related to water management, and which refer to informing the public.

### **6.1 Publicity in the Law on Environment**

In the LE, one and/or more legal and/or natural persons, and citizens organizations and associations established in accordance with the law are defined as public, while under concerned public (stakeholders) is considered public which is concerned at the moment and/or in the future can be concerned or has an interest

<sup>19</sup> As well as Working document- The Concept of the Governemnt Strategy for cooperation and Civic Sector development 2018 – 2020 while experts opinions and recommendations by the revision of Governemnt Strategy for cooperation with Civic Sector should be taken into consideration



in a decision on the environment with which it is in a special relationship with a particular procedure. The concerned public also includes citizens associations established for environmental protection and promotion, as well as any natural person, who most likely will suffer the consequences of a decision made.

Also, the basic principle which the EIA is based on, is the principle of public participation and access to information - state government and municipality bodies, the City of Skopje and the municipalities in the City of Skopje bodies are obliged to provide all the necessary measures and to prescribe procedures that ensure the exercise of the right of access to information and public participation in the decision-making process related to the state of the environment, as well as to provide a public statement in the procedure for adopting those decisions.

Article 26 of the LE defines the manner of informing the public about environmental pollution and for undertaking and introducing mandatory measures obliging the Minister of environment to inform the public about the cases of exceeding the allowed emissions and in other cases of environmental pollution on a larger scale, as well as on the measures set down by this or other law that have been undertaken or introduced or are compulsorily undertaken or introduced in cases of exceeding environmental pollution. The Mayors of the municipalities, under their competences determined by law, related to the environment protection, are obliged to inform the public about cases of exceeding the allowed emissions in other cases of environmental pollution and to adopt special act for undertaking mandatory measures, if the pollution is limited to the territory of the municipality, and the City of Skopje only, and does not affect the wider area, then they inform the public in a manner prescribed by law and the statute of the municipality and the city of Skopje.

According to Article 26-a bodies, which make decisions or planning documents, in which public participation is stipulated, they are obliged that during the adoption procedure of decisions and document to determine the public that will be concerned or it is likely to be concerned with the implementation of the adopted decisions or planning documents, or has an interest in the implementation of the adopted decisions or planning documents. The bodies are obliged to make their decisions on determining the public and to make them accessible to the public at the earliest stage of the initiation of the decision-making process or the planning documents.

Chapter 8 of the LE regulates the access to environmental information, in which the Directive on access to environmental information and the provisions of the Aarhus Convention are transposed.

Chapter 9 of the Le sets out the planning of environmental protection and the procedure for adopting planning documents, drafting of regulations and public participation in the procedure for adopting planning documents.

## 6.2 Publicity in the water regulations

The basic principle the LW is based on is the principle of public participation and access to information and the principle of stakeholders participation.

In accordance with the public participation principle, the public should be provided with access to all information relating to the water status and water management, and in particular to the information needed for its participation in the decision-making process related to water management.

In accordance with the stakeholder participation principle, there is an obligation for the competent authorities to ensure that the interests of all stakeholders are taken into account in the procedure for the adoption of regulations, strategic, planning or program documents and decisions related to water management.

- **The procedure for issuing permits**

The procedure for issuing permits enables public participation in the permit issuing procedure. Public participation is enabled by publishing the request in at least one daily newspaper available on the entire territory of the Republic of Macedonia, on the MEPP website, and in at least one local printed and electronic media in the territory of the municipality where the permit is requested. MEPP is obliged to provide the public with access to the information necessary for forming opinions and views, in accordance with the LE. The public is entitled to submit their opinions and views in writing related to the request, within 15 days from



the publication of the request for obtaining a permit. When preparing the permit, MEPP will not take into consideration opinions submitted after the deadline. When drafting the permit, MEPP shall explain reasons for rejecting the received opinions and views. (from Article 35 to Article 38).

- **Procedure for planning documents adoption**

The right to access the information contained in the NWS and the BO, which are related to the environment, is carried out under the conditions and in the manner determined in the LE.

Participation of the public in the NSW and LE adoption procedure is carried out in accordance with the procedure for planning documents adoption regulated in the LE because it is a matter of planning documents in the area of water, and public participation is also enabled through the involvement of the public in the procedure for strategic environmental impact assessment, which is mandatory for the stated documents. It must be emphasized that participation of the expert public in the preparation of the HE does not replace the procedure for public participation in the adoption of planning documents.

Public participation in the RBMP drafting and adoption is defined in the LW which specifies the manner in which the information and documents related to the preparation and implementation of the plan are made available to the public (Article 66). MEPP is obliged to provide conditions for the public to express their opinions and views. During the period of public insight MEPP should organize an expert discussion on the draft plan. MEPP is obliged to prepare minutes of the public insight as well as from the expert and stakeholders discussion, and to provide insight into the source documents and information used in the preparation of the plan.

Based on received opinions, views and observations from the public insight and expert discussion on the draft plan, MEPP prepares the draft plan. For each Plan, data are also provided for: public participation in the preparation of the specific Plan and a summary of the opinions and reasons which they have been taken into account in the preparation of the plan.

- **Monitoring the waters**

The information provided through quantity and quality monitoring of all water bodies in the Republic of Macedonia and waters intended for use is available to the public and to the competent authorities, organizations and institutions, especially for the purpose of implementing and assessing the realization of the measures for preservation, protection and continuous improvement of all water bodies. (Article 144).

The mayor of the municipality in whose area the bathing water is located has the obligation to monitor the bathing water quality and to inform the public about the change in the bathing water quality as well as the measures to be taken.

All information and data on the drinking water quality are available to the public in accordance with the LW (Article 190). For the purpose of informing the public, the MH, every three years, prepares and publishes a three year report on water intended for human consumption for the whole territory of the Republic of Macedonia.

- **Information system**

The information system is realized through establishment and maintenance of a Water book as well as a Cadastre of water polluters.

The Water book is established in order to inform all parties about the use of waters, and in order to provide a database a water book is established and maintained. The insight into the Water book content is free to the public without compensation, with the exception of confidential data. Everyone has the right to request a copy of data contained in the water book (Article 160).

The Cadastre data are available to the public in the scope, form and manner defined in the Law on Environment (Article 161).

In order to inform the public, competent bodies of the state administration, in accordance with their competences, prepare periodic reports on the implementation of the LW, including data obtained from the waters monitoring and the procedure for informing the public (Article 162). This rulebook has not been adopted.



- **Emergency and deviations**

If the monitoring or other data show that there is a change in the quality of the waters, or they are inconsistent or impossible to achieve, MEPP, in cooperation with MH, must promptly and without delay investigate and identify the reasons for the deviation, and if there is risk to human life and health, to inform the public concerned about it, and to provide the public with relevant information on the manner the consequences can be mitigated, as well as to make recommendations or precautionary measures, to take measures to mitigate and eliminate the risk and the cause of the deviation. (Article 204).





## CONCLUSIONS AND RECOMMENDATIONS

The ultimate objective in the field of water management is to improve the water resources management that will enable financial self-sustainability of the system and improvement of the services for consumers/citizens aimed to:

- ensure good water protection quality in Macedonia;
- provide long-term sustainable amounts of water, quality of water bodies;
- reduce water losses and irrational management of water resources;
- establish efficient system that will enable good management of the water supply and waste water collection and treatment infrastructure;
- improve the water supply service for citizens and to coverage all citizens with quality service;
- formulate the most economically accessible price in accordance with the delivered water service and its quality;
- select appropriate economic instruments and methodology for water use which base the use of water will be calculated (consumption and waste water discharge);
- link hydrological and economic information on water management in a single framework that will enable achievement of a balance between water availability, supply and demand;
- put into operation of the “polluter pays” principle, which will enable financial sustainability of investments, improvement of water resources management system.

In order to achieve the stated objectives it is necessary to intensify future activities in terms of:

- Transposition of EU legislation in the field of environment respectively the waters;
- Acceleration of the RBMP adoption process, including programs for measures that will influence the improvement of the environmental state, as well as preservation of people’s health, by improving the quality of waters.
- Establishment of a comprehensive water monitoring system;
- Establishment of an assessment, protection and preparedness system in case of floods, handling and preparation of flood risk management plans;
- Increasing the investment level in relation to GDP through construction of waste water collection and treatment systems;
- Providing healthy drinking water for the population, through modern water supply systems, established mechanisms to implement the polluter pays principle.
- Improving water services by establishing a self-sustaining system and the necessary infrastructure.
- Strengthening the institutional capacity to implement water policies, as well as greater cooperation and coordination between the competent authorities;
- Strengthening the capacities of the local self-government units to implement the obligations under their competence;
- Increasing the percentage of services fee collection respectively equal treatment of all consumers both in terms of the right to access these services, but also an equal access to the fee collection of the water service, respectively application of the “user pays” principle;
- Raising the public awareness for more rational and efficient use of the water resource respectively increasing the consumer’s concern for the water resource from the aspect of its use, but not only from the aspect of the amount and payment of water services;
- Monitoring and implementing the Ombudsman recommendations, especially by civil society organizations responsible for monitoring the policies in the public services domain;



- Consistent application of the relevant legislation in the communal service providers operation, termination of the practice for issuing extraordinary bills and accounts and conditioning the citizens to fully pay the outstanding debt;
- In order to ensure accurate calculation and to avoid any possibility of damaging charge of the service user (such as arbitrarily determined average, number of family members or to neglect the circumstance that measuring device has been defective), the services providers, should implement practical implementation and unconditional application of the rule the user pays for the service only to the extent to which the service has been provided;
- Continuous update, revision and upgrade of the system for recording users of the services by the service providers, and the re-connection to be realized free of charge;
- Public enterprises to keep constant customer care provide information, support, and advice and to regulate complaints procedure and consumer complaints.
- Greater media coverage of these issues, respectively equal treatment, as well as other media and areas of the environment;
- Increasing the water service providers' awareness for efficient use of the resource and reducing water losses;
- Increase the service providers' accountability for obligations fulfillment, as well as of the bodies responsible to implement the regulations in the area of water, especially in the area of charging water services tariffs;
- The use of water by industrial capacities in the industrial process in accordance with the best available techniques and finding ways and applying techniques and technologies that contribute to more rational and efficient water use.
- Greater involvement of the expert public in the process of issuing environmental acts, especially when implementing the procedures for EIA and SEA, as well as integrated environmental permits.

**List of non-governmental organizations, environmental COs in Macedonia**

Non-governmental organizations/ environmental COs	Address	Telephone	Contact person
EA Areal - Struga	Proleterski brigadi 49, 6330 Struga	046/780-209 070/671-886	Nestor Jauleski
EA Grasnica - Ohrid	Dimitar Vlahov 60, Ohrid	075/842-385 075/557-377 075/142-525	Lazar Nedanoski
EA Natura - Struga	Karaorman 11, 6330 Struga	046/781-043 070/355-419 070/551-572	Berat Seklja
Scout unit Krste Jon- Green centre - Struga	Partizanska nn, 6330 Struga		Marjan Glavinceski
EA Radozda - Struga	Radozda	046/782-815 070/577-247	Skrceski Jovan
Association for activism and development, Aqua	Vlado Maleski nn, Struga	046/782-755 077/884 455	Dime Golabovski
EA Enhalon - Struga	Vojdan Chernodrinski 24, 6330	046/782- 881 046/786 -740; 075/362-245	Mate Gogoski
EA Zdravec - Berovo	Struga	070/771-075 033/471-157	
EA Brica - Berovo	Marsall Tito 100, Berovo /	033/471-314 071/259-758	
Pro Activa - Skopje	Mosa Pijade 42, Berovo	2465-963 076/404 077; 076/404 076	Vlatko Karchihki
Biosphere - Bitola	Koruska 8, P.F. 695	047/550-558 071/578-060	Neshad Azemovski
Molika -Environmental move- ment, Bitola	Dimo Hadji Dimov 3/	070/547-281	Petar Andonov
Pelagonia - Bitola	P.O Box 17, Bitola	047/207-826 071/235-401	Peco Shurbevski
Izvor (Spring) - Bitola	Municipality Novaci	047/226-964; 2551-707 070/207-178	
EA Vila Zora - Veles	Pero Nakov nn.	070 606 069	Nenad Kochic
EA Rainbow (Vinozito)-Stip	Dimitar Vlahov, nn, Veles		Zoran Zarinski
E.G.Green Power - Veles	Braka Miladinovi 6, Stip	071 669-226 043-529-682	Igor Smilev
DEM - Skopje	Trajko Panov 22	3220-518	Ruska Miceva
European Centre for Connections - Gostivar		075/203-061	



Non-governmental organizations/ environmental COs	Address	Telephone	Contact person
Eco-Vision - Gostivar		075/202-444	Genci Saliu
PPC Gostivar		078/352-433 070/534-282 042/216-999	Pajtim Saiti
Ideal - Tetovo		070/632-818	Nesim Veliu
Ecolag		071/218-180	Suzana Blazevska
Association for Nature protection, Skopje	Gorche Petrov 26b/4-6, Skopje	2035-326	
EA Planetum - Strumica	22 Dekemvri nn, Strumica	034/331-416; 078 374 - 679	Aleksandar Lazarov
EA Ozon - Strumica	Leninova 134	034/331-450 075/428 -205	
EA Eco - Kavadarci	Plostad Marsal Tito nn, Kavadarci		
Bio Eco - Skopje	Briselska 12, Skopje	02/3073-588 3077-077; 070/369-587	Svetozar Petkovski
Macedonian Ecological Association (MEA) - Skopje	P. Faks 162, Skopje	078/393-436; 2402-773; 2402-774	Robertina Brajanovska
Association NEWS - Skopje	Apostoll Gusllarot 3, Skopje	02/3124-327 02/3133-765	
Association for birds exploration and protection in Macedonia	FMN – Gazi Baba nn, Skopje	02/3117-055 078/254-736	Branko Micevski
Eco-awareness - Skopje	brg. 11 Octoberi 125/12	3217-247 ф.3217-246; 072 726-104	Ana Cholovic
Eco-mission - Skopje	Froni Popullor 25/59	02/3211-965	
Macedonia green centre	2460-876		Meto Sazdov
Celor and MZC - Radovis		078/462-262	Stole Georgiev
EA Eco Vel - Velesta	Velesta	070/394-663	Urim Kaba
C.A. Knowledge harvesting, Prilep		070/367-976	Natalija Aceska
EA Pelagonia - Novaci	Novaci	047/207-826; 047/203-060 071/235-401	Peco Surbevski
Macedonian Micological Association			Prof. Dr. Mitko Karadelev
Assioc for animal and environmental protection PEACOCK Skopje	P. faks 270, Skopje	075/543-836	



Non-governmental organizations/ environmental COs	Address	Telephone	Contact person
EA Studenchica - Kichevo	Pirinska 3	045/221-879 ф.045/221-817	
EA Centre for permaculture and microconstruction, Stip		032/388-325 071/375-200	
Milleucontact - Skopje		2460-876 075/212-557	Igor Slavkovski
TSD – Tranining for sustainable development - Skopje	Blvd. Jane Sandanski 61/47	3079-235 070/359-882	Biljana Stevanovska
Florozon- Environmental protec- tion and sustainable economic development- Skopje		2779-028 078/430-251	Kiril Ristovski
HC Zelezara - Skopje		070/350-270	Marjan Kalimanovski
Analitica - Skopje	Dame Gruev 7-8/3	3121-948 070/556-821	
CeProSARD-Centre for promotion of sustainable agricultural rural development - Skopje	Orce Nikolov 175-5/2	3061-391 072/253-004 070/285-001 071/250 901	Svetlana Petrovska Dejan Filipovski
Green – List - Bitola	Setlemrnty Klanica 1/15	075/348-322	Blagojche Bozhinovski
Flora-Romanovce	Done Bozinov, 24, Kumanovo		Nako Nikolovski
Citizens Committee for develop- ment - Probistip	Plostad Lenin\ 2	032/480-200 032/483-131	
Rural development network of the RM		070/343-513	Vesela Llambevaska
Macedonian centre for environmental protection and rpomotion		070/276-605	Vesna Strumenikovska
Southern Gate		071/540-042	Katerina Gecevska
Front 21 42		078/433-713	Aleksandra Bujaroska
Eco-awareness, Coalition Natura 2000		3217-245	Nevena Smilevska
Foundation Metamorphosis		3109-325	Filip Stojanovski
ADKOM		2461-971 070/390-964	Lolita Stojanovska
Spring (Izvor) - Kratovo		076/662-266	Milosh Dimitrovski
Center for Climate changes – Skopje		071/240-809	Fani Hristovska



Non-governmental organizations/ environmental COs	Address	Telephone	Contact person
Farmers Federation of the RM		078/678-362	Marija Gosheva
Doser Global - Bitola		075/575-088	Tome Krstevski
MDC TI NET		070/367-731	Arijan Toska
Greenbox		078/454-640	Jane Dimeski
4x4x4 66 SK		070/34-636 075/428-358	Dushko Hrsitov Slobodan Ristevski
Justina - Skopje	str. 55 Skopje		Zequirja Ismaili
Assocationa ADRIATIC BASIN - Ohrid	Bulevard Turistichka 4/1-1 Ohrid	046/268-157 076/40- 381	Radovan Dimitrievski
Association for Owls protection	str. Jurij Gagarin 28-5/3	070/999-859	Ana Arsovska
Eco - Natura	str. 184 no.56a Tetovo	071/363-764	Nexhbedin Haliti
Golden Hand	str. „185,,no.7-Tetovo	044/331-902 070/321-269	Gëzime Hajredini
Center for ecological education (CEE)	Tearcë	070/838-148	Metin Muaremi
PLANCTONIUM - Skopje	str. Dositej Obradoviq no.17/5	072/272-467	Daniella Nelepa Dameska
MRK DIALOGUE	str. Orce Nikollov no. 81/3-2 Skopje	070/786-872	Jasmina Boshevska
E assocaiation “Ursus speleos”	str. Dobromir Hrs no 20a-Skopje	5201-147 02/5201-147	Ali Samet
Centre for culture and environment development	str. N. Tesla no.16-1/2, Skopje	3072-798 076/461-619	Dragica Lazarevic
ECO GUERILLA	Tetovo	072 763 660	Arjanit Dzaferi
Mother and child	Tetovo	071 572 121	Igbale Ferati
Ass. ECO TEAM EAST	str. Marshal Tito no.45, Kochani	077/501-757	Goran Hristovski

**Review of the existing average tariffs applied by the service providers, as well as the minimum average tariffs determined in the ERC Decisions, which are subject to approval by the founders of the water services providers**

Water economy – raw water			2017	2018 - REQUEST	2018 - PKE DECISION
No.	Water services providers water economies	Water service the request is related to	Existing average tariff	Minimum average tariff	Minimum average tariff
1.	PE Water Economy Lisiche - Veles	Supply of raw drinking water	4,26	6,04	4,46
2.	PE Studenchica - Kichevo	Supply of raw drinking water	2,59	3,35	2,57
3.	PE Strzevo - Bitola	Supply of raw drinking water	4,26	8.85	4,78
4.	MEHS Zletovica - Probistip	Supply of raw drinking water	4,00	24,00	4,19
5.	JSC Water Economy Branch office Berovo	Supply of raw drinking water	4,26	4,28	4,21
6.	JSC Water Economy Branch office Strumica	Supply of raw drinking water	4,38	5,46	3,55
7.	JSC Water Economy Branch office Kumnaovo Lipkovo Valley - Kumanovo	Supply of raw drinking water	6,43	7,03	4,48

Public Communal Enterprises (PCE)			2017	2018 - REQUEST	2018 - PKE DECISION
No.	Water service providers, which provide water services in areas larger than 10,000 equivalent inhabitants and water economies	Water service the request is related to	Water service the request is related to	Existing average tariff	Minimum average tariff
1.	CPE Derven - Veles	water supply	35,19	39,66	36,74
2.	CPE Derven - Veles	waste water collection and drainage	5,99	5,98	4,75
3.	CPE Komunalec - Kavadarci	water supply	21,23	21,05	20,76
4.	CPE Komunalec - Kavadarci	waste water collection and drainage	5,71	3,89	3,88
5.	CPE Komunalec - Negotino	water supply	22,10	25,14	22,68
6.	CPE Komunalec - Negotino	waste water collection and drainage	5,80	7,42	6,16
7.	CPE Komunalec - Sveti Nikole	water supply	35,24	40,23	36,88
8.	CPE Komunalec - Sveti Nikole	waste water collection and drainage	8,50	6,89	6,26
9.	CPE Usluga Berovo	water supply	30,87	38,80	31,77
10.	CPE Usluga Berovo	waste water collection and drainage	9,36	7,43	5,91
11.	CPE Usluga Berovo	treatment (treatment)	0,00	13,49	12,55
12.	CPE Solidarnost Vinica	water supply	27,80	35,61	27,32
13.	JCPE Solidarnost Vinica	waste water collection and drainage	6,00	8,46	6,05
14.	CPE Vodovod -Kochani	water supply	41,61	49,85	35,44
15.	CPE Vodovod -Kochani	waste water collection and drainage	21,15	14,77	11,98
16.	CPE Vodovod -Kochani	waste water treatment	-	-	-
17.	CPE Nikola Karev Probistip	water supply	33,24	40,78	33,18

Public Communal Enterprises (PCE)			2017	2018 - REQUEST	2018 - PKE DECISION
18.	CPE Nikola Karev Probistip	waste water collection and drainage	3,59	4,54	3,77
19.	CPE Isar	water supply	39,67	38,16	38,14
20.	CPE Isar	waste water collection and drainage	14,94	12,39	12,38
21.	CPE Standrad - Debar	water supply	18,69	17,62	17,08
22.	CPE Standrad - Debar	waste water collection and drainage	3,30	2,81	2,71
23.	PE Proakva - Struga	water supply	27,99	41,89	34,91
24.	PE Proakva - Struga	waste water collection and drainage	8,16	11,48	10,38
25.	PE Proakva - Struga	waste water treatment	11,84	16,19	14,23
26.	CPE Komunalec - Kicevo	water supply	23,35	26,07	25,94
27.	CPE Komunalec - Kicevo	waste water collection and drainage	5,53	6,09	6,06
28.	CPE Komunalec - Kicevo	waste water treatment	-	20,15	13,08
29.	PE Niskogradba - Ohrid	waste water collection and drainage	8,89	9,08	8,35
30.	PE Proakva - Ohrid	water supply	28,07	40,87	34,47
31.	JSRED Ograzden Bosilovo	water supply	22,77	16,84	16,72
32.	SRED Komunalec - Gevgelija	water supply	17,53	18,01	17,07
33.	SRED Komunalec - Gevgelija	waste water collection and drainage	7,12	5,46	3,64
34.	SRED Komunalec - Gevgelija	waste water treatment	-	7,14	7,14
35.	CPE Komunalec - Strumica	water supply	32,37	37,47	36,58
36.	CPE Komunalec - Strumica	waste water collection and drainage	10,43	9,91	9,69
37.	CPE Komunalec - Strumica	waste water treatment	-	15,71	6,33

Public Communal Enterprises (PCE)			2017	2018 - REQUEST	2018 - PKE DECISION
38.	CPE Plavaja	water supply	26,74	28,10	27,96
39.	CPE Plavaja	waste water collection and drainage	3,30	4,57	4,38
40.	CPE Plavaja	waste water treatment	-	21,20	13,34
41.	PE Vodovod -Bitola	water supply	31,02	32,63	32,78
42.	CPE Niskogradba - Bitola	waste water collection and drainage	11,70	13,57	13,28
43.	CPE Niskogradba - Bitola	waste water treatment	10,96	6,63	6,54
44.	PE Dolneni	water supply	26,14	25,21	22,58
45.	PE Vodovod i kanalizacija - Prilep	water supply	29,78	31,93	29,43
46.	PE Vodovod i kanalizacija - Prilep	waste water collection and drainage	3,00	4,81	4,06
47.	PE Vodovod i kanalizacija - Prilep	waste water treatment	-	-	-
48.	CPE Proleter - Resen	Water supply	24,85	34,32	30,46
49.	CPE Proleter - Resen	waste water collection and drainage	4,89	7,65	5,17
50.	CPE Proleter - Resen	waste water treatment	11,70	14,22	11,56
51.	MPE Vardar Brvenica	Water supply	15,27	17,72	16,71
52.	MPE Vardar Brvenica	waste water collection and drainage	0,00	10,26	3,58
53.	CPE Vrapciste	Water supply	10,14	11,12	9,93
54.	CPE Vrapciste	waste water collection and drainage	0,00	10,59	10,59
55.	CPE Komunalec - Gostivar	Water supply	23,19	23,68	15,40
56.	CPE Komunalec - Gostivar	waste water collection and drainage	12,82	11,41	10,99
57.	PCE Mirmbatja Zelino	Water supply	9,00	20,96	14,80
58.	PCE Mirmbatja Zelino	waste water collection and drainage	8,00	10,20	8,16



Public Communal Enterprises (PCE)			2017	2018 - REQUEST	2018 - PKE DECISION
59.	CPE Tetovo	Water supply	16,68	17,54	15,95
60.	CPE Tetovo	waste water collection and drainage	7,60	3,53	3,45
61.	PE Vodovod - Kumanovo	Water supply	30,11	37,29	35,86
62.	PE Vodovod - Kumanovo	waste water collection and drainage	7,10	4,60	4,49
63.	PE Vodovod - Kumanovo	waste water treatment	8,50	8,96	8,82
64.	PE Vodovod i kanalizacija Skopje	Water supply	20,00	20,33	20,11
65.	PE Vodovod i kanalizacija Skopje	waste water collection and drainage	11,39	10,49	10,44
66.	PE Vodovod i kanalizacija Skopje	waste water treatment	0,00	2,05	2,04
67.	CPE Vodovod -Ilinden	Water supply	30,95	31,39	29,46
68.	CPE Vodovod -Ilinden	waste water collection and drainage	12,51	8,70	8,70
69.	CPE Vodovod -Ilinden	waste water treatment	0,00	7,58	7,58



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- Directive for water intended for drinking ([www.europa.eu.int](http://www.europa.eu.int));
- Directive for bathing water ([www.europa.eu.int](http://www.europa.eu.int));
- Water Framework Directive 2000/60/EC ([www.europa.eu.int](http://www.europa.eu.int));
- Council Directive 91/271/EEC for urban waste water treatment ([www.europa.eu.int](http://www.europa.eu.int));
- Council Directive 98/83/EC for drinking water quality ([www.europa.eu.int](http://www.europa.eu.int));
- Council Directive 2006/7/EC for the bathing water quality ([www.europa.eu.int](http://www.europa.eu.int));
- Directive 2007/60/EC of the European Parliament and the Council for flood risk assessment and management ([www.europa.eu.int](http://www.europa.eu.int));
- Directive 2006/11/EC of the European Parliament and the Council for pollution caused by certain hazardous substances that are discharged in aquatic environment ([www.europa.eu.int](http://www.europa.eu.int));
- Council Directive 2006/118/EC of the European Parliament and the Council for protection of underground water from pollution ([www.europa.eu.int](http://www.europa.eu.int));
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- Law on Water (“Official Gazette of the RM” no. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13, 180/14, 124/15, 146/15, 52/16);
- Law on Environment (“Official Gazette of the Republic of Macedonia” no.53/05, 81/05, 24/07, 159/08, 83/09, 48/10,124/10,51/11,123/12, 93/13,187/13 and 42/14, 44/15, 129/15, 129/15, 192/15 and 39/16) ([www.MEPP.gov.mk](http://www.MEPP.gov.mk));
- Law for drinking water supply and waste water collection (“Official Gazette of the RM” no 68 / 04, 28/06, 103/08, 17/11, 54/11, 163/13, 10/15, 147 / 15, 31/16);
- Law on determining the water services prices (“Official Gazette of the Republic of Macedonia” no.7/16);
- Law on Water Economy (“Official Gazette of the RM” no.51/15, 93/15);
- Law on Food Safety (“Official Gazette of the RM” no. 157/10, 53/11, 1/12, 164/13, 187/13, 43/14, 72/15, 84/15, 129/15, 213/15 and 39/16);
- Law on Local Self-government (“Official Gazette of the RM” 6p.5/02)
- Law on Consumers protection (“Official Gazette of the RM” no.38/04, 77/07, 103/08, 24/11, 164/13, 97/15 and 152/15);
- Law on Communal activities (“Official Gazette of the RM” no.95/12, 16/13, 42/14, 44/15 and 147/15);
- Decree on the surface waters classification (“Official Gazette of the RM” no.99/16);

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- Decree on waters classification (“Official Gazette of the RM” no.18/99);
  - Decree on watercourses, lakes, accumulations and groundwater categorization (“Official Gazette of the RM” no.18/99);
  - Decree on the composition, manner of participation as well as the manner of nomination of representatives in the councils for river basin areas management and the council for parts of river basin areas management, as well as the manner of operation (“Official Gazette of the RM” no.106/13);
  - Rulebook on the manner and procedure for determining water services tariff and the regulatory tariff for water services is adopted by the ERC and it is published in (“Official Gazette of the RM” no.63/17);
  - Rulebook on water safety intended for human consumption (“Official Gazette of the RM” no. 46/08)
  - Rulebook on the content and manner of RBMP preparation (“Official Gazette of the RM” 148/09)
  - Rulebook on the methodology for river basins assessment (“Official Gazette of the RM” 148/09)
  - Rulebook on the manner and procedure for determining water services tariff and the regulatory tariff for water services is adopted by the ERC and it is published in (“Official Gazette of the RM” no.63/17).
  - Methodology on for determining water service tariff (“Official Gazette of the RM” no.63/17).



