

Law on Waters

(Official Gazette of the Republic of Macedonia", No. 4/98; 19/2000)

Note: See article 14 of the Law "Official Gazette of RM" No.18/99 p. 1163

1. Basic Provisions

Article 1

This law hereby determines the conditions and the manner of use of the waters, protection against maleficent water activities, protection of the waters from drainage and pollution, management of both the waters and the springs, manner of financing of the water-economy activities, conditions and manner of conduction of the water-economy activity, consent (concession) for the use of the water, international waters and other issues of importance to the provision of a unique water regime in the Republic of Macedonia.

Article 2

The waters, the water streams and the lakes, being of common interest to the Republic of Macedonia, enjoy a special type of protection, as prescribed by this Law, and are considered a public property.

Article 3

The provisions of this Law relate to the spring, stream, standstill and underground waters, then to the atmosphere water, the drinking water and the waste water, to both the beds and the banks of the water streams, the torrents, the lakes and the accumulations, as well as to the thermal and mineral waters, unless otherwise determined by another Law.

Article 4

The water regime, in terms of this Law, presents a sum of elements which have an influence on the both the quantity and the quality of the water as well as on the water supply objects and engines at a definite place and time.

The water regime, in relation to the waters from article 3 of this Law, comprises of the following elements: water level, stream, stream way, water speed, speed and quality of transfer, water temperature, physical, chemical, bacterial and radioactive characteristics of the water.

Article 5

The provision of a unique water regime, the planing for a rational usage of the waters and the determination and the conduction of the water balance, are all being done according to the hydrographic zones or parts of a flow.

Article 6

The maintenance and the improvement of the water regime and the rational usage of the available water quantities are being done according to the basis of the Water-economy of the Republic of Macedonia.

Article 7

The water balance, in terms of this Law, is a plan used for distribution of the available water quantities over a certain area, at a certain time and in accordance with the principle of maintainable development, with which there are being satisfied the needs of the present generations and the need for water for the next generations is not jeopardized, either.

Article 8

International waters, in terms of this Law, are waters that represent state border or cut through a state border.

Article 9

Construction, reconstruction and outbuilding of the water-supply and other objects and engines, which have an influence on the water regime, is done according to both the conditions prescribed by the regulations for construction of investment objects and the conditions prescribed by this Law.

For the purpose of executing the activities, stated in line 1 of this article, it is necessary to have a water-economy consent.

For implementation and use of water and for the use of the water-economy objects and other objects and engines, which have an influence on the water regime, it is necessary to have a water-economy permission.

Article 10

The water-supply consents and the water-supply permissions are being registered in a book on waters.

Article 11

The spring, stream, stand still and underground waters are used according to the following priority:

- for water supply of the population, for both the medical and the veterinary institutions, for needs of the defense, for both the production and the food industry and for domestic animals;

- for irrigation of agricultural land;
- for water supply of the industry (utility needs);
- for watering parks and other public lands;
- for hydro-energetic needs and
- for other needs

The allocation of the waters, used for the needs stated in lines 2,3,4 and 5 from paragraph 1 of this article, can be changed by a previous consent from the Ministry for Agriculture, Forestry and Water-Economy, unless they are to be used for the needs from paragraph 1 line 1 of this article, in which case, the former users are entitled to compensation, by the user of the reallocated water, for the invested means in the water-economy objects and engines.

Article 12

The areas on which there are spring, underground, stream, accumulated and other types of water (hereinafter: springs), which according to their quality and quantity are to be used or are already used for water-supply of the population as well as for the food and the food processing industry, are being protected against pollution and other influences, which may prove to be disadvantageous to both the quality and the quantity of the water.

The protection of both the quality and the quantity of the spring waters, from paragraph 1 of this article, is achieved through designation and maintenance of the protected zones and determination of special conditions, which are related to the use of the land, construction on the land, use of the objects, exploitation of the forests and all other activities in the protected zones.

Article 13

The protection against maleficent water activities presumes undertaking activities and measures for protection against floods, erosion and regulation of floods.

Article 14

The waters are being protected against pollution for the purpose of providing harmless and unobstructed use of the water, protection of the peoples' health, protection of the environment, the nature, the flora and the fauna.

Article 15

Sand, gravel and stones may be pulled out from the riverbeds and banks of the natural water streams and accumulations only if that results in an improvement of the water regime.

Article 16

For the purpose of construction, reconstruction, maintenance and use of the water-economy objects and engines as well as for implementation and use of the waters, the land is being expropriated and there are being established official duties and other limitations on the right to property, which are in accordance with the Law on expropriation.

Article 17

The water-economy activity is of a public interest and, in terms of this Law, it presents: construction, maintenance and use of both the objects and the engines of the water-economy, which are related to the provision of water for water-supply, watering and irrigation, designation of the protected zones, protection against the water's maleficent activities, protection of the riverbeds and banks of both the streams and the lakes, protection against erosion and regulation of floods, pulling out of sand, gravel and stones for the purpose of both protection and improvement of the water regime, provision of water reserves, which provide for a unique regime of the waters into a stream or into a part of a stream as well as project documentation and studies related to the improvement of the water regime.

Article 18

The objects and the engines of the water economy in terms of this Law are objects used for the following:

1. Regulation of the water regime by way of: dams with accumulation space, retanzional and inudational pools, regulated river-beds, protective embankments, regulated floods and erosive surfaces, bents, lateral channels, pumping stations etc. (hereinafter: protective objects);
2. Provision, capturing, bringing and preparation of water used for water-supply of the public, the industrial and the rest of the economic and utility needs (hereinafter: water-supply objects);
3. Provision and bringing of water for watering of the agricultural land – watering and acceptance and dragging off of an extra surface and underground waters – drainage (hereinafter: hydro-reclamative systems);
4. Capturing, bringing and using of water for production of electric energy and movement of other type of engines (hereinafter: hydro-energetic objects);
5. Capturing, bringing and purifying of polluted waste waters and their designation into a recipient and for prevention of a sudden excess emission of dangerous and harmful substances (hereinafter: objects for protection of the waters) and
6. Fulfillment of special intentions for protection, special ecological needs and the like (hereinafter: special objects).

II WATER REGIME

Article 19

The water regime is being improved and maintained through regulation and maintenance of the water streams, construction and maintenance of the objects and engines of the water-economy, implementation of protective measures against the waters' maleficent activities, use of the waters and through protection of the waters from pollution.

The water regime changes through the actions of the people and the natural forces, with which both the quality and the quantity of the water change at a definite space and time.

1. Water-economy basis

Article 20

The basis of the water-economy of the R.Macedonia is a plan for maintenance and improvement of the water regime, rational use of the water on the territory of the R.Macedonia and development of the water-economy.

The water-economy basis, in particular, contains: a constant state of the regime and the balance of both the water and the objects of the water-economy on a particular flow or a part of a flow for a defined time, hydrologic basis, basic elements and conditions of both the regime and the water balance, with which are provided thorough technical and economic solutions for protection from the waters' maleficent activities, protection of the waters from pollution and use of the waters of a flow or a part of a flow for a definite time, basic water classification criteria and water stream categorization.

The basis of the water-economy for the R.Macedonia, is being prepared and brought according to flows.

If needed, there could be prepared and brought a separate basis for the water-economy of a certain flow or a part of a flow.

Article 21

Flow, in terms of this Law, is the territory from which the water runs into the water stream.

On the territory of the R.Macedonia there exist four flows: Vardarski, Crnodrimski, Strumicki and the Juzna Morava flow.

The Vardar flow encompasses the flow of the river Vardar with its tributaries on the territory of the R.Macedonia, and it stretches all the way to the Macedonian-Greek border, including the flow of Lake Dojran on the territory of the R.Macedonia.

The Crnodrimski flow encompasses the flows of both Lake Prespa and Lake Ohrid and the flow of the river Crn Drim with its tributaries, on the territory of the R.Macedonia, all way to the Macedonian-Albanian border.

The Strumicki flow encompasses the flows of the rivers Strumica, Cironska and Lebnica, all the way to the Macedonian-Bulgarian border.

The Juzna Morava flow encompasses the Juzna Morava flow, on the territory of the R.Macedonia all the way up to the Macedonian-Yugoslav border.

Article 22

The Parliament of the R.Macedonia is bringing the basis of the water-economy for the R.Macedonia.

The basis of the water-economy for a part of a flow must be in accordance with the basis of the water-economy of the R.Macedonia.

Every ten years, a revision is being made on the water-economy basis.

The bases of the water-economy from paragraph 1 and 2 of this article are prepared in two stages: a draft and a proposal.

The Parliament of the R.Macedonia e.i. the Government of the R.Macedonia brings a decision for placing the water-economy draft on a public insight, the decision is published in the "Official Gazette of the R.M."

The Draft of the water-economy is being put on a public insight, at least 60 days from the day of publication of the decision from paragraph 6 of this article.

The expert discussion on the water-economy draft is formed and organized by the Ministry of Agriculture, Forestry and Water-economy.

On the basis of opinions, resulting from the expert discussion, a proposal on the water-economy is being prepared and submitted for adaptation.

Article 23

The basis of the water-economy can be altered and amended during its implementation on the basis of scientific investigations, altered conditions, needs and other reasons for its improvement.

The Alteration and the amendments to the basis of the water-economy are done by the Parliament of the R.Macedonia, on a proposal from the government and in accordance with paragraph 1 of this article.

Article 24

The basis of the water-economy of the R.Macedonia is prepared by the Public water-economy.

Article 25

The making of an investment-technical documentation, the construction of water-economy objects and engines, the power-supply, utility, industrial and other objects and engines, that have an influence on the water regime, the use of these objects and engines, the use of the waters and the release of the used waters and other substances, is being done according to the water-economy basis.

Article 26

If the basis of the water-economy for different flows or for a part of a flow contains variants of solutions, the bringer of the basis decides which of those variants will be realized, on the basis of an investment-technological documentation, that describes the last phase of each of the variants.

2. Water-economy consent

Article 27

An approval for construction, reconstruction, attachment or outbuilding of the current water-economy objects and engines, which have an influence on the water regime, as well as for all other activities, which can temporary or constantly cause changes in the established water regime, can be issued after a previously acquired water-economy consent.

Without a water-economy consent, the construction of objects and engines as well as of other activities from paragraph 1, can not begin nor can the construction e.i. the activities are done contrary to the conditions determined in the water-economy consent.

Article 28

In the procedure for issuance of a water-economy consent, the technical documentation for construction or reconstruction of objects and engines is being coordinated with the basis of the water-economy, e.i. with the basis of the water-economy for a part of a flow, particularly, in relation to: water allocation, quantity of waters which are being encompassed, quality and quantity of waters which are being released, the manner in which this is done, the time when it is done and the rest of the conditions for construction as well as all other activities which can influence the water regime.

Article 29

The water-economy consent is issued in accordance with the basis of the water-economy.

Article 30

The water-economy consent is issued by the Republic Administration for water-economy.

A complaint, against the decision for a water-economy consent, can be lodged to the Minister of Agriculture, Forestry and Water-economy.

Article 31

A water-economy consent is being issued on a demand of the investor.

Along with the request for a water-economy consent, a decision is being enclosed, concerning construction conditions and technical documentation, at least in a form of an idea, which contains: hydrologic foundations, hidraulical calculations, allocation, quantity and manner of capturing water, manner and effect of purifying polluted water and its direction towards the recipient and the influence of the objects on the water regime.

The technical documentation from paragraph 2 of this article, must be evaluated- revised by a professional institution or other legal person registered for performance of such matters.

Article 32

With the water-economy consent there are being determined the water-economy conditions which must be realized in the course of the construction.

The conditions from paragraph 1 of this article refer, particularly, to: placing instruments for measuring both the quantity and the quality of the water, registration of certain data, dynamics of the usage or the implementation of the water and the time during which the water can be legally captured as well as the time for completion of the object and ending of all activities.

Article 33

Without the water-economy consent, the owner or the user of the land, may dig an ordinary well for procuring drinking water, water for animals and for other personal needs and water for watering of the land, which is not encompassed in the hydro-reclamative watering system.

An ordinary well from paragraph 1 of this article can be digged at a distance of at least 5 meters from both the constructive object and the constructive neighboring plot. The bottom level of the well should not be lower than the bottom level of the neighboring well.

Without a water-economy consent, there can not be digged a well for irrigation of land, which is not encompassed in the hydro-reclamative system, or a well for using subarterial and arterial underground waters as well as natural wells.

Article 34

The water-economy consent expires if the construction of both the objects and the engines does not begin within 3 years from its issuance.

3. Water-Economy License

Article 35

With the water-economy license it is acquired the right to both the use and the implementation of the water and the use of the constructed water-economy objects and other objects and engines which have an influence on the water regime, as well as the right for release of both the used and unused waters into the recipient.

A water-economy license is being issued by the republic administration for water-economy.

Against the decision for a water-economy license there can be lodged a complaint to the minister of Agriculture, Forestry and Water-economy.

Article 36

With the water-economy license, there are being determined the manner and the conditions for the use of the water, the working regime of the water-economy objects and other engines, which have an influence on the water regime, the manner

and the conditions for the release of the waters, the release of the polluted waters and the waste materials and the degree of purification of the waste waters.

With the water-economy license it is being evaluated, whether or not, the objects and the activities are performed according to the water-economy consent and it is also determined the time, during which, one has a right to both use and implement water.

Article 37

Along with the request for issuance of a water-economy license, it is also being enclosed a statement containing the following data: object location, allocation, quantity, time and manner in which the waters will be used or implemented, a minute book for the executed technical survey of the constructed object as well as other data from which it can be determined whether or not the object had been constructed according to the water-economy conditions.

Article 38

The water-economy license can be changed or amended if the water quality, which is being captured, increases, if the quality of the water, which is being released, changes or if there are changes in the technological work process.

Along with the request for changing and amending the water-economy license, in the cases from paragraph 1 of this article, it is being enclosed a technical documentation which, in particular, contains: reasons and data regarding the changes in the quantity, quality, place and manner of capturing waters, release of water as well as other needed data.

Article 39

The water-economy license is being issued for a definite time e.i. to ten years, at the most.

The investor has a duty to submit a request for continuation of the validity of the water-economy license six months before its validity expires.

The right to the use and the implementation of the waters, acquired on the basis of the water-economy license, can not be transferred without an approval from the body, which has issued the license.

Article 40

The right to the use and the implementation of the waters, acquired with the water- economy license terminates if:

1. The validity of the water-economy license expires;
2. The user has given up the right to the use and the implementation of the water, determined by the water-economy license.
3. The water is not being used without justified reasons at least two years from the day of the issuance of the water-economy license.
4. The water is being used contrary to the conditions determined with the water-economy license.
5. The issued water-economy license is not in accordance with both the changes and the amendments to the water-economy basis.

Article 41

If due to the limit of the quantity of the waters the needs of all the demanders can not be satisfied, during the issuance of the water-economy license, the priority, determined in article 11 of this Law, should be taken into consideration.

Article 42

If on a certain area, the water quantity decreases to a degree at which it can not satisfy the needs of all the users, the Public water-economy company or other legal person, who manages water-economy objects and engines, can limit or prohibit both the use and the implementation of water to certain users according to article 11 of this Law.

In case of a water shortage or an excess of water, due to higher forces or due to necessary activities and reconstruction of objects and engines, the Public water-economy company or other legal person, who manages water-economy objects and engines, can temporary cease or limit the water-supply and capturing of the water, as long as there still exist the reasons which have caused that.

When it comes to cases from paragraphs 1 and 2 of this article, the Public water-economy company or other legal person is obliged to inform the users of water in the shortest term possible.

In cases from paragraphs 1 and 2 of this article, the users of water are not entitled to compensation of damage.

Article 43

Even without a water-economy license, the water from all water streams and lakes can be used, but only when it is used for: drinking, bathing, watering animals, domestic needs, watering, sport, recreation and similar needs, as long as it does not disturb the water regime.

Article 44

Without a water-economy consent, there can also be used the water from all water-streams, lakes and objects for collecting water, as long as it is used for fire extinguishing and undertaking other necessary sanitary and other measures in case of an emergency or cataclysms.

Article 45

The legal persons, who use and release the water, and the Republic Weather Bureau are obliged to report all the data on the quality of the both the used and the released water and to submit it to the public water-economy company for the purpose of following and preparing the water balance.

4. Book on waters and registration

Article 46

The book on waters from article 10 of this Law is administered by the Republic administration for water-economy.

The Minister of Agriculture, Forestry and Water-economy prescribes the content and the manner in which the book is being administered.

Article 47

The Public Water-economy company and other legal persons, who manage water-economy objects and engines, are obliged to establish and keep record on these objects and engines.

The Public water-economy company and the associations of users of water, who manage the hydro-reclamative systems, are obliged to establish and keep record on the territories, which are encompassed by those systems, according to the investment-technical documentation, according to which the system has been built.

The Minister of Agriculture, Forestry and Water-economy prescribes the content and the manner of keeping the record from paragraph 1 of this article.

5. Drinking Water

Article 48

The waters, which, by the resolutions of this Law, the basis of the water-economy and the basis of the water economy for a part of a flow, are determined to be used, primarily, for water-supply of the population, for the medical institutions and legal persons from the area of veterinary, for the needs of the defense, for the food industry and for watering animals which need quality drinking water, shall not be used for other purposes in a way which may negatively influence both the quality and the quantity of the water or in a manner which may prevent their primary allocation.

Article 49

The waters, which are used or implemented for commercial purposes or other allocations, can be reallocated for the needs, stated in article 11 paragraph 1 line 1 of this Law.

Article 50

Both the legal persons who supply drinking water and the legal persons who provide drinking water from springs of their own, are obliged to disinfect the water and take measures which will provide for a continual and regular examination of the water quality, for healthy state of the water and of the objects and engines used for supplying water. The resulting data should be submitted to the Ministry of Health.

The Minister of health prescribes the manner of disinfection, the size and the methodology used for examination of the drinking water and he also determines a legal person, who has appropriate equipment and an appropriate expert team, which will analyze the drinking water.

Article 51

The waters which are used for or whose allocation is supplying the population with water, the industry which requires quality drinking water and the mineral waters which are used for drinking, must not contain substances which are hazardous and harmful to the peoples' health and from aspect of the physical, chemical, biological

and radiological characteristics they must correspond to the assigned conditions according to the regulations for medical regularity of the food products.

The Minister of health determines the limits, above which, the waters used for drinking must not contain harmful and hazardous substances.

Article 52

The quality and the abundance of the water in the springs, which are to be used or are already used for water-supply of the population and for food production, are protected by way of establishing and maintaining a narrower protective zone and one or more wider protective zones and by way of determining conditions for land cultivation, construction, use of the objects and performance of other activities in the protective zones, which can influence the quality and the abundance of the water in the springs.

As a narrower protective zone, in terms of this Law, is considered the immediate surrounding around the place for capturing drinking water, for water supply of the population and for food production, its border is determined, in particular, on the basis of both the abundance and the meaning of the spring, the configuration, the type and the content of the land and the vicinity of the populated areas.

As a wider protective zone, in terms of this law, is considered the wider area around the spring, in which the land cultivation, the construction and the use of the objects and other activities can have negative influence on the quality and the abundance of the water in the spring, its border is determined, particularly, on the basis of the size and the meaning of the spring, the hydrogeological state and the origin of the water in the spring.

The Minister of health in accordance with the minister for town planning, construction and environment protection and the minister of agriculture, forestry and water-economy, prescribes the manner of determining and maintaining the protective zones and the conditions for performing the activities from paragraph 1 of this article.

Article 53

The borders of the protective zones, the protective measures and other conditions are being determined by an elaborate prepared on the basis of the investigations and the results from the investigative work.

The protective zones from article 52 of this Law, are being determined by the municipality or the town of Skopje on whose territory is located the spring e.i. the protective zone, on a proposal from the legal person, which manages the spring.

If two or more municipalities or the town of Skopje, are being water-supplied by the same spring e.i. if the protective zones of the spring are located in two or more municipalities or in the town of Skopje, the government on a proposal from the legal person who manages the spring, determines the protective zones.

Article 54

Due to limitation and conduction of control over the movement, the land of the narrower protective zone is being fenced and other necessary precautions are being undertaken as well.

The construction of objects or the related activities, apart from the construction of reservoirs, inner roads and other objects, necessary for supplying water, is prohibited on the land in the narrower protective zone.

The land in the narrower zone, which is privately owned, is susceptible to expropriation.

Article 55

In the wider protective zones of the springs it is prohibited to cultivate the land, construct and use objects or perform other activities in a manner, which is not in accordance with the prescribed conditions.

If there are damages, resulting from the limitations of the right to the use of the land, the owners of the land from the wider protective zone, have a right to compensation, according to the expropriation regulations.

Article 56

The technical documentation, which is being submitted along with the request for a water-economy consent for construction of new and reconstruction of the current water-economy objects and engines for capturing drinking water, besides the elements from article 31 paragraph 2 of this Law, must contain the following data as well:

1. The present and the future necessary quantity of drinking water;
2. The abundance of the spring
3. The quality of the water has to correspond to the prescribed conditions for drinking water and
4. Project decision for the object, which corresponds, to both the prescribed conditions for construction and the measures for providing protection of the spring.

Article 57

If it comes to shortage of drinking water, due to which, there can not be satisfied the needs of all the users of drinking water, the legal person, which supplies water, can temporary limit or prohibit the use of drinking water to certain users, but only after it has previously informed the users of that particular area in a time period of 24 hours.

6. Protection against harmful water activities

6.1. Protection and prevention against floods

Article 58

For the purpose of protection against the harmful water activities, the municipality e.i. the town of Skopje, on a proposal from the water-economy, brings a plan for prevention against harmful water activities. The plan anticipates preventive measures, construction of protective objects and engines as well as other activities for protection (construction of banks, accumulations, floods and river regulations, protection of the land against erosion, forestation etc).

If the flood endangered area spreads over two or more municipalities, the municipalities shall bring plan for prevention against harmful water activities, on the basis of an agreement.

The plan from paragraph 1 of this article is being brought after a previous consent from both the Minister for Agriculture, Forestry and Water-economy and the Minister of Defense.

Article 59

For an immediate protection and prevention against floods, the municipality e.i. the town of Skopje, brings an operational plan for protection and prevention of the flood endangered areas.

If the flood endangered area spreads over two or more municipalities, the operational plan for protection and prevention against floods of the flood-endangered areas is brought by the municipalities themselves, on the basis of an agreement.

The operational plan for protection and prevention against floods contains, in particular, the following: topographical, hydrological, hydrotechnical, demographical, commercial and other bases and data, borders of the endangered area, activities and measures, which are being undertaken and executed before the danger and during the prevention from floods, and bodies in charge of protection and prevention from floods.

With the operational plan from paragraph 1 of this article there are anticipated operational measures and other activities for protection and prevention from floods and the needed means for their execution.

The water-economy is included in the execution of the operational plan along with other legal and physical persons from the endangered area.

The legal and the physical persons, whose objects, engines and properties are protected against floods, are not entitled to compensation for the caused material expenses, except for, the damages caused by an intentional release of water in the defended area for the purpose of preventing greater damages.

A sample from the operational plan from paragraph 1 of this article is being submitted to both the Ministry for Agriculture, Forestry and Water-economy and to the Ministry of Defense.

Article 60

If the measures, provided by the operational plan from article 59 paragraph 1 of this Law, are insufficient for the removal of the danger, the body, which manages the defense against floods, as determined by the operational plan, can order other necessary measures, as well.

Article 61

In a state of emergency, it can be allowed for water to be released in the protected area by way of intersection of banks or in another way in order to prevent e.i. lower the damages.

A decision for release of water in the protected area is brought by the body managing the defense against floods as determined by the operational plan from article 59 paragraph 1 of this Law.

Article 62

The Public Water-economy company and other legal persons which manage banks, accumulations and protective banks, are obliged to use these objects in a

manner that provides for both acceptance of the flood waves and protection from cataclysms.

Article 63

The water-economy company and other legal persons from article 42 of this Law, are obliged to inform the Republic weather bureau about the state of both the level and the quantity of the accumulated water in the accumulations as well as about the water quantity which is being realized from the them.

In a case of danger resulting from tearing down of dams, breaking through protective banks and release or spill over of greater water quantities, the public water-economy and other legal persons from article 62 of this Law are obliged to inform and alert the population from the endangered area.

The Minister of Agriculture, Forestry and Water-economy in accordance with the Ministry of Town Planning, Construction and Environment Protection, form a regular operational body which will coordinate activities in cases as described in paragraph 2 of this Law.

The report on the state from paragraph 1 of this article is made according to methodology, which is brought by the Minister of Agriculture, Forestry and Water-economy on a proposal from the Republic weather bureau.

Article 64

During danger from floods, the body, managing the defense from floods, is obliged to inform the supervisory bodies for defense from floods of the downstream areas about all the changes and measures which are being undertaken in that area, and which are of importance to the defense of those areas, as well as to cooperate with them.

Article 65

Before the formation of water stands, which will be critical, for the protected area, the Republic weather bureau is obliged to inform the Republic center for informing and alarming and to give prognosis about the time of the tide and the height of the flood waves.

Article 66

The municipalities and the town of Skopje, the public water-economy company or other legal person, who manages the object, are in charge of maintaining the objects for protection and defense from floods in a state of function.

The users of both the accumulations and the retentions are obliged to use these objects in a manner that enables acceptance of the flood wave.

Article 67

For the purpose of preventing damages to the protective water-economy objects and engines, it is prohibited:

1. To construct or perform other activities which can endanger the stability of the defensive banks, to dig out land, to plant trees and bushes, to pound stakes

- or build fences, unless they are a part of the system for defense against floods;
2. To dig out and drill wells at a distance less than 20 meters from the protected banks;
 3. To dig out tunnels and parallel channels along the bank at a distance closer than 10 meters from the inner and 10 meters from the outer side of the bank;
 4. In the zone of the defensive bank and other defensive water-economy objects and engines it is forbidden to cut trees and bushes, which are part of the protection, the protective activities and measures, unless otherwise determined by the plan for maintenance of the protective objects and engines.
 5. To release domestic animals for the purpose of grazing and crossing over or along the protective objects, unless otherwise determined by the plan for maintenance of the protective objects and engines;
 6. To let traffic along or across the protective water-economy objects and engines, apart from areas specifically determined for it (natural ramps);
 7. To dump waste, ground and other materials that can encumber the channels;
 8. To release polluted waters;
 9. To open or close hydrants without an authorization;
 10. To conduct activities which may change the conditions for measuring water on hydrometric profiles at the hydrologic stations;
 11. To conduct activities which may endanger the stability of the dame, the defensive banks and other protective water-economy objects and engines or their allocation, or change the natural conditions in the environment, which can lead to sliding of the ground, erosion or creation of dry-beds or floods;
 12. To build cross-banks, baffles and other objects in the river beds of the water streams, which deteriorate the water regime;
 13. To dig out sand, gravel, stones etc. from the water-economy objects and engines, unless otherwise determined by the plan for their maintenance; and
 14. To perform other activities, damaging to the protective water-economy objects and engines.

Article 68

For the purpose of protecting the riverbeds and the banks of the natural water streams, lakes and accumulations, it is prohibited:

1. To dig out gravel, sand and stones from the river beds and the banks of the natural water streams, if that deteriorates the regular water regime, causes erosion and limits or disables the implementation e.i. the use of the water;
2. To change the direction of the water stream without an approval from the republic administration for water-economy;
3. To dump waste material, (industrial, communal and other), ground, rubbish, waste etc;
4. To execute other activities damaging to the river beds and to the banks of the water streams, the lakes and the accumulations and
5. To cut down trees and destroy other vegetation in the riverbeds and on the banks of the water streams, lakes and accumulations without an approval from the public water-economy.

Article 69

A river bed of a regulated water stream, in terms of this Law, is the space between the coastal objects (banks, waterfronts etc) in which water runs constantly or temporary.

A riverbed of a regulated water stream, in terms of this Law, is the space between the touching borders of a fifty-year old water.

A coastal zone of a water stream outside populated areas, in terms of this Law, is the zone, 50 meters in width, behind the bank for the regulated water streams, e.i. behind the touching line of the fifty-year old water for the unregulated water streams and in the populated areas the width of the coastal zone is determined by the municipality e.i. the town of Skopje.

A coastal zone of a lake and of accumulations, in terms of this Law, is the zone, fifty meters in width, from the line of the highest determined water level.

Article 70

The access to the coastal zone of a water stream, lake and accumulations, for sport, recreation and the like, is free and the use of the land, the construction of objects and the execution of other things in the coastal zone of an urban area is regulated by the municipality e.i. the town of Skopje unless otherwise determined by law.

6.2. Protection from erosion and regulation of floods

Article 71

Erosion, in terms of this law, is disintegration of the land and dispersion of the particles under the influence of the water, in a size, which degrades the surface of the land.

An erosive area, in terms of this law, is the area on which there are visible traces of erosion and where the land surface is degraded.

An erosion endangered area, in terms of this Law, is the land on which there are not yet visible traces of erosion, but where erosion can emerge as a result of an inappropriate use of that or the surrounding land and the agricultural and forest crops.

Article 72

Torrents, in terms of this Law, are the water streams with steep fall, with sudden and fast waters, that carry and precipitate blown away or chipped off parts of land, sand, gravel and other materials from the higher to the lower areas while the waters with deposit spread without control over the fields or flow into the natural or artificial recipients.

Article 73

Width of the torrential riverbed, in terms of this Law, is the space, along which, run the highest torrential waters.

Length of the torrential riverbed, in terms of this Law, is the space from the place of accumulation of the torrential flow to the place of deposit e.i. the flow into the recipient.

Bank of the torrential riverbed with the landfalls and the landslides, in terms of this Law is the space from the lowest point of the torrential riverbed to the upper edge of the landfall e.i. the plain of the landslide.

Coastal zone of the river bed, in terms of this Law, is the width of the zone, 100 meters horizontally at the most right and left from the upper edges of the landfalls e.i. the plain of the landslide.

Article 74

On the basis of a technical documentation, the municipality and the town of Skopje determine the borders of both the erosive area and the area endangered from erosion, determine the measures and the activities for protection of the land from erosion and for regulation of the torrents.

Article 75

Protective measures and activities for regulation of the erosive areas and areas endangered from erosion are the following:

1. Forestation, planting of grass and terracing (by contour trenches, bricklaying etc);
2. Filling up of furrows and trenches;
3. Ban on pruning, cutting and digging out of trees and bushes and
4. Ban on letting animals to graze.

Article 76

Along with the regulation of the torrents, the eroded areas in the basin are regulated as well.

With the technical documentation for the regulation of the torrents there are being determined the banks and the coastal zone of the torrential riverbed from the place of accumulation to the place of deposit e.i. the flow into the recipient.

The protective objects, which are on the surface of the banks and on the place of the deposit e.i. , the flow into the recipient, are managed by the public water-

economy company or other legal person who regulates the torrent or manages those objects.

Article 77

In the hill-mountain areas, the cutting of the trees must be done in a way, which provides protection from erosion.

The managing of the flows in the accumulations and in the hydro-reclamative systems, then the managing of both the forests, serving as protection against erosion, and the protective vegetation, in the coastal zones of the forest water streams, is being done according to the Law on forests.

Article 78

The legal and the physical persons, who with their own behavior e.i. by an inappropriate cultivation of the areas or by other activities, create erosion and cause damages to other objects, as well are obliged to undertake protective measures for prevention of erosion and compensate the caused damages.

6.3. Protection and improvement of the water regime by taking out of sand, gravel and stones

Article 79

For the purpose of protecting and improving the water regime, sand, gravel and stones are being taken out from the riverbeds of the water streams, lakes and accumulations.

Sand, gravel and stones are being taken out on the basis of a license.

With the license from paragraph 2 of this article there are being determined the location, the quantity, the manner, the time, the objects and the means for taking out, loading and transport of sand, gravel and stones.

The license from paragraph 2 of this article is registered in the book on waters.

Objects and means for taking out, loading and transport of sand, gravel and stones are: shovels, pricks and other manual objects for digging out and loading, automatic and motor loaders, team and motor vehicles, with or without a carrier, which can transport deposit material.

Article 80

The license for digging out sand, gravel and stones is issued by the Republic administration for water-economy on a request from the user.

The license for digging out sand, gravel and stones from the natural lakes is issued after a previous opinion from the Ministry for Town Planing, Construction and Environment Protection.

Article 81

Along with the request for license for taking out sand, gravel and stones from article 80 of this Law, a technical documentation is being submitted as well, which contains the following:

- for the water streams: hydraulic and hydraulic analysis for the large and small waters and for the underground waters, terrace, level, hydraulic profile of a water stream river bed or a part of it, which presents one regulation unity, the quantity of the deposit and the rest which is of importance to the protection and improvement of both the nature and the environment and
- for the lakes and the accumulations: the oscillatory regime of the water level, the deposit quantity, the influence of the coastal stability and everything else that is of importance to the water regime and to the protection and the improvement of both the nature and the environment.

Article 82

The public water-economy company performs the taking out of sand, gravel and stones from the riverbeds and banks of the water streams, lakes and accumulations.

Under exception from paragraph 1 of this article for the area where the public water-economy company can not execute taking out of sand, gravel and stones, the taking out can be allowed to another legal person, under the conditions determined by this Law.

Article 83

The Public water-economy company and other legal persons, who have acquired license for taking out sand, gravel and stones, are obliged to keep a journal, in which, in particular, is registered, the quantity of the sand, gravel and stones, which were taken out, the location and the time.

The Minister of Agriculture, Forestry and Water-economy determines the form and the manner of keeping the journal from paragraph 1 of this article.

Article 84

For taking out sand, gravel and stones from the riverbeds and banks of the natural water streams, lakes and accumulations compensation has to be paid.

By an exception from paragraph 1 of this article, compensation is required if the sand, gravel and stones, which have been taken out, are used for construction and maintenance of protective water-economy objects, objects from the area of the defense and public objects whose investor is the local community.

7. Protection of the waters from pollution

Article 85

Both the categorization and the classification of the waters, lakes, accumulations and underground waters determine the use of the water for certain purposes.

With the classification of the waters, depending on their level of pollution, the waters are being classified into classes and there are being determined the characteristics of the waters and the purposes for which they will be used.

With the categorization of the water streams, lakes, accumulations and underground waters, it is being determined the quality of the water for a separate class of water in a water stream, water stream section, lake, accumulation and underground waters.

The Government of the R.Macedonia is determining the classification and the categorization of the water streams, lakes, accumulations and underground waters.

The class and the categories of the international waters are being determined according to the international agreements.

Article 86

In order to preserve and improve the quality of the waters, the same are protected against pollution by way of preventing the disposal of dangerous and harmful materials in quantities which cause unfavorable changes to both the structure and the qualities of the water.

Dangerous materials, in terms of this law, are the materials, which in certain quantities and concentrations may endanger the lives and the health of the people, the fish, the animals and the plants.

Harmful materials, in terms of this Law, are the materials which cause changes to the physical, chemical, biological and bacteriological contents and qualities, as well as to the radiological characteristics of the waters to a degree which may limit or disable their implementation or use for certain purposes.

The Protection of the waters from pollution is being done in accordance with the National action plan for environment protection of the R.Macedonia and the action plans for both protection and improvement of the environment and of the nature in the municipalities and the town of Skopje.

Article 87

In order to prevent the disposal of materials which can cause changes to the chemical, physical, biological and bacteriological structures and qualities as well as to the radiological characteristics of the water, which will limit or disable its implementation or use for a certain purpose, the legal and the physical persons who release waste waters, are obliged to build objects and engines for purification of the polluted waste waters.

Article 88

Depending upon the conditions and the characteristics of the water streams which are to accept waste waters (recipients), such as: the degree of their pollution, the prescribed category and other conditions as well as for enabling protection of the waters, the Republic administration for water-economy can undertake the following measures:

1. Limit or prohibit dispose of dangerous materials in the waters;
2. Limit or prohibit dispose of both harmful materials and polluted waters in the waters;
3. Prohibit disposal of dangerous and harmful materials at a place from where the waters can be polluted.

The Minister of Agriculture, Forestry and Water-economy in accordance with the Minister of Town Planning, Construction and Environment Protection, prescribes norms for the maximally allowed assets or concentrations of harmful and dangerous materials in the waste waters (effluent norms) which may be disposed in the water, on the part of the legal and physical persons.

Article 89

The legal and the physical persons are forbidden to:

1. Release materials in the waters, lakes, accumulations and underground waters which may cause contagious and virus diseases;
2. Use abandoned wells as septic pits;
3. Release and dispose mineral oils, oil compounds and other waste from the banks and the floating objects in the water streams, lakes, accumulations and underground water;
4. Release wastewaters and other substances in a public sewerage, which can disable the purification of the water from the sewerage or damage the sewerage itself;
5. Dispose industrial, mining, geothermal and other polluted wastewaters under the ground, unless they have been previously purified to a satisfactory level, which is being determined by a water-economy consent e.i. by a water-economy license and
6. Release used water, whose temperature is above 27 degrees Celsius, in the water streams, lakes and accumulations.

Article 90

The Minister of Health, for the purpose of protecting the health of the people, can prohibit the use or the implementation of drinking water, in cases and under conditions as prescribed by the regulations for health correctness of the food products.

The Minister of Health in accordance with the Minister of Agriculture, Forestry and Water-economy can prohibit the use or the implementation of the waters for bathing, sport and recreation.

The Minister of Agriculture, Forestry and Water-economy in accordance with the Minister of Health can prohibit the use or the implementation of the waters for irrigation and watering of animals.

Article 91

For the purpose of determining both the level of pollution and its harmful influence on the water quality in the recipient, the industrial, atmospheric, communal, and the waters from the dumps and other waste waters in the basin area, the Republic weather bureau establishes and conducts a cadastre of the potential water polluters as well as of the objects used for protection of the waters.

The cadastre data from paragraph 1 of this article is a part of both the cadastre and the chart of the polluters of the air, the waters, the protected parts and objects of the nature and of the pollution and the degradation of the land on the territory of the R.Macedonia.

The content, type, size and manner of conducting the data in the cadastre are being determined by methodology, in accordance with the Law on protection and improvement of both the environment and the nature.

Article 92

The Republic weather bureau observes the water pollution state, executes early disclosure of possible destructive pollution of the waters and conducts systematic investigation of the quality of the water in the water streams, the natural lakes and accumulations, the underground waters and the waters which are being used in the irrigation systems.

The type of observation, the methodology and the parameters for measuring and following of the changes and the conditions of the water quality are being performed according to a plan which in itself includes a Plan for development of the information system for protection and improvement of both the environment and the nature.

The Ministry of Agriculture, Forestry and Water-economy brings the Plan from paragraph 2 of this article on a proposal by the Republic weather bureau.

Article 93

The Republic weather bureau is obliged to continually submit data on the state and the changes of the water quality to the Ministry of Agriculture, Forestry and Water-economy, the Ministry of Health and to the Center for processing and use of the data on the observation of the quality of both the environment and the nature in the Ministry for Town Planning, Construction and Environment Protection.

In a case of a destructive pollution, the Republic weather bureau is obliged to continually follow the wave of the destructive pollution along the flow of the water stream and to report to the administration bodies from paragraph 1 of this article in the course of the same day e.i. up to 24 hours at the latest.

Article 94

The legal and the physical persons, who, in the course of their activities, have to release waste waters into recipients, are obliged to install measuring equipment, to measure and register the quantities and the characteristic indicators of the quality of the waste waters and to report to the Center for use and processing of data on the

quality of both the environment and the nature in the Ministry for Town Planning, Construction and Environment Protection as well as to the Republic weather bureau .

The legal and the physical persons from paragraph 1 of this article are obliged to keep a diary on the work of the equipment for purification of the waters and to adopt general acts about both the work and the maintenance of the equipment for purification of the waters.

Article 95

The legal and the physical persons are obliged to conduct continual analysis of both the qualitative and quantitative state of the effluent before releasing it into the recipient and to register and submit the data to the Republic weather bureau.

In a case of suspicion of the submitted data on the analysis from paragraph 1 of this article, the Republic weather bureau is obliged to ask for superanalysis.

A legal person who has appropriate equipment and appropriate expert team for conducting such an analysis executes the superanalysis from paragraph 2 of this article.

If the superanalysis determines that the legal and the physical persons from paragraph 1 of this article, release dangerous and harmful substances above the permitted limits into the recipient, the Republic weather bureau is obliged to conduct control investigations at least twice a month at the expense of the legal and the physical persons who release harmful and dangerous substances.

Article 96

If the waters in the water streams decrease to a quantity, which can lead to an increased pollution of the waters, the Minister of Agriculture, Forestry and Water-economy can order for release of additional water quantities from the accumulations while the danger from pollution lasts.

7. Hydrosystems

Article 97

A hydrosystem, in terms of this Law, is a hydro-technical or organizational and technical unit which encompasses water-economy objects and engines, which regulate the water regime and provide and supply water for the needs from article 11 of this Law, as well as for objects for eduction of waste waters, protective objects and objects for dragging away of redundant, surface and underground waters.

Basic objects of the hydrosystem are the objects, which regulate the waters and the water regime and conduct balance of the waters.

The basic objects from paragraph 2 of this article are being determined by a decision from the Minister of Agriculture, Forestry and Water-economy on the basis of an investment- technical documentation, according to which the hydrosystem is being built or it is already build.

Article 98

The Public water-economy company or other legal person, who manages the parts of the hydrosystems, is obliged to keep the objects and the engines of the

hydrosystems in a state of function and to eliminate all defects which may appear in the course of their exploitation.

Article 99

Users of water from the hydrosystems are the legal and physical persons, who by an investment technical-documentation for construction of a hydrosystem, are anticipated to use water or their land or objects are being educted by those hydrosystems.

Apart from the users from paragraph 1 of this article, a water user can be also another legal or physical person, after a previous agreement with the legal person who manages the hydrosystem and after a previous consent from the Republic administration for water-economy.

Article 100

The water supply for the users of the hydrosystem is considered as provided, according to the yearly plan for distribution of the available water quantities, when the constructed objects and engines bring water to the place of outflow or a hydrant, for the irrigation of the agricultural and other land, or bring water to the engaged attachment, for supply of the population, the industry and other needs.

In a case of an insufficient water quantity for all the purposes anticipated with the investment technical documentation, a priority is being given to the water supply of the population.

Article 101

The legal and physical persons who use water from hydrosystems are obliged to install equipment for measuring of the used water and to register and report the water needs for the following year, by the 30th of October of the current year, at the latest.

8.1. Dams and accumulations

Article 102

A dam, in terms of this Law, is a water-economy object with which it is created a space for accumulation of water or other liquid substance.

Article 103

The dams, whose accumulations are above populated areas, traffic arteries or economic objects or other objects of common interest, are under special control and are of importance to the defense.

Article 104

Along with the space of accumulation, which is created with the construction of a bank from article 102 of this Law, it is also mandatory to provide for a space for acceptance of the great floods and a space for provision of water for the economic and other needs, as prescribed in the water-economy basis.

Article 105

For the purpose of protecting the accumulations from filling up with deposit material, in the flow area, upstream from the bank, it is being conducted timely and efficient regulation of the torrents and the surfaces affected by erosion, according to the elaborate which is a part of the investment- technical documentation for construction of the bank.

The protective activities, according to the elaborate from paragraph 1 of this article, which are anticipated to be done by forestation, have a priority in the plan for forestation of the openings.

Article 106

The Public water-economy company or other legal persons who manage dams and accumulations are obliged to establish and to follow the deposit in the accumulations continually and to undertake additional measures for its prevention.

Before the first filling up of the accumulation space begins, the investor is obliged to:

- register the current state of the underground and natural sources of water, the configuration of both the area and the regular objects in the nearby zone, upstream from the bank, in which there could be changes, resulting from the water in the accumulation and
- to clear up the cites in the accumulation space, anticipated for sport and recreation, from trees, branches, remains of objects and the like.

The manner of registration, the intermediate zone and the objects for sport and recreation from paragraph 2 of this article are being determined by the elaborate that is a part of the investment-technical documentation for construction of the bank.

Article 107

The Public water-economy company or other legal person who manages the dams from article 103 of this Law is obliged to coordinate the regime of filling up and emptying of the accumulations, with the economic needs, the needs of the defense and to provide guaranteed minimal flow in the water stream, downstream from the bank.

The regime of filling up and emptying of the accumulations, the space for acceptance of the flooded waters, as well as the release of the minimal water quantities for provision of the guaranteed flow, downstream from the bank, are being determined by a water-economy license.

Article 108

The Public water-economy company or other legal person who manages the dams from article 103 of this Law is obliged to perform technical observation, measuring and investigation of all the elements with which it is being followed and determined the state of the banks as a whole, certain parts of it, the vital equipment and engines, the supply-eductive systems (accompanying objects), the

state and the configuration of the terrain in the bank zones and in the accumulation areas, the terrain upstream from the dam etc, from the aspect of both the stability and the waterproofness of the banks, then the security of the upstream area, the technical observation and measuring of the filling up of the accumulations with deposit and to keep the data on these elements for good (hereinafter: technical observation).

The technical observation of the banks from paragraph 1 of this article is being done according to a project for technical observation and a plan for execution of the activities, as determined by the regulations from article 106 of this Law.

Article 109

The technical documentation for construction of a bank from article 103 of this Law must contain a project for technical observation of the bank and the accumulation space as well as a project on the consequences from a sudden tearing down or spill over of the bank, on which there should be executed a mandatory survey and appraisal (a revision).

Article 110

The Public water-economy company or other legal person who manages the dams from article 103 of this Law, is obliged, on the basis of the data on the technical observation, to prepare, at least once a year, a special elaborate for analysis and appraisal of both the stability and functionality of the banks with the accompanying objects as well as for the stability of the terrain around the banks and the accumulations.

The elaborate from paragraph 1 of this article for the following year, is being prepared until the 30th of March in the current year, at the most and it must contain concrete suggestions for execution of activities and undertaking of measures with a deadline for their execution.

A sample of the elaborate from paragraph 1 of this article is being submitted to the Republic administration for water-economy.

If in the course of the technical observation or preparation of the elaborate from paragraph 1 of this article, there are being disclosed or determined deficiencies which can endanger the stability of the dam with the accompanying objects, the public water-economy or other legal person who manages the dam is obliged to inform the Republic administration for water-economy immediately.

Article 111

The Public water-economy company or other legal person who manages the dams from article 103 of this Law is obliged to secure, inform and alarm in case of danger which can come as a result of the tearing down or spilling over of the bank.

The system for informing and alarming of the dam is connected to the system for informing and alarming of the R.Macedonia, the municipalities and the town of Skopje whose territories are potentially endangered in a case of tearing down or spilling over of the dam.

Article 112

The Public water-economy company or other legal person who manages the dams from article 103 of this Law is obliged to prepare and keep documentation on the consequences from an eventual sudden tearing down or spilling over of the dam, to mark the touching lines of the flood waves on the terrain and to keep those marks in a proper condition, to install equipment for informing and to maintain it in a proper condition and to alarm the population and the legal persons on the potentially endangered areas.

In the documentation from paragraph 1 of this article there are being determined the limits of the water levels in the accumulations at which, in a case of an eventual tearing down of the dams, there would not be harmful consequences for the downstream areas (security limits of the accumulations) and the time, during which, these security measures could be achieved.

If on the water stream or its tributaries there are more dams (dams in a row), the public water-economy company or other legal person who manages the dams in a row is obliged to prepare and keep documentation on the consequences from an eventual sudden tearing down or spilling over of both certain dams and more dams, as well as to determine the security limits of the accumulations.

Article 113

The Public water-economy company or other legal person who manages the dams from Article 103 of this law is obliged to submit a sample of the documentation on the consequences from an eventual sudden tearing down or spilling over of the dams to the Republic administration for water-economy and the Ministry of defense, at least 30 days before the trial filling up of the accumulation.

Article 114

For the purpose of determining the dams from article 103 and for conducting an expert evaluation of the elaborates from article 110 of this Law, the Minister of Agriculture, Forestry and Water-economy forms an expert team for dams.

On a proposal from the committee from paragraph 1 of this article, the Minister of Agriculture, Forestry and Water-economy in accordance with the Minister of defense determines the dams from article 103 of this Law.

Article 115

The Public water-economy company or other legal person who manages the dams which are not encompassed with article 103 of this Law, are obliged to establish and organize a minimal technical observation of the dams together with the accompanying objects and accumulations.

The manner of observation from paragraph 1 of this article should be determined by the technical documentation for construction of the dam in accordance with the closer regulations from article 116 of this Law.

Article 116

The Minister of Agriculture, Forestry and Water-economy prescribes:

- the manner of following the deposit in the accumulations and
- the minimally requested activities and measures for technical observation of the dams from articles 103 and 115 of this law.

8.2. Hydro-reclamative systems

A hydro-reclamative system in terms of this Law, is a hydrotechnical or organisational-technical unit made up of water-economy objects and engines, for provision and supply of water for irrigation of agricultural and other land (irrigation system), and objects and engines for acceptance of superfluous, surface, underground and other waters and their dragging off to a recipient.

A hydro-reclamative system can be a part of a hydrosystem or it can stand alone –for one purpose only.

The hydro-reclamative systems include basic objects and engines, detailed channel network and protective objects which are being determined by an investment –technical documentation for construction of the system.

The limits on the land, which on the basis of an investment-technical documentation, are being encompassed in the hydro-reclamative irrigation and eduction system, are entered into the registration from article 47 paragraph 2 of this Law.

Article 118

The users of water from the hydro-reclamaitive irrigation system, for the purpose of preparing a yearly irrigation plan, are obliged to report the agricultural crops which are going to be planted on that land in following year, to the public water-economy, by the 30th of October in the current year, at the latest.

Article 119

With the yearly irrigation plan, brought by the public water-economy company, it is being done both distribution and delivery of the available water quantities to the users and are being determined the territories, for which there is being supplied water for irrigation, as well as the manner and other conditions for use of the water.

The public water-economy company, is bringing the plan from paragraph 1 of this article by the 30th of November in the current year, at the latest.

In cases of drought, the public water-economy company can make changes in the plan from paragraph 1 of this article, by the 1st of March in the current year, at the latest.

Article 120

The users of water from the hydro-reclamative irrigation systems are obliged to follow the irrigation plan, the distribution and delivery of the available water quantities for irrigation and must not release water on their own will.

Article 121

The owners, e.i. the users of the land may not, at the expense of the neighboring land, change the regular way, direction and quantity of the surface and underground waters that run naturally across, along or through their land or to dislocate a regular channel and furrow and prevent installation of pipes.

The owners and users of land are obliged to allow passage through that land to persons who perform hydrologic measurements and activities, filming, projecting and marking of land and to persons who work on reconstruction or maintenance of the water-economy objects and engines or manage those objects and engines.

III. MATERIAL BASIS FOR CONDUCTING WATER- ECONOMY ACTIVITIES

1. Water fund

Article 122

For the purpose of protection from harmful water influences, undertaking measures for execution of certain activities for protection of the waters against pollution, making of studies, plans, water-economy bases, water balances, participation in the maintenance of the basic objects of the hydro-reclamative systems, participation in the construction of the water-economy objects and engines for both irrigation and education, the obligations from the international contracts and conventions and the specialization of the personnel from the area of the water-economy, there is being formed a fund for waters.

For execution of the activities from paragraph 1 of this article the Fund puts forward a Plan for improvement of the water-economy for the following year, by the 31st of December of the current year, at the latest.

The government of the R.Macedonia is approving the plan for improvement of the water-economy.

Article 123

The water fund (hereinafter: the fund) performs the following activities:

1. Brings plan for improvement of the water-economy;
2. Defines criteria and conditions for direction and apportionment of means;
3. Brings financial plan and yearly account;
4. Follows the realization of the plan for improvement of the water-economy from the aspect of the use of the means;
5. Adopts yearly statement on the work of the Fund;
6. Brings statute and other general acts of the Fund and
7. Other activities determined by law.

Article 124

The Fund is a legal person.

Article 125

Bodies of the Fund are: a managing board and a director.

Article 126

The Fund's managing board consists of 9 persons appointed by the government of the R.Macedonia, for a period of 4 years.

The Fund's Managing Board elects a president, among its members, for a period of 4 years.

The fund's Managing Board submits a report on its work to the government of the R.Macedonia, at least once a year.

Article 127

The Fund's Managing Board brings:

- Statute and other general acts of the Fund;
- Plan and program for work of the Fund;
- Financial plan of the Fund;
- Yearly account of the Fund;
- Resolutions about the use of the means;
- Takes care about the realization of the plan for improvement of the water-economy and
- Resolutions for other activities as determined by Law and by the statute of the Fund.

Article 128

A director manages the fund.

The director of the fund is appointed and dismissed by the government of the R.Macedonia, for a time period of 4 years.

The director presents and represents the Fund.

Article 129

The Ministry of Agriculture, Forestry and Water-economy executes the Supervision on the legality and the work of the Fund.

Paragraph 2 has been declared null and void.

Article 130

The Fund has a statute.

Consent for the statute of the Fund gives the government of the R.Macedonia.

2. Resources and means of the Fund

Article 131

Resources of the Fund are:

- compensation for the waters;
- compensation for protection of the waters from pollution;
- compensation for taking out of sand, gravel and stones;
- lease for a public land, given under lease, which in the real estate cadastre is registered "under waters";
- means from the budget of the R.Macedonia;
- credits and
- other resources.

Article 132

A compensation for using waters pay:

- the employed in the public bodies and institutions, 0,20 % of their salaries. The calculation and the payment are being done by the payer during the payment of the salary;
- persons with free occupations (doctors, dentists, lawyers, journalists, notaries, engineers of patents, artists, accountants, revisers, bankruptcy managers and other person who are self-employed), 0,20% from the main part on which they pay personal income tax. The Internal Revenue Service does the calculation and the payment.
- Legal persons who produce electric power pay compensation for the used water for every produced kW per hour.
- Hydroelectric power stations 1,0% from the production price;
- Thermoelectric power stations 0,5% from the production price;
- The calculation and the payment of the compensation for the used water on the part of the legal persons from line 3 of this article is done by the production companies every 25th of the month for the previous month, according to the formular prescribed by the Ministry of Agriculture, Forestry and Water-economy.
- The legal persons from the area of the industry, apart from the thermoelectric power stations, for every used cubic meter of water pay 1,0% from the price of the water which has been determined by the public utility company, regardless of whether they are being supplied with water from a public or a water supply system of their own. The calculation, the repayment and the payment for the legal persons from the industry who are being supplied with water from a public water supply system is done monthly by the public utility company, and for the legal persons who are being supplied with water from a water supply system of their own, by the Public water-economy at the expense of the Water Fund;
- The households pay 1,0% of the determined price for every used cubic meter of water. The calculation, the repayment and the payment is done by the Public utility company;

- Owners of fish shops pay 3% per Kg of the fish sale price. The calculation, the repayment and the payment is being done by the Public water-economy, yearly and
- The legal and physical persons which are engaged in washing and separation of sand, stones, gravel etc. pay 1,0 % of the sale price for one cubic meter of separated sand, gravel and stone.

Article 133

Compensation for protection of the waters from pollution pay the physical and the legal persons, if in both the surface and underground waters, directly or indirectly release unpurified waste waters or waters with changing qualities and other waste substances, which deteriorate the quality of both the surface and the underground waters as well as the conditions for their use.

The height of the compensation from paragraph 1 of this article is being determined on the basis of a " unit of damage".

One unit of damage corresponds to a pollution of one equivalent citizen and it is estimated to 0,4% of the average salary in the R.Macedonia.

The payment for protection of the waters from pollution is being done by the public water-economy at the expense of the Water Fund.

The Minister of Agriculture, Forestry and Water-economy prescribes the manner of calculation of the unit of damage for the legal and physical persons from paragraph 1 of this article.

Article 134

Compensation for taking out sand, gravel and stones from the banks of the water streams, lakes, accumulations, torrents and other surfaces, which are registered as "under waters" in the cadastre, the companies and other legal persons, pay 5% of the determined price for the loaded material.

The price of the loaded material (sand, gravel and stones) is being determined by the Public water-economy.

Article 135

The means for the articles 132, 133 and 134 are being paid on the account of the Water Fund.

IV. A PUBLIC WATER- ECONOMY COMPANY

Article 136

For the execution of the activities from article 17 of this Law the government of the R.Macedonia founds a Public water-economy company.

The activities connected with the processing and deliverance of the drinking water, the education and purification of the waste waters and the education and release of the atmospheric waters from the populated areas, as well as with the activities for maintenance and use of the water streams in the populated areas, are being conducted by the public utility companies or other legal persons.

Article 137

The Public water-economy company adopts a status.

The government of the R.Macedonia gives consent for the statute of the Public water-economy company.

Article 138

The director of the Public water-economy company is being appointed and dismissed by the government of the R.Macedonia, for a period of 4 years.

Resources of means for the Public water-economy company for execution of water- economy activities

Article 139

Resources of means for the Public water-economy company are:

- means from the Water Fund;
- means from repayment of water used for irrigation and drainage;
- means from repayment of water from the hydro-systems, allocated for utility, industrial and other needs;
- the income from the taking out of sand, gravel and stones;
- from credits and
- from other incomes.

Article 140

The Public water-economy company provides means for maintenance and use of the hydro-systems e.i. the hydro-reclamaitive systems for irrigation and maintenance through:

- part of the Fund's means allocated for maintenance of the objects and engines for irrigation and drainage;
- the means for irrigation of the agricultural territories;
- the means for drainage of the agricultural, constructive and other land and for protection of the economic and other objects;
- means for use of the water for utility, industrial and other needs and
- other resources.

Article 141

The irrigation price consists of two parts:

- a part for provided supply of water (a constant part)
- and
- a part for delivered water (a changeable part)

The part of the price from line 1 of this article amounts to 10% from the average irrigation price for the hydro-reclamaitive system and it serves to cover part of the expenses which do not depend on the delivered water quantities e.i. on the size of the watered territories.

Article 142

The price for the use of the water allocated for utility, industrial, and other needs is being determined on the water quantities which are planned e.i. projected by the investment-technical documentation of the hydro-system.

Article 143

Basis for payment of provided supply of water for irrigation is hectare area.

Basis for payment of delivered water for irrigation is cubic meter of water, e.i. the norm for irrigation of a hectare area for a type of agricultural crop determined with the investment -technical documentation.

Basis for payment of water allocated for utility, industrial and other needs is cubic meter of water.

Basis for payment of water for drainage of the agricultural land is hectare area e.i. squire meter for drainage of the constructive and other land and for protection of the economic and other objects, encompassed with the hydro-reclamaitive system for drainage.

Article 144

The height of the price for articles 141, 142 and 143 by hydro-systems is formed by the Public water-economy company on the basis of a unique methodology for formation of the price.

The government of the R.Macedonia gives consent for the methodology from paragraph 1 of this article.

Article 145

The legal and physical persons who release used water in an object of the hydro-reclamaitive system for drainage are obliged to pay compensation by a cubic meter of released water.

The height of the compensation from paragraph 1 of this article is being determined by the methodology from article 144 paragraph 1 of this Law.

Article 146

The Public water-economy company is obliged to deliver quantities of water to the users, as reported and anticipated with the yearly plan for distribution of the available water quantities, according to purposes, users and time.

The Public water-economy company is not obliged to provide water for the users who have not reported their needs for water for irrigation on time.

Article 147

The deliverance of water will be ceased to the user who has not paid for the use of the water, has damaged the objects or has not fulfilled the rest of the obligations determined by this Law.

V. ASSOCIATIONS OF THE USERS OF WATER FOR IRRIGATION AND DRAINAGE

Article 148

The users of water, owners of agricultural and other land, can found associations of users of water for irrigation and drainage (hereinafter: associations), for the purpose of constructing small hydro-reclamative systems for irrigation and drainage of the land for a part of a flow, in accordance with the water balance and the plans for the development of the Public water-economy, after a previous consent by the Ministry of Agriculture, Forestry and Water-economy.

The association manages the water-economy objects from paragraph 1 of this article.

Article 149

By way of an agreement, the Public water-economy company can give parts of the regular detailed network of the hydro-reclamative system for irrigation and drainage and small irrigation systems, to the management of the association.

On the part, which it has received for management from paragraph 1 of this article, the association can, if necessary, annex, reconstruct or make improvements, which are for the benefit of the system.

The annexed and reconstructed systems from paragraph 2 of this article are a public property.

Article 150

The Association is a legal person and it is a non-profit association.

VI. CONCESSION FOR USING WATERS

Article 152

The water from the water streams and lakes can be given for use, for a definite time, with concession (approval) to a domestic and foreign, legal and physical person, in a manner and under conditions as determined by this and by the Law on concession.

Article 153

The water, as a natural resource, is given for use with concession for execution of the following activities:

- production of electric power;
- breeding fish in fish tanks and cages;
- lake traffic;
- tourism.

Article 154

The water can be given for use with concession to the concessionaires as long as they:

- do not endanger the public safety;
- do not destroy - endanger the nature;
- do not endanger the quality of the water;
- protect and improve both the environment and the nature;
- do not prevent the flow of the great waters and do not cause damages-floods on the coastal land;
- do not endanger and destroy the cultural-historical monuments and do not endanger the priority for the use of the waters as determined in article 11 of this Law;

Article 155

For the performance of the activities from article 153 of this Law, the water is being given on concession by way of an open competition.

Article 156

The time period of the concession is being determined in the agreement with which the water is being given for use.

The day on which the agreement for concession is signed marks the beginning of the concession.

Article 157

The concessionaire pays compensation for the use of the water.

The height of the compensation and the manner of payment are being determined by the agreement for concession.

VII. SUPERVISION

Article 158

The Ministry of Agriculture, Forestry and Water-economy performs the supervision over the conduction of this Law and the regulations brought on the basis of it.

The Minister of Agriculture, Forestry and Water-economy can cease the execution of a general act of the Fund, if the act is not in accordance with this Law, or with the Constitution, until a resolution from the Constitutional court of the R.Macedonia has been reached.

The water-economy inspectors are doing the supervisory inspection for the conduction of this Law.

Article 159

In the execution of the activities from the area of his work, the water-economy inspector has a right to:

1. Supervise all the water-economy objects and engines and other things which can lead to both quantitative and qualitative changes in the water regime;
2. Supervise the construction of the water-economy objects and engines, their use and manner of maintenance, for the purpose of having an insight in the realization of the conditions from the issued water-economy consents and licenses;
3. Supervise and inspect if there is a book on waters, a registration of the water-economy objects and engines, a registration of the agreements, the plans and other books and documentation of the Public water-economy company and other legal persons who conduct water-economy activities;
4. Order removal of the insufficiencies, which he has determined in the course of the supervision;
5. Order cessation of the construction of objects and engines which need a water-economy consent, if those objects are being constructed without a consent from the water-economy consent or if the construction is being done contrary to the issued water-economy consent;
6. Prohibit implementation, use and release of waters, if the implementation, the use and the release are being done without a license from the water-economy or contrary to it;
7. Cease, temporarily or permanently, all the activities contrary to the regulations of this Law, or a general act and order return in the previous state;
8. Inform the water-economy or other administrative bodies, which are in charge of the determined irregularities, about the irregularities and ask for intervention;
9. Prohibit taking out of sand, gravel and stones if that is being done without a license or contrary to it;
10. Order the owner or the user of the land to perform activities of reconstruction or maintenance of the water-economy objects and engines if the owner or the user act contrary to article 121 of this Law;
11. Have an insight in the documentation on technical observation and the rest of the prescribed activities and measures for the dams;
12. Have an insight in the construction of the dams from article 103 of this Law from the aspect of the water regime, maintenance and observation of the water regime and filling up and drainage of the accumulations and
13. Undertake other activities and measures for which it is authorized by law.

On a request from the water-economy inspector, the authorized person from the Ministry of Interia is obliged to participate in the execution of the activities from paragraph 1 of this article.

Article 160

The inspector puts together a minute book about the executed survey in which it is entered the finding on the state and the suggested measures.

The inspector submits the minute book from paragraph 1 of this article to the responsible person of the legal person who manages the objects and engines on which it has been executed a supervisory inspection.

The legal person who manages the objects and the engines is obliged, in a time limit of 10 days, after the submission of the minute book from paragraph 1 of this article, to review it and inform the water-economy inspector about the measures which have been undertaken.

The inspector orders the execution of the measures or the activities resulting from the minute book from paragraph 1 of this article with a decision in which it is also determined the time limit for the execution of these measures, unless they have been conducted according to the remarks determined in the minute book.

In cases where there is an immediate danger after the lives of the people or there are being caused substantial material damages, the water-economy inspector can order orally for removal of the immediate danger.

The water-economy inspector shall also issue a written decision, in a time limit of three days from the day of the oral order.

Article 161

The activities of the water-economy inspector are being executed by a graduated construction engineer, specialized in hydraulics, and with at least three years of work experience.

Article 162

During the conduction of the supervision, the water-economy inspector must have a legitimization, confirming that he is a professional, and he is obliged to show it if that is requested from him.

The Ministry of Agriculture, Forestry and Water-economy issues the legitimization from paragraph 1 of this article.

The Minister of Agriculture, Forestry and Water-economy will bring a closer regulation on both the formular and the manner of issuance of the legitimization.

Article 163

The water-economy inspector makes a decision on the removal of the determined irregularities.

Against the decision from paragraph 1 of this article, there can be made an appeal to the Ministry of Agriculture, Forestry and Water-economy in a time limit of 15 days from the day of the acceptance of the decision.

The appeal from paragraph 2 of this article does not delay the execution of the decision.

The water-economy inspector can delay the execution of the measures and the activities, determined with the decision against which it is being made an appeal, after an explained motion by the plaintiff, if that is not contrary to the general insert, and will not cause damage which will be difficult to compensate.

Article 164

The legal and the physical persons are obliged to enable the water-economy inspector to perform supervision over the activities in the area of the water-economy and over the documentation and to give the requested data, explanations and reports, which are of interest for a correct conduction of the supervision.

VIII. PENALTY PROVISIONS

Article 165

A person who fills up an accumulation or uses water from an accumulation without a license and by doing so endangers the lives of the people or causes damage to the property in greater proportions will be punished for the criminal deed with 1-5 years in prison.

Article 166

With a fine from 150,000 up to 30,000 denars will be fined a legal person if:

1. Constructs, reconstructs or annexes water-economy objects and engines, other objects and engines which have an influence over the water regime as well as for performing activities which can temporally, occasionally or constantly cause changes in the already established water regime, without acquiring a water-economy license, or contrary to the conditions in the water-economy license (article 27);
2. Uses water-economy or other objects and engines which have an influence on the water regime without a water-economy license or contrary to the conditions in the issued water-economy license (article 35);
3. Implements or uses water after the expiry date of his water-economy license (article 40);
4. Uses the waters contrary to article 48 of this law;
5. Does not participate in the defense against floods when that is determined in the plan for protection against floods (article 59 paragraph 5);
6. Uses the accumulations and the banks contrary to article 62 of this Law;
7. Performs activities contrary to the prohibition from article 67 of this Law;
8. Performs activities contrary to the prohibition from article 68 of this Law;
9. Does not conduct the protective measures and activities for regulation of the erosive area and the area endangered from erosion (article 75);
10. Takes out sand, gravel and stones without a license (article 79 paragraph 2);

11. Does not build objects and engines for purification of the polluted waste waters (article 87);
12. Does not execute the ordered measure from article 88 paragraph 1 of this Law;
13. Performs activity contrary to article 89 of this Law;
14. Does not install measuring equipment, does not measure and register the quality and quantities of the waste waters and does not submit the indicators to the Republic weather bureau (article 94 paragraph 1);
15. Does not conduct regular observation of the qualitative and quantitative state of the effluent, before realizing it into the recipient, does not keep regular evidence on the data and does not submit the data to the Republic weather bureau (article 95 paragraph 1);
16. Does not maintain the objects and the engines regularly and does not remove the defects, created in the course of their exploitation (article 48);
17. Does not install equipment for measuring of the used or implemented water and does not keep a proper and regular evidence (article 101);
18. Does not conduct regular observation of the deposit in the accumulations and does not undertake measures for its prevention (article 106 paragraph 1);
19. Does not execute the obligations from article 106 paragraph 2 of this Law before the first filling up of the accumulation;
20. Does not coordinate the regime of filling up and emptying of the accumulations with the economic needs, the needs of the defense and does not provide for a guaranteed minimum flow (article 107);
21. Does not establish and organize a technical observation according to article 108 of this Law;
22. Does not prepare an elaborate for analysis and evaluation of the stability of the functioning of the terrain around the banks and the accumulations (article 110 paragraph 1);
23. Does not organize and enable informing and alarming or does not connect to the system for informing and alarming (article 111);
24. Does not act according to the obligations from article 112 of this Law;
25. Does not act according to the obligation from article 113 of this Law;

For the violation from paragraph 1 of this article the person responsible will be fined with a fine from 30,000 up to 50,000 denars.

For the violation from paragraph 1 of this article item 10, along with the fine there could also receive a precautionary measure, confiscation of objects.

Article 167

With a fine from 150.000 up to 300.000 denars will be punished the legal person who:

1. Does not act according to paragraphs 2 and 3 from article 33 of this law;
2. Does not inform the users of water (article 42 paragraph 3);
3. Does not submit data about the consummation and the quantity of the released waters to the public water-economy company (article 45);

4. Does not keep evidence on the water-economy objects (article 47 paragraph 1 and 2);
5. Has not submitted a proposal for determination of the protective zones of the waterhole (article 53 paragraphs 2 and 3);
6. Creates erosion by its behavior, by improper cultivation etc (article 78);
7. Does not stick to the plans for irrigation and releases water at its own will (article 120);
8. Acts contrary to article 121 of this law and
9. Disables the water-economy inspector from conducting supervision (article 164);

For a violation from paragraph 1 of this article, the responsible person of the legal person will be fined with a fine from 10.000 up to 30.000 denars.

Article 168

With a fine from 10.000 up to 50.000 denars will be fined the physical person, who performs some of the activities from the articles 166 and 167 of this Law.

For a violation from article 166 paragraph 1 item 10, apart from the fine, the physical person could also receive a precautionary measure, confiscation of objects.

IX. TRANSITIONAL AND FINAL CLAUSES

Article 169

The water-economy basis of the R.Macedonia shall be brought in a time limit of five years from the day when this Law comes into force.

Until the bringing of the water-economy basis from paragraph 1 of this article, there will be implemented the regular water-economy basis of the R.Macedonia whose integral parts are: the studies and the rest of the documentation in connection with the integral development of the flow of the river Vardar and the floating road Danube-The Aegean Sea, as well as the cadastre of the natural springs, the cadastre of the wells and the pumps, the elaborate for the underground waters and the water-economy bases brought by the town of Skopje and by the municipalities.

Article 170

On the day when this Law comes into force, the regular water-economy companies, other legal persons and parts of the companies which conduct water-economy activity can not employ new employees, perform expropriation of the basic means, means of the republic and the municipal self-managing interest communities for water-economy and other property as well as to entrust with credits and obligations on other grounds.

Article 171

The real estate and the movable property which are at disposal of the legal persons from article 170 of this Law, on the day when this Law comes into force, become a public property.

The government of the R.Macedonia in the process of founding a public water- economy company for managing waters from 136 of this Law, can determine, with the act of founding, for certain parts of the regular water-economy companies, other legal persons and the parts of the companies which perform water- economy activities but which are not in function of managing the waters and are not a part of the system nor do they disturb the wholeness of the object (the system), to be exempt and constituted into separate legal objects and transformed according to the Law on transformation of companies with social capital.

With the act on exemption e.i. the founding of a public water-economy company from paragraph 2 of this article, there are also being regulated the issues related to the divisional balance, the rights and the obligations emerging from the mutual work and the issues related to both the number and the status of the employees.

Article 172

The regular water- economy companies, other legal persons and the parts from the companies, which perform water- economy activity, continue to work until the founding of the public water-economy company.

Article 173

The government of the R.Macedonia brings an act on founding of a Public water-economy company in a time limit of six months from the day when this Law comes into force.

The government of the R.Macedonia shall construct the Water Fund in a time limit of four months from the day when this Law comes into force.

On the day of construction of the water Fund there are being canceled the gyro-accounts of the Republic and the municipal self-managing interest communities for water- economy.

The balances of the means of both the Republic and the municipal self-managing interest communities for water- economy are being transferred on the gyro- account of the water Fund.

Article 174

The cases in an administrative procedure, which have been started and are not completed by the time when this Law comes into force, shall be completed according to the regulations which have been in force until the day when this Law comes into force.

For the water-economy consents and licenses for using water, which have been issued by the time when this Law comes into force, the legal persons are obliged to submit a request, in a time limit of two years from the day when this

Law comes into force, for the purpose of coordination with articles 152 and 157 of this Law.

Article 175

Closer regulations, anticipated by this law, shall be brought in a time limit of one year from the day when this law comes into force.

Article 176

Until the bringing of the regulations from article 175 of this Law, there shall be implemented the regulations which have been in force by the day when this Law comes into force.

Article 177

On the day when this law comes into force, the Law on the Waters (" Official Gazette of R.M. numb. 6/81, 31/87, 51/88, 20/90, 23/90, and (" Official Gazette of the Republic of Macedonia: numb. 83/92), The Law on the bases of the regime of the waters of interest for two or more republics, e.i. autonomous counties, and the Law on international waters become invalid. (" Official Gazette of the SFRY" numb. 2/74, 24/76).

Article 178

This law comes into force on the eight day from the day of its publication in the " Official Gazette of the Republic of Macedonia".

