

DOCUMENT WITH
RECOMMENDATIONS
FOR PUBLIC POLICIES

ANALYSIS OF THE LEGAL FRAMEWORK FOR LOCAL INSPECTION SUPERVISION

June 2026

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IMPRESSUM

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ABOUT THIS DOCUMENT



This document aims to present in a concise manner the results of the comprehensive legal analysis of substantive laws relevant to local inspectors, with a focus on the normative possibilities, obstacles and scope for normative improvement of legality and accountability in the functioning of local inspections.

The analysis does not cover misdemeanours and the compliance of misdemeanour provisions from sectoral laws with the Law on Misdemeanours. Therefore, procedural provisions and penal provisions, as well as the financing of inspection work, are excluded from the text.

In addition, the analysis does not cover the implementation of substantive provisions in practice.

FINDINGS



01



CONSTITUTION OF THE REPUBLIC OF NORTH MACEDONIA

The constitutional amendments in 2001 enabled a greater degree of decentralization of power, i.e., created the possibility for local self-government units to have greater autonomy in implementing their competencies, as well as supervision over them, in the event that the Republic has entrusted this by law. To that end, within the public services of the local self-government units (hereinafter referred to as: LSGUs), they have been provided with the possibility to independently establish appropriate inspections.

02



LAW ON LOCAL SELF-GOVERNMENT (2002)

According to the Law on Local Self-Government of 2002, as *lex specialis*, LSGUs can operate in all domains, whether explicitly stipulated in the law or not, except for those that are clearly within the competence of the state government.¹ The specific competences of LSGUs are complete and exclusive by default. They are carried out as a legal, independent and responsible regulation and performance of matters of public interest and local importance², set out by this or another law, and LSGU also carry out the supervision of these competences³. The competences shall not be revoked or limited, except in cases stipulated by law.

¹ Article 20, Law on Local Self-Government, "Official Gazette of the Republic of North Macedonia", No. 5/02 and 202/2024.

² Article 21, Law on Local Self-Government, "Official Gazette of the Republic of North Macedonia", No. 5/02 and 202/2024.

³ Article 22, paragraph 11, indent 12, Law on Local Self-Government, "Official Gazette of the Republic of North Macedonia", No. 5/02 and 202/2024.

The standard and procedures that LSGUs adhere to in the exercise of their competences, and the competences that LSGUs must mandatorily exercise, are stipulated by law.⁴

The Law also allows for the exercise of delegated state competences towards the local self-government units, but with mandatory compliance with the standards established by law while complying the principle of subsidiary liability.⁵ When it comes to supervision over the bodies of local self-government units for delegated matters within the competence of state administration bodies, then supervision over legality and supervision over efficiency are exercised.

According to the Law, the Council of the LSGU may establish public services or delegate the performance of certain matters of public interest and local importance to other legal entities or individuals.⁶ In both cases, the LSGU bears subsidiary liability for the performance of these matters of public interest and supervises them.

LSGUs may organize a municipal inspectorate for the purpose of carrying out inspection supervision over the performance of the works within their competence”.⁷ Thus an explicit distinction between the state and municipal inspectorates is made, linking the supervisory competence of LSGUs to the specific competence they have on their territory in the areas specified in the list of competences in the Law. The Council of the LSGUs shall monitor, control and evaluate the work of the inspectorates it has established.⁸

For more efficient and effective establishment and operation of the LSGU inspections, the Law provides for the possibility of inter-municipal cooperation to the end of realization of common interests and carrying out common tasks within their competence.⁹

⁴ Article 22, Law on Local Self-Government, “Official Gazette of the Republic of North Macedonia”, No. 5/02 and 202/2024.

⁵ Article 24, Law on Local Self-Government, “Official Gazette of the Republic of North Macedonia”, No. 5/02 and 202/2024.

⁶ Article 24, Article 36 and Article 2, paragraph 1, Law on Local Self-Government, “Official Gazette of the Republic of North Macedonia”, No. 5/02 and 202/2024.

⁷ Article 57, paragraph 2, Law on Local Self-Government, “Official Gazette of the Republic of North Macedonia”, No. 5/02 and 202/2024.

⁸ Article 57, paragraph 4, Law on Local Self-Government, “Official Gazette of the Republic of North Macedonia”, No. 5/02 and 202/2024.

⁹ Article 14, Law on Local Self-Government, “Official Gazette of the Republic of North Macedonia”, No. 5/02 and 202/2024.

03



LAW ON INTER-MUNICIPAL COOPERATION (2009)

The Law on Inter-Municipal Cooperation (2009) operationalizes in more detail the normative framework through which municipalities are able to unite and integrate their human, operational and financial capacities to form joint, more efficient administrative bodies, including local inspectorates, in order to achieve standardisation, ensure legality in operations and protect the local public interest of the citizens within the fields of competence of the LSGU. Simultaneously, the intention is to overcome the persistent problem of a lack of staff, finances and other resources in a large number of municipalities.

It is necessary to emphasize the degree of complexity of the issue of establishing inspection services as the result of inter-municipal cooperation. The councils adopt the decision to establish joint services or other forms of inter-municipal cooperation by simple majority¹⁰, while each mayor is responsible for monitoring the situation in their territory¹¹. The Law on Inter-Municipal Cooperation exhaustively lists the elements of the agreement for inter-municipal cooperation, with a stipulated material liability, proportional to the volume of work on behalf and for the account of each of the municipalities that formed it. However, particularly relevant are the principles of the network of responsibility of inspectors in the public administration system by applying the principles of hierarchy and subordination

04



LAW ON INSPECTION SUPERVISION (2025)

In general, the functioning of local inspection services is set out in the Law on Inspection Supervision (2025) (hereinafter: LIS), but also in all sectoral substantive laws that regulate matters within the competences of local self-government units and thus regulate the work of individual inspection services.

¹⁰ Article 4, Law on Inter-Municipal Cooperation, "Official Gazette of the Republic of North Macedonia", No. 79/09 and 241/24.

¹¹ Article 17, Law on Inter-Municipal Cooperation, "Official Gazette of the Republic of North Macedonia", No. 79/09 and 241/24.

Thereby, the matter of local inspections is regulated from all functional aspects: by determining the establishment, status, selection and responsibility of inspectors, determining their scope of work, i.e., competencies, financing their activity, the conduct, more precisely the performance of supervision, as well as the forms of supervision and possible forms of cooperation in order to achieve completeness in determining the factual situation and responsibility of the subjects of supervision. The system is mainly decentralized, in accordance with the single-tier local self-government, but with an established hierarchy and responsibility in the public administration system, where the central government controls and serves as a corrective to the legality and effectiveness of the units of local self-government and local inspection services.

ESTABLISHMENT, SELECTION AND RESPONSIBILITY OF INSPECTORS



According to the Law on Inspection Supervision (2025), the essence of inspection supervision consists of supervision over the implementation and application of laws and other regulations by state bodies, public enterprises, commercial companies, institutions, natural persons and legal entities.¹² The inspections in our country are organized in two levels, namely a) as state inspectorates for individual areas established as bodies within the ministries, and b) as inspection services organized as organizational units for performing inspection supervision in the state administration bodies, municipalities, municipalities in the City of Skopje and the City of Skopje in the form of a sector or department for inspection supervision.¹³ In addition, as mentioned above, in accordance with the Law on Local Self-Government, there is an opportunity, but not an obligation, to organize a municipal inspection service for performing inspection supervision over the operation within the competence of the LSGU.

The principle of operation of the inspections is identical, regardless of their place in the system, determined by law. The essential difference between these two groups lies in the supervision of the competencies regulated in the specific substantive laws in different fields and the territory they cover.

¹² Article 3, paragraph 1, item 2, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

¹³ Article 17, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

Two levels of inspection organization

State inspectorates

for specific areas established as bodies within the ministries

Inspection services

organized as organizational units for conducting inspection oversight within state administration bodies, municipalities, the municipalities of the City of Skopje, and the City of Skopje

The inspection services are governed either by a person from the state administration institution or the mayor of the local self-government unit within which the inspection service is established.¹⁴ The competences of the official/mayor who heads the inspection service are largely similar to those of the director of the state inspectorate. Hence, it can be concluded that the hierarchy and responsibility of the local inspection services are clearly established - towards the mayor of the municipality or, alternatively, the City of Skopje, which manages the inspection services. The Council of the LSGUs establishes the public services within the LSGUs and oversees their operation.

STATUS OF THE INSPECTORS AND REQUIRED QUALIFICATIONS



Regarding the status, according to the Law on Inspection Supervision (2025), inspectors have the status of administrative servants¹⁵, i.e., special civil servants¹⁶, according to the Law on Administrative Servants (2025), for which the Law provides for the possibility of stipulating special conditions for filling the positions of special civil servants with special laws.¹⁷ This legal difference in terminology should be subject to harmonisation, as it creates legal uncertainty.

The categories of inspectors, however, are legally regulated, according

¹⁴ Article 19, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

¹⁵ Article 3, paragraph 1, item 1, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

¹⁶ Article 6, Law on Administrative Servants, "Official Gazette of the Republic of North Macedonia", No. 144/25.

¹⁷ Article 23, Law on Administrative Servants, "Official Gazette of the Republic of North Macedonia", No. 144/25.

to specified criteria. Inspectors also take a professional exam^{18/19}, and are bound by general and special provisions (for example, regarding the identification and badge) in relation to their professional performance of the function.²⁰ However, the professional exam they take is based on the procedures (general administrative procedure and administrative dispute, as well as inspection and misdemeanour procedures)²¹. Yet, the criteria determining that as the person appointed inspector had acquired supervision field-related knowledge are not visible (for example, there is no rule that only a civil engineer can be an inspector for matters in civil engineering). Moreover, in addition to the basic substantive expertise, it is necessary to master a corpus of legal matters within a specific field, therefore the open question arises - is there an institutionalized mechanism for the transfer of knowledge and memory? Given that it would be practically unfeasible to require maximalist professional qualifications, it would still be necessary to insist on standardized training on sectoral laws and bylaws as a formal obligation of the municipality. There is actually an existing mechanism for this matter to be ensured – the municipal administrative department takes into account the personnel needs and can propose a legal solution to the municipal council.

The professional examination is taken based on the relevant procedures (general administrative procedure and administrative dispute, inspection procedures, and misdemeanour procedures); however, the criteria specifying that an inspector may be a person with knowledge of the “area in which they conduct oversight” are not evident.

^{18,19} Article 31, 36, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

MMinistry of Public Administration, Notification 09.03.2026, <https://mja.gov.mk/mk-MK/odnosi-so-javnost/najavi/skratena-programa-za-polaganje-na-ispitot-za-inspektor>. Namely, candidates for inspectors who have started the procedure for acquiring an inspector status before the day when the new Law on Inspection Supervision starts to apply (Official Gazette of the Republic of North Macedonia, No. 135/2025 and 269/2025), and in accordance with the Law on Inspection Supervision ((Official Gazette of the Republic of North Macedonia, No. 102/19 and 272/24 and 22/2025), in the current period will take the exam according to the Shortened Program of the Ministry of Public Administration. Meanwhile, for the inspectors who still have to take the exam under the new Law on Inspection Supervision (2025), such an exam will be conducted by the Academy for Professional Development and Training of Administrative Servants (Law on Professional Development and Training of Administrative Servants, Official Gazette of the Republic of North Macedonia, No. 144/25), which should be established within 15 days of the commencement of application of the Law on Professional Development and Training of Administrative Servants (2025), i.e., in January 2027.

²⁰ Article 32-34 and 37, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

²¹ Article 36, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

Furthermore, the previous Law on Inspection Supervision (2010) regulated the conditions and manner of issuing and revoking an inspector's license. With the new Law from 2025, the licensing of inspectors has been abolished, and inspectors only receive certificates for passing the inspector's exam.²² Considering the current manner of their regulation, the certificates could not correspond to the varying degrees of complexity of the work tasks performed by inspectors.

COLLEGIUM OF DIRECTORS OF STATE INSPECTORATES



The new Law on Inspection Supervision (2025) overcomes many of the previous problems of harmonizing substantive laws regarding inspection supervision, especially in terms of the conduct and responsibility of inspectors, but also establishes a Collegium of Directors of State Inspectorates, which is an inter-departmental coordinating working body, which provides an opportunity to harmonize all operational or inter-institutional or inter-inspection communication deficits. The operation of this body also includes the possibility to invite and actively involve managing incumbents or inspectors from inspection services within the state administration bodies and in local self-government units.²³ This part of the cooperation is not specifically normatively operationalized, although the global postulates for the operation of inspections apply to both levels of organization of these services.

The Collegium receives the annual plans and reports on the work of the inspections in order to obtain information, whereupon it informs the Government about the completed work in the past year and about the strategic determinations and priorities arising from the annual plans of the inspections.²⁴ At the same time, the Collegium also prepares findings, guidelines and recommendations for improving the operation of the inspections.²⁵ This body plays a significant role in the event of a need for joint inspection supervision of two or several inspectorates.²⁶

²² Article 31, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

²³ Article 16, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

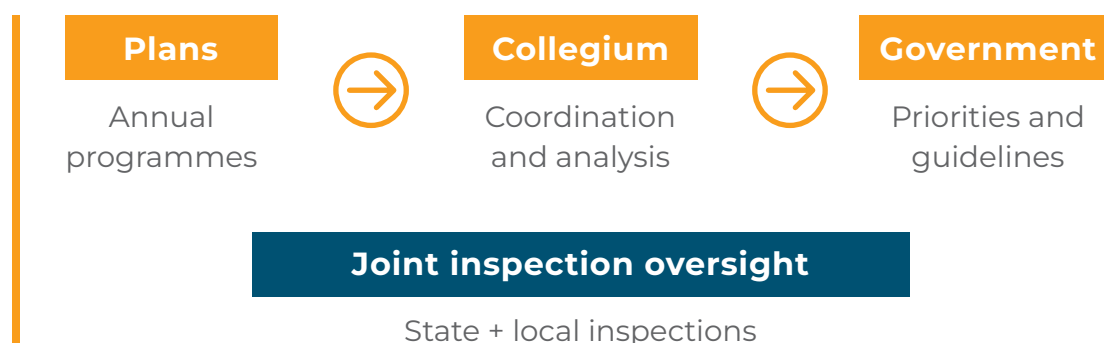
²⁴ Article 26-28, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

²⁵ Article 28, paragraph 5, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

²⁶ Article 60, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

Similarly, in the event of a need and using the same legally prescribed steps, extraordinary inspection supervision is carried out.²⁷

How does the Collegium Function?



The Law stipulates that, depending on the scope or complexity, the inspection supervision may be carried out by several inspectors from the same or different inspections.²⁸ However, a compulsory norm stipulates that in the event that, during the performance of inspection supervision, the inspector establishes a violation of a law or other regulation or act that is within the competence of another inspection, they shall determine the factual situation and prepare a report on the findings themselves, which they shall submit to the competent inspection.²⁹ In addition, inspection supervision may be regular, extraordinary and control supervision.³⁰

Neither state nor local inspections have the status of legal persons, although a certain financial autonomy is possible, i.e., having a budget previously approved by the competent authority. For example, state inspectorates independently dispose of a budget pre-approved by the ministry,³¹ while local inspectors are part of the services in local self-government units, and are therefore completely dependent on the total budget allocations of the municipality.

²⁷ Article 63, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

²⁸ Article 50, paragraph 3, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

²⁹ Article 52, paragraph 5, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

³⁰ Article 56, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

³¹ Article 17, paragraph 3, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

05

LAW ON GENERAL ADMINISTRATIVE PROCEDURE (2015)



The activities of local inspectors are also regulated by procedural laws, the most important of which is the Law on General Administrative Procedure (as a subsidiary regulation), however, procedural matters were not the subject of this analysis. This Law envisages the possibilities for addressing the body in charge of inspection supervision, in cases where legal assistance is required and when it comes to services of public interest. The Law also stipulates that when it comes to services of general (public) interest for which the beneficiary, despite having fulfilled their obligations, considers that had not received an adequate-quality service, in continuity, transparently and without discrimination, they may file a complaint with the supervisory public body established by law, for the duration of the action or failure to perform a certain action by the service provider.³²

Certainly, the Law on General Administrative Procedure guarantees the principle of legal protection in Article 14, i.e., the parties are guaranteed legal protection against any administrative action or any real act. This guarantees the two-instance feature of the administrative procedure in the matter of inspection supervision, primarily through the possibility of appealing against the inspection act to the State Commission for Deciding in Administrative Procedures, Labour Relation Procedures and Inspection Supervision in the Second Instance.

06

COMPETENCES OF LOCAL INSPECTORS



In terms of action, local inspection services are legally limited by the substantive and territorial competence of the municipality.

The delimitation of the competencies of inspectors at the central and local levels is generally clearly established, based on the distinction of the legal provisions for establishing the competencies of central au-

³² Article 103, paragraph 3, Law on General Administrative Procedure “Official Gazette of the Republic of Macedonia”, No. 124/15 and 65/18.

thorities and administrative entities on the one hand and local self-government units on the other. Namely, local inspection services are confined within the defined competencies of local self-government units, which are clearly and exhaustively listed in Article 22 of the Law on Local Self-Government and Article 10 of the Law on the City of Skopje, and of course, are based on the constitutional provisions on local self-government. Furthermore, the legal provisions repeatedly contain the formulation that reflects the limitation – “within their competencies, the municipalities...”

In some sectoral laws, the delimitation of competences is made according to certain categorizations (types of buildings, land, type of permits). For example, a state construction inspector performs inspection supervision over first-category buildings, i.e., those that are of particular importance for the Republic, and an authorized construction inspector performs inspection supervision over second-category buildings³³, i.e., those that are of local importance, which are listed in detail in Article 57 of the Law on Construction. Another example is the competence regarding the monitoring of surface water bodies and groundwater ones, for which a state hydrological network has been established within the competence of the central government, and a local hydrological network, within the competence of the municipalities and the City of Skopje.³⁴ Furthermore, in both the Law on Catering Activity and the Law on Tourism Activity, the competence for performing inspection supervision envisaged according to the register in which the entity is registered.^{35/36} Thus, the initial criterion for the separation of the competence is the fact whether the person performing the activity is registered in the register kept by the mayor of the municipality, i.e., the City of Skopje, in which case the supervision is carried out by the authorized inspectors of the municipality, i.e., the City of Skopje.

In most sectoral laws, however, the nomotechnics and terminology related to inspection supervision are similar. Typically, inspection supervision is regulated in a separate chapter, which lists the entities that perform it (state and local inspectors, other special inspectorates, etc.), and their competencies are elaborated in separate articles [for example, Article 60 of the Law on Management of Additional Waste Streams (*)].

³³ Article 128, Law on Construction, “Official Gazette of the Republic of North Macedonia”, No. 130/09, 124/10,... and 269/25.

³⁴ Article 145, Law on Waters, “Official Gazette of the Republic of Macedonia”, No. 6/2009, 161/2009,... and 3/2025.

³⁵ Article 60, Law on Tourism Activity, “Official Gazette of the Republic of North Macedonia”, No. 62/04, 89/08,... and 156/25.

³⁶ Article 58, Law on Catering Activity, “Official Gazette of the Republic of North Macedonia”, No. 62/04, 89/08,... and 16/25.

However, certain laws use a more general approach, where there is no direct and clear division of competences between state and local inspectors. Instead, the division arises indirectly from the misdemeanour provisions, i.e., the misdemeanour provisions state which inspector will be competent to act for each misdemeanour. For example, in Article 59 paragraph 1 of the Law on Catering Activity (2004) it is indicated that – “If, during the performance of an inspection supervision, the state market inspector, i.e., the authorized inspector of the municipality and the authorized inspector of the City of Skopje, determines that an irregularity under Articles 67-a and 68 of this Law has been committed, the state market inspector, i.e., the authorized inspector, is obliged to draw up a report (...).” Then, in Chapter VIII, titled “Misdemeanour Provisions”, Article 67-a, paragraph 2, it is clarified that – “For the misdemeanours referred to in paragraph 1 of this Article of the natural person, the authorized inspector of the municipality, i.e., the authorized inspector of the City of Skopje, shall conduct a settlement procedure by issuing a misdemeanour payment order, for payment of the fine in the determined amount, within eight days from the date of delivery of the misdemeanour payment order.” This approach is less reviewable, as it requires additional interpretation and reference to multiple articles, which may lead to legal ambiguity or practical omissions.

Out of all the analysed laws explained at the beginning in the scope of the analysis, as well as attached in the systematized overview, the only legal situation that does not lead to an explicit delimitation of the competencies of the City of Skopje and the municipalities on its territory is the issue of road transport, where the supervision is presented in a general manner. Specifically, “the authorized inspector of the municipality or the authorized inspectors of the City of Skopje for road traffic shall supervise the following:

- ◆ the fulfilment of the requirements for obtaining a license for municipal and auto-taxi passenger transport,
- ◆ the fulfilment of special technical and operational conditions for vehicles used for municipal passenger transport and auto-taxi transport,
- ◆ municipal scheduled passenger transport,
- ◆ auto-taxi passenger transport,
- ◆ special scheduled passenger transport carried out in the area of the municipality or in the area of the City of Skopje,
- ◆ taxi stands,
- ◆ the fulfilment of the requirement for possessing a yellow license plate,

- ◆ possession of a medical certificate for the taxi driver,
- ◆ possession of a license for the vehicle that is subject to control, and
- ◆ possession of a taxi driver certificate.³⁷

This provision does not result in a material division of competences. Only certain by-laws refer to such a division, in accordance with the logic of the nature of the territorial dimension and the scope of the service in the field of transport. However, from a purely theoretical perspective, the matter is fully regulated for this segment as well.

07



CARRYING OUT INSPECTION SUPERVISION

A positive aspect of the Law on Inspection Supervision (2025) is the emphasized preventive, rather than repressive, dimension of inspection supervision, as well as the legality of its implementation. The purpose of inspection supervision is to act preventively or to take measures to prevent or eliminate the consequences on protected goods, rights or interests, as well as to impose inspection measures to eliminate the identified irregularities and deficiencies.³⁸

The right of the entity, subject to supervision, to primarily have an opportunity for a warning, i.e., to eliminate the negative aspects of the situation, is emphasized, while this solution is also financially supported (in that if the entity only receives a warning, it does not bear the costs of supervision).³⁹

A legal possibility is provided that depending on the scope and complexity of the situation, for multiple inspectors from the same or different inspections to be able to carry out inspection supervision.⁴⁰ Hence,

³⁷ Article 88, paragraph 4, Law on Road Transport, “Official Gazette of the Republic of North Macedonia”, No. 68/04, 23/06,... and 101/25.

³⁸ Article 49, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

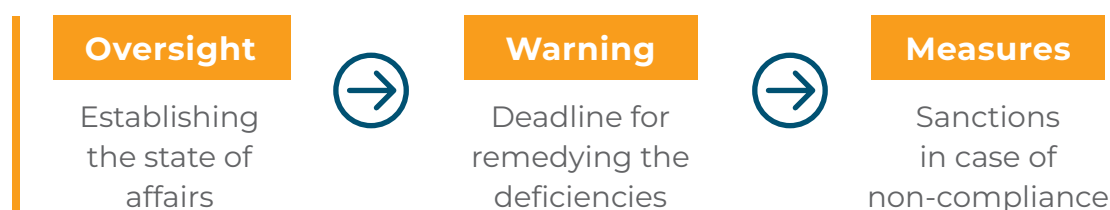
³⁹ Article 52, paragraph 2, indent 9; Article 66, paragraph 3; Article 68, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

⁴⁰ Article 50, paragraph 3, Law on Inspection Supervision, “Official Gazette of the Republic of North Macedonia”, No. 135/25 and 269/25.

a minimum standard has been set to further strengthen the quality of supervision. A possibility has been provided to use further regulation to specify the conditions, the context and the manner of implementation in which multiple inspectors could be activated for the same case.

In terms of the specific actions, i.e., the rights that inspectors have when performing inspection supervision, they are completely appropriate to the function they perform in the public administration system. It is particularly important that during inspections, in addition to any insight into the operation of the subjects of supervision, an opportunity for a last resort has been provided - filing criminal charges against the subject of inspection supervision with the competent public prosecutor.⁴¹

Preventive inspection model



As for the determination of the factual situation, the Law on Inspection Supervision provides for several modalities and competences of the inspections for that purpose - as individual inspections, with precise obligations of the supervised entities to provide information, but also as joint inspection supervision⁴² in which several inspections participate. Concurrently, in the interest of time and to avoid altering the factual situation, it is legally provided that an inspector from another area can also establish it, if they are on site and it is a matter of a current situation, and then send a letter to the sectoral inspection.⁴³ Additionally, consultations with other experts from an administrative or other profile are possible. However, according to the new legal solution, the initiation of joint inspection supervision is more formalized, i.e., it is subject to additional procedural steps, which would have negative implications for the speed of its commencement.⁴⁴

⁴¹ Article 52, paragraph 2, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

⁴² Article 60, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

⁴³ Article 52, paragraph 5, Law on Inspection Supervision, "Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25.

⁴⁴ According to the previous law, the President of the Inspection Council directly issued an order to conduct a joint extraordinary inspection supervision, while the new solution provides for prior submission of a proposal, convening a session of the Collegium and adopting a special decision to conduct the inspection.

A certain complexity could be noted in the part where, according to the legislation, local environmental inspectors have extensive supervisory responsibilities, and thus perform supervision for noise protection, but also for the state of waters at the local level.

Local supervision for communal matters, as well as matters related to the supply of drinking water and the disposal of urban wastewater, is carried out by authorized municipal inspectors at the local level. Basically the competences for water supply networks and water areas are legally delimited, still, given that it is a matter of network natural and infrastructural issues, for which there is a possible overlap of competences, which does not arise from the legal framework, but from the nature of the subject of supervision. Any doubts regarding the potential positive and negative conflict of competence could be resolved with the already given proposal, as well as a legal possibility related to the role of the Collegium provided for by the Law on Inspection Supervision.

08



SUPERVISION OVER THE LEGALITY OF THE OPERATION OF LOCAL INSPECTION SERVICES

Supervision over the implementation of the Law on Inspection Supervision (2025) is ultimately carried out by the Ministry of Public Administration, while the legality of the regulations adopted by the local self-government units and their implementation is ultimately carried out by the Ministry of Local Self-Government.

In most sectoral laws, supervision over the legality of the operation of municipalities in a specific area (construction, communal activities, environmental protection, etc.) is regulated generally and declaratively. The laws determine the competent authority (the line ministry), but without elaborating on the procedure, instruments, bodies or deadlines for carrying out supervision [for example, Article 147 of the Law on Construction (2009)]. In contrast, in the field of the environment [Articles 42 and 43 of the Law on Inspection Supervision in the Environment (2022)], the same type of supervision – over the legality of the operation of municipal inspection services – is elaborated in significantly more detail. The law provides for the Minister to establish a Commission for Supervision of the Implementation of the Provisions of the Law at the

Local Level, which controls the operation of local inspection services. Within its competences, the Commission checks whether the municipalities have provided an environmental inspector or a joint administration to carry out inspection supervision, whether they monitor and implement the legally stipulated planning documents, whether the inspection supervision is carried out in accordance with the laws and by-laws, as well as whether the data is submitted and entered into the envisaged databases. After the performed supervision, the Commission prepares a report in which it may indicate any excess of competences, ascertain substantive and procedural shortcomings, provide directions, measures and recommendations for their elimination and determine deadlines for action.

In addition, the Law also provides for a mechanism for monitoring the implementation of the measures. If the municipality fails to eliminate the identified deficiencies, subsequent steps have been envisaged that may lead to certain actions by the State Environmental Inspectorate on behalf of and at the expense of the municipality, and even to the initiation of misdemeanour proceedings against the mayor. Thus, supervision takes on a more formalized, structured and predictable form.

In other words, while in the Law on Construction and most other regulations governing the competences of LSGUs, supervision of legality functions as a general authorization without a detailed process framework, in the Law on Inspection Supervision in the Environment (2022) it is institutionalized and operationalized through a separate body, clearly defined supervisory activities, mandatory reports, measures to eliminate deficiencies and mechanisms for monitoring their implementation. This solution is unique in the analysed legal framework and

In most sector-specific laws, oversight of the legality of municipalities' operations in a particular area (construction, communal services, environmental protection, etc.) is regulated in general and “declaratory” terms.

indicates the intention of the legislator to ensure a higher level of systematicity, control and transparency in the performance of supervision at the local level (probably also because this law is harmonized with the relevant European regulations in the field).

Hence, it would be appropriate to consider learning from and extracting this type of legal solution in the field of environmental protection

and integrating it into other areas of municipal jurisdiction. In this way, a unified and more developed model of control over the implementation of inspection supervision would be established.

A special type of state control over the work of local inspectors is the situation when the local government either does not provide an inspection service at all or, alternatively, such inspection exists formally, but does not operate or operates inadequately. In this case, the competent state inspector performs the work of local inspection supervision on behalf and for the account of the municipality, for a maximum of one year. This type of control is indicated in Articles 144 and 145 of the Law on Construction (2009) - and in almost all other laws regulating the areas under the competence of municipalities, in the section on inspection supervision. Article 144 regulates the first situation - when the municipality does not have an authorized inspector. In such a case, the state construction inspector, after establishing the situation, initiates a procedure and, with the authorization of the minister, temporarily takes over that function. This lasts up to a point when the municipality establishes its own inspection capacity, but with a time limit of no more than one year. Article 145 covers the second situation - when the municipal inspector exists, but does not exercise their legal competences. Here the mechanism is gradual: first a warning is given, and if no action is taken, a formal procedure follows, whereupon the state inspector takes over the specific matters. What these mechanisms have in common is that they establish a substitutive state intervention – they represent a more intensive form of supervision, in which the state is not limited to controlling legality, but directly intervenes and performs the function of the local authority. At the same time, by the fact that the municipality bears the costs of such intervention, a clear element of institutional responsibility is also introduced.

However, the question remains open as to what would happen if a functional sectoral local inspection service is not provided even after one year? Among other things, this issue is resolved by one of the recommendations – to establish a legally minimum number of mandatory inspection services in each municipality, in the most critical areas that are of utmost importance for improving the quality of life of citizens. The State should be primarily responsible for the financing and staffing of such services.

The question remains open as to what would happen if a functional sector-specific local inspection service is still not established after that one-year period.

CONCLUSIONS AND RECOMMENDATIONS



01

Considering the complexity and scope of the matter, the general conclusion is that the positive substantive legal framework provides certain standards and clarity of the rules for the functioning of the state vis-à-vis local inspectorates. Certain aspects of this framework could be upgraded and changed according to the circumstances in the public administration and individual sectors, however, basically, the system is structurally determined. However, its substantial functionality could be observed only by analysing the implementation of the legal solutions related to inspection supervision, in practice, as well as by analysing the relevant procedural provisions.

02

Through the operation of the Collegium of Directors of State Inspectorates, there is a need to more clearly determine and operationalize the manners in which more direct interaction and closer cooperation between state and local inspectorates will be achieved, regardless of whether it is a matter of joint regular or extraordinary inspections, exchange of information, regular meetings to monitor the situation in certain areas, creation of a common database by area, standardization of work, etc.

03

The possibility for the Collegium to provide an advisory opinion on resolving legal dilemmas regarding positive and negative conflicts of competence between local and state inspectorates should be regulated by law.

04

It is useful to determine the minimum number and type of inspections that should exist within the LSGU, in order to ensure a minimum standard of quality of life in each LSGU. The minimum number of inspection services should cover the areas of construction, communal activities,

education, environment, transport, protection and rescue. Moreover, depending on the characteristics of the LSGU, inspection services could be established according to the needs in the areas of tourism, agriculture, etc. The country should be primarily responsible for the financing and staffing of the services.

05 In order to rationalize resources, through the opportunities provided by inter-municipal cooperation, inter-municipal agreements should be concluded among the closest neighbouring municipalities towards the establishment of the minimum specified joint local inspection services within the competence of the concluding parties - LSGUs.

06 To consider the possibility of establishing a single inspection supervision system that would enable coordinated action by state and local inspectors. The system would include annual programs, monthly plans, and reports on completed inspections, in order to clearly monitor the entities and areas covered by inspection supervision, whether there is an overlap of competences and controls between different inspection services, and whether certain areas or entities remain insufficiently covered or not covered at all by inspection.

07 The annual report and work plans should be digitized and linked into a system that has a unified risk assessment methodology. This way, when entering data, it will be possible to identify the points where the risk is generated in a specific area and intervene in a timely manner.

08 To envisage the possibility of a standardized control mechanism in the performance of local inspection supervision in all areas of competence of the LSGU, following the example of the Commission for Supervision of the Implementation of the Provisions of the Law on Inspection Supervision in the Environment (2022) at the local level.

09

To reconsider the abolition of the inspector licensing system and to analyse the need for its reintroduction, which would allow for differentiation according to the level of complexity and responsibility of inspection work. The current solution, which only provides for a certificate on passing an inspector exam, does not allow for adequate assessment of the different levels of complexity of the work tasks performed by inspectors.

10

To harmonize the legal status of inspectors, given that they are currently subject to three laws at the same time (Law on Administrative Servants, Law on Labour Relations, Law on Inspection Supervision) – in one of the laws they are defined as special administrative servants, in another as administrative servants, which in practice creates legal uncertainty when it comes to issues in the field of labour relations. To consider the possibility of adopting a *lex specialis* law on inspection officers, which would more specifically regulate the conditions and procedure for hiring inspectors, the licensing system, ranking by titles, professional development, as well as other issues related to the status and career of inspection officers.

11

To carefully elaborate standardized mechanisms for institutionalized knowledge transfer and training of local inspectors by the Academy for Professional Development and Training of Administrative Officials.



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Law on Management of Batteries and Accumulators and Waste Batteries and Accumulators, "Official Gazette of the Republic of North Macedonia", No. 176/21 and 3/25.

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ANNEX

LIST OF LAWS CONTAINING DIRECT PROVISIONS ON LOCAL INSPECTION SUPERVISION

Area of competence of the municipality

Relevant laws

01

Construction

- Law on Construction ("Official Gazette of the Republic of Macedonia", No. 130/09, 124/10, 18,... and 51/26)*
- Law on the Prohibition and Prevention of Performing Unregistered Activities ("Official Gazette of the Republic of Macedonia", No. 199/14, 147/15,... and 86/25)*

02

Urban (urban and rural) planning

- Law on Construction ("Official Gazette of the Republic of Macedonia", No. 130/09, 124/10, 18,... and 51/26)
- Law on Urban Greenery ("Official Gazette of the Republic of Macedonia", No. 11/18, 42/20 and 224/24)
- Law on the Determination of Names of Streets, Squares, Bridges and Other Infrastructure Facilities ("Official Gazette of the Republic of Macedonia", No. 66/04, 55/07,... and 224/24)
- Law on the Prohibition and Prevention of Performing Unregistered Activities ("Official Gazette of the Republic of Macedonia", No. 199/14, 147/15,... and 86/25)*

03

Protection of the environment and nature

- Law on Environment ("Official Gazette of the Republic of Macedonia", No. 53/05, 81/05,... and 39/16)
- Law on Environmental Inspection ("Official Gazette of the Republic of Macedonia", No. 99/22 and 3/25)
- Law on Ambient Air Quality ("Official Gazette of the Republic of Macedonia", No. 67/04, 92/07,... and 3/25)
- Law on Waste Management ("Official Gazette of the Republic of North Macedonia", No. 216/21 and 3/25)*
- Law on Management of Packaging and Packaging Waste ("Official Gazette of the Republic of North Macedonia", No. 215/21 and 3/25)*
- Law on Management of Additional Waste Streams ("Official Gazette of the Republic of North Macedonia", No. 216/21 and 195/22)*
- Law on Management of Batteries and Accumulators and Waste Batteries and Accumulators ("Official Gazette of the Republic of North Macedonia", No. 176/21 and 3/25)*
- Law on Management of Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment ("Official Gazette of the Republic of North Macedonia", No. 176/21 and 73/24)*
- Law on Extended Producer Responsibility for the Management of Special Waste Streams ("Official Gazette of the Republic of North Macedonia", No. 215/21 and 73/24)*
- Law on Urban Greenery ("Official Gazette of the Republic of Macedonia", No. 11/18, 42/20 and 224/24)*
- Law on Environmental Noise Protection ("Official Gazette of the Republic of Macedonia", No. 79/07, 124/10,... and 3/25)

04

Local economic development

- Law on Catering Activity ("Official Gazette of the Republic of Macedonia", No. 62/04, 89/08,... and 16/25)
- Law on Tourism Activity ("Official Gazette of the Republic of Macedonia", No. 62/04, 89/08,... and 156/25)
- Law on Temporary Residence Fee ("Official Gazette of the Republic of Macedonia", No. 19/96, 26/02,... and 16/25)
- Law on Craftsmanship ("Official Gazette of the Republic of Macedonia", No. 215/15 and 215/21)
- Law on Property Taxes ("Official Gazette of the Republic of Macedonia", No. 61/04, 92/07,... and 151/21)
- Law on the Prohibition and Prevention of Performing Unregistered Activities ("Official Gazette of the Republic of Macedonia", No. 199/14, 147/15,... and 86/25)

05

Communal activities

- Law on Communal Activities ("Official Gazette of the Republic of Macedonia", No. 95/2012, 163/31,... and 17/25)
- Law on Drinking Water Supply and Drainage of Urban Wastewater ("Official Gazette of the Republic of Macedonia", No. 68/2004, 28/06,... and 21/21)
- Law on Waters ("Official Gazette of the Republic of Macedonia", No. 6/2009, 161/2009,... and 3/2025)
- Law on Road Transport ("Official Gazette of the Republic of Macedonia", No. 68/04, 23/06,... and 101/25)
- Law on Public Roads ("Official Gazette of the Republic of Macedonia", No. 84/08, 52/09,... and 269/25)
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- Law on Extended Producer Responsibility for the Management of Special Waste Streams ("Official Gazette of the Republic of North Macedonia", No. 215/21 and 73/24)

06

Social protection and child protection

- Law on Child Protection ("Official Gazette of the Republic of Macedonia", No. 23/13, 12/14,... and 132/25)
- Law on Housing ("Official Gazette of the Republic of Macedonia 99/2009, 57/10,... and 160/25)*

07**Housing**

- Law on Housing ("Official Gazette of the Republic of Macedonia", No. 99/2009, 57/10,... and 160/25)

08**Education**

- Law on Primary Education ("Official Gazette of the Republic of North Macedonia", No. 161/19, 229/20,... and 250/25)
- Law on Secondary Education ("Official Gazette of the Republic of Macedonia", No. 44/95, 24/96,... and 250/25)
- Law on Student Standard ("Official Gazette of the Republic of Macedonia", No. 52/05, 117/08,... and 235/24)
- Law on Teachers and Professional Associates in Primary and Secondary Schools ("Official Gazette of the Republic of North Macedonia", No. 161/2019)
- Law on Educational Inspection ("Official Gazette of the Republic of Macedonia", No. 52/05, 81/08,... and 74/25)

09**General (horizontal) laws applicable in all areas**

- Law on Local Self-Government ("Official Gazette of the Republic of Macedonia", No. 5/02 and 202/24)
- Law on Inspection Supervision ("Official Gazette of the Republic of North Macedonia", No. 102/19, 272/24 and 22/25)
- Law on Inspection Supervision ("Official Gazette of the Republic of North Macedonia", No. 135/25 and 269/25)
- Law on Administrative Servants ("Official Gazette of the Republic of Macedonia", No. 144/25, 252/25 and 266/25)
- Law on Professional Development and Training of Administrative Officials ("Official Gazette of the Republic of North Macedonia", No. 144/25)
- Law on Inter-Municipal Cooperation ("Official Gazette of the Republic of Macedonia", No. 79/09 and 241/24)
- Law on Handling Complaints and Proposals ("Official Gazette of the Republic of Macedonia", No. 82/08, 13/13,... 208/24)
- Law on Misdemeanours ("Official Gazette of the Republic of North Macedonia", No. 96/19, 253/23,... and 26/26)
- Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia", No. 124/15)
- Law on Free Access to Public Information ("Official Gazette of the Republic of North Macedonia", No. 101/19)
- Criminal Code ("Official Gazette of the Republic of Macedonia", No. 37/96, 80/99,... and 17/26)
- Law on the City of Skopje ("Official Gazette of the Republic of Macedonia", No. 55/2004 and 158/2011)

Note: Certain laws (marked with an asterisk – *) are indicated in several areas of competence because they regulate issues that are cross-sectoral in nature and are related to the exercise of multiple local competencies.

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