

OUTDATED GUPs,

FREQUENT CHANGING OF DUPs,

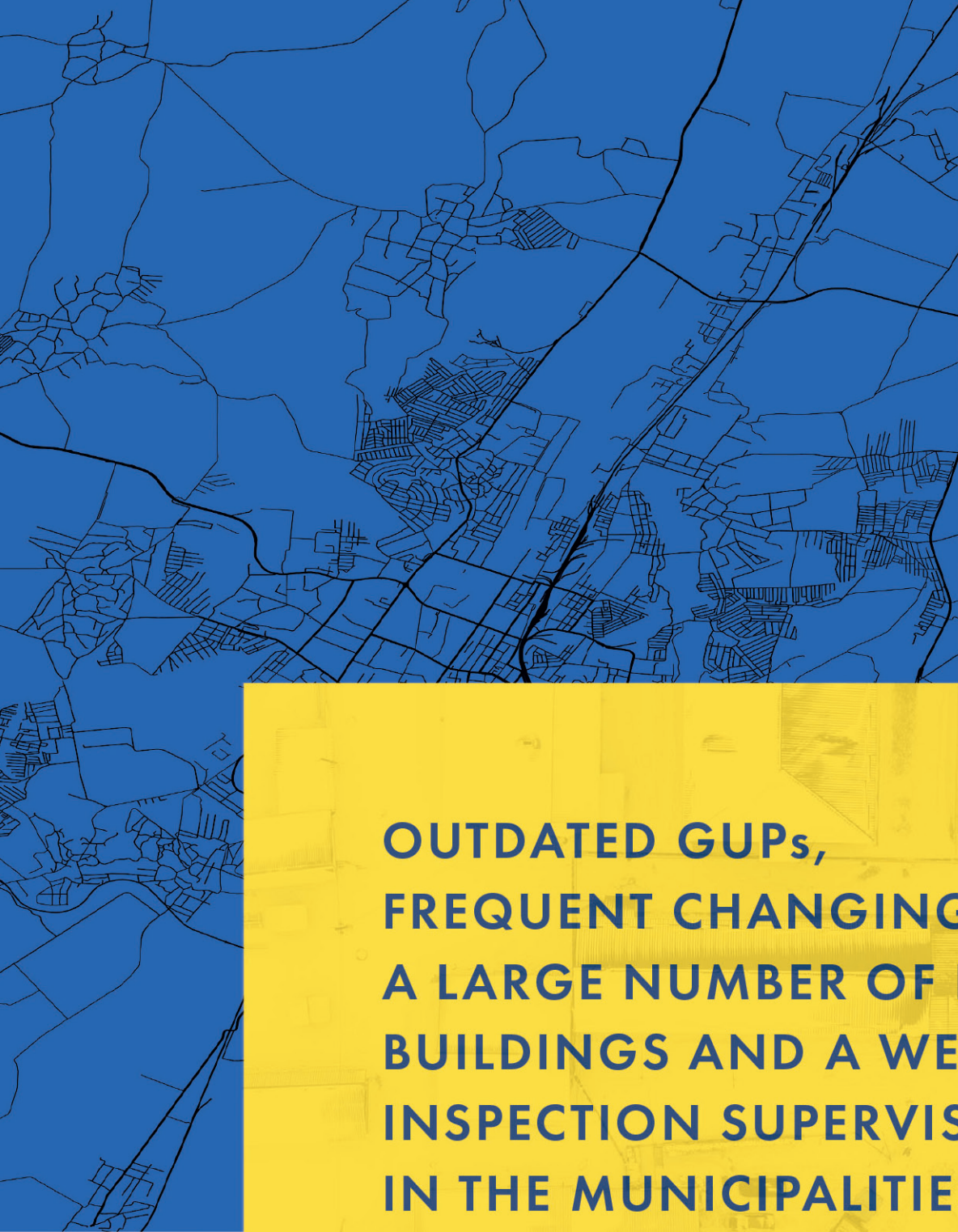
A LARGE NUMBER OF

ILLEGAL BUILDINGS AND

A WEAK INSPECTION

SUPERVISION IN THE

MUNICIPALITIES



**OUTDATED GUP_s,
FREQUENT CHANGING OF DUP_s,
A LARGE NUMBER OF ILLEGAL
BUILDINGS AND A WEAK
INSPECTION SUPERVISION
IN THE MUNICIPALITIES**



OUTDATED GUPs, FREQUENT CHANGING OF DUPs, A LARGE NUMBER OF ILLEGAL BUILDINGS AND A WEAK INSPECTION SUPERVISION IN THE MUNICIPALITIES

Electronic edition: (Outdated GUPs, frequent changing of DUPs, a large number of illegal buildings and a weak inspection supervision in the municipalities)

Publisher:

Center for Civil Communications

Proofreading:

Tatjana B. Eftimovska

Graphic design:

Relativ

Skopje, February 2024



Kingdom of the Netherlands

The research has been prepared as part of the project "Protection from Corruption" with the financial aid of the Embassy of the Kingdom of the Netherlands in Skopje, and is implemented by the Center for Civil Communications from November 1, 2021 to October 31, 2024.

CONTENT:

| | |
|--|----|
| KEY FINDINGS..... | 6 |
| THE GOAL OF THE RESEARCH | 8 |
| GENERAL URBAN PLANS..... | 9 |
| DETAILED URBAN PLANS..... | 11 |
| BUILDING PERMIT REQUESTS..... | 14 |
| REQUESTS FOR DETERMINING THE LEGAL STATUS OF AN OBJECT (LEGALIZATION) | 17 |
| ARRANGEMENT OF THE ORGANIZATIONAL URBAN PLANNING UNITS | 19 |
| INSPECTION SUPERVISION..... | 21 |
| ANALYSIS OF THE STATE AT THE LEVEL OF THE MUNICIPALITIES | 25 |
| MUNICIPALITY OF BITOLA..... | 25 |
| MUNICIPALITY OF KICEVO..... | 27 |
| MUNICIPALITY OF KUMANOVO..... | 28 |
| MUNICIPALITY OF NEGOTINO..... | 29 |
| MUNICIPALITY OF STRUMICA..... | 30 |
| MUNICIPALITY OF TETOVO..... | 31 |
| MUNICIPALITY OF CAIR..... | 32 |
| MUNICIPALITY OF STIP..... | 33 |
| RECOMMENDATIONS..... | 34 |

KEY FINDINGS

- A dominant part of the municipalities have general urban plans (GUP) whose formal validity has expired. Contrary to the legally provided planning period of 10 years, in some municipalities the GUP has not been changed even after more than 20 years. The untimely updating and drafting of new GUPs creates the risk of unplanned management of construction land and endangering the public interest and quality of life.
- On the territory of the municipalities subject of this research, a large number of DUPs have been adopted, and a large number changes to them have been made. Given the outdated general urban plans, it follows that the planning documents are not adopted in an order according to the level of their importance, which creates a risk of unplanned arrangement of construction land and endangering the public interest. In conditions where the public interest is threatened, fertile ground for corruption and abuses is created.
- Three quarters of the amendments to the DUPs were made upon the request of natural or legal persons, which indicates the risk that in the municipalities there is an established practice of changes and adaptations of the planning documentation for the needs of external entities as opposed to the initiatives for changes to the DUPs by the municipality, which would foresee more projects for the improvement of the public space. According to the National Strategy for Prevention of Corruption, the preparation of the urban plans by natural and legal persons leaves room for abuse.
- In total, the eight monitored municipalities granted 3,750 building permits in the period of 5 years which is 23% more than the total granted building permits in the Republic of Macedonia. During this period, the municipalities granted 69% of the received building requests. Big discrepancies were observed in the level of approval of requests among the municipalities, which points to an inadequate approach of the municipalities and the possibility of corrupt influences.
- Every third building request has been rejected or withdrawn, which indicates the risk that procedures for issuance of building permits in municipalities may in certain cases be unfairly prolonged or that equal treatment (favoritisation) of applicants is not ensured, all the more so as the departments for urban planning in the municipalities subject to this research are partially filled, which is why many cases accumulate with one official. The stated situation creates a risk of corrupt behavior to facilitate the procedure for issuance of a building permit.

- ➔ The requests for legalization of illegally build objects submitted in 2018 are more than double the number of requests for building permits submitted over the entire five-year period, from 2018 to 2022. This undoubtedly speaks of the consequences of passing the Law on determining the legal status of illegally built objects, which threatens the principles of the rule of law and the planned development of the spatial planning in the country.
- ➔ The number of illegally build objects speaks also about the inefficiency of the inspection supervision. Instead of being demolished, these buildings are waiting for legalization and in number several times higher than the legally submitted building requests.
- ➔ The inspection supervision, in accordance with the National Strategy for Prevention of Corruption, is considered a point which can generate risks of corruption in this sector. The research reveals that in all the municipalities there is partial filling of the jobs in the inspection supervision departments, and in most of the municipalities the management jobs are not filled.
- ➔ In almost every municipality, the practice of performing extraordinary inspection supervisions prevails as opposed to regular and control ones. The excessive use of extraordinary supervision creates a risk of subjectivism in the selection of entities subject to inspection supervision, as well as favoring certain legal entities, i.e. their omission from inspection supervisions.
- ➔ Occupancy of the jobs posts in the urban planning organizational units is 62% on average. Due to the partial filling of jobs posts, there is a risk that adequate management and control is not established, as well as division of duties and responsibilities.
- ➔ In half of the municipalities, there is no appointed head of the urban planning organizational unit. This means that full and efficient control has not been established and this also increases the possibility of greater influence of the mayors who can authorize close persons for the position.



THE GOAL OF THE RESEARCH

The goal of this research is to map the current practices when it comes to spatial planning and issuance of building permits. The research is driven by the risk of corruption during the process which imposes the necessity of analyzing the existing practices, detecting the problems and preparing appropriate recommendations in order to increase the transparency and integrity of these procedures.

This problem is highlighted in the National Strategy for Prevention of Corruption and Conflict of Interests 2021-2025. According to the Strategy, the issuance of approvals, decisions, permits, licenses and other documents from the field of construction, urban planning and spatial planning is considerable bearing in mind that construction activities whose approval is within the jurisdiction of this sector usually cost a lot, leaving room for pressurizing, influencing and encouraging corruptive behaviour. Due to this, the issuance of various documents, as well as the inspection supervisions are considered as points that can generate risk of corruption in this sector.

This research was conducted in eight targeted municipalities (Bitola, Kicevo, Kumanovo, Negotino, Tetovo, Strumica, Cair and Stip). In order to map the state, the Center for Civil Communications, together with the non-governmental organizations included in the conducting of the project "Protection from Corruption" (Youth Cultural Center – Bitola, Rural Coalition, Center for Intercultural Dialogue, Ecological Association Vila Zora Veles, Citizen's Association Research and Analysis Centre NOVUS Strumica, Association Multikultura, Citizens' Association ZIP Institute for Politics and Good Governance and EHO Educational-Humanitarian Organization) submitted identical requests for information to the eight municipalities included in the project. The following information for the period 2018-2022 was requested: the annual programs of the municipalities for preparation of the urban planning documents; information on when the current General Urban Plan of the municipality has been adopted; a list of all the adopted detail urban plans (DUPs) and their changes during the five-year period; information on the number of changes of the DUP upon the request of a natural person and what is the number of changes upon the initiative of your municipality; a list of plots owned by the RNM which were used by the citizens (city squares, parks, sports complexes) that were converted into building plots during the analyzed period; information on the urban planning and construction organizational units whose responsibility is to act on submitted requests for the issuance of building permits; information on requests for determining the legal status of objects (legalization) and information regarding the performance of inspection supervisions in the field of urban planning and construction.

GENERAL URBAN PLANS

- A dominant part of the municipalities have general urban plans (GUPs) whose formal validity has expired. Contrary to the legally prescribed planning period of 10 years, in some municipalities the GUP has not been changed even after more than 20 years. The untimely updating and drafting of new GUPs creates the risk of unplanned management of construction land and endangering the public interest and quality of life.

According to the Law on Urban Planning, the spatial planning is conducted for a certain planning period and it serves to calculate the future needs for spatial development and predict the program parameters of the spatial development in the procedure for preparing and conducting the plans. According to the law, this planning period is 10 years within which there is a projection of all the states and development tendencies based on the data gathered in the base year of commencing the preparation of the urban plan and the expected time period for its realization.

As much as five of the eight municipalities which are subject to this analysis have general urban plans which are between 20 to 25 years old.

The oldest urban plan is the one of the Municipality of Bitola, adopted in 1999, which in the meantime has undergone 8 changes, yet there is no new adopted GUP. Next on the list is the Municipality of Kicevo with a 24 year old GUP, then the Municipality of Strumica with a 22 year old GUP, the Municipality of Tetovo has a 21 year old GUP and the Municipality of Kumanovo a 20 year old GUP. The general urban plan of the Municipality of Cair is actually the one of the City of Skopje which is also expired and which was valid for the period 2012-2022.

Only the municipalities of Negotino and Stip have new general urban plans. The GUP of Negotino was adopted in 2020 and that of Stip in 2022.

Date of adopting the current GUP and the number of changes

| Municipality | Date of adopting the GUP | Number of changes of the GUP |
|--------------|--------------------------|------------------------------|
| Bitola | 27.09.1999 | 9 |
| Kicevo | 11.02.2000 | 5 |
| Strumica | 12.07.2002 | 3 |
| Tetovo | 16.04.2003 | 10 |
| Kumanovo | 26.03.2004 | 5 |
| Cair | N/A | N/A |
| Negotino | 06.11.2020 | 0 |
| Stip | 31.12.2022 | 0 |

The municipalities of Bitola, Kumanovo and Kicevo are working on adopting the GUPs, as well as the appropriate studies, since 2018. This obligation is stated in their annual programs for production of general urban planning documents in the period of five consecutive years (2018 to 2022) which were the subject of this analysis.

The Municipality of Strumica has not projected adopting a general urban plan in its annual programs for production of urban planning documents adopted during the period 2018-2022.

As regards the Municipality of Tetovo, it was not possible to view this data because the municipality did not submit the requested annual programs for production of urban planning documents in the period of five consecutive years (2018 to 2022).

Not going into the justification of prolonging the whole process, but the delay in the preparation of the new general urban plans creates the risk of unplanned management of construction land, endangering the public interest, violating the principles of balanced spatial development which creates the possibility of irrational planning and use of space and reduced conditions for humane living and working of the citizens.

After all, in accordance with the Law on Urban Planning, the goals of urban planning are:

1. balanced spatial development;
2. rational arrangement and use of space;
3. creation and improvement of conditions for humane living and working of the citizens;
4. overcoming urban barriers for people with disabilities;
5. sustainable spatial development;
6. maintaining the quality and improvement of the environment and nature;
7. climate change management;
8. preservation and protection of immovable cultural heritage and
9. safety from natural and technological catastrophies and accidents.

It is more than obvious that in the municipalities where the general urban plans are old, even more than 20 years, the legally foreseen goals of urban planning are called into question.

DETAILED URBAN PLANS

- On the territory of the municipalities subject to this research there are a large number of adopted DUPs, as well as a lot of changes made to them. Considering the outdated general urban plans, it turns out that the planning documents are not adopted following a precise schedule according to the level of importance which creates risk of unplanned management of the construction land and endangering the public interest. In conditions where the public interest is threatened, fertile ground for corruption and abuse is created.

It is mandatory that every municipality adopts an annual program by January 31 the latest in order to produce urban plans, detailed urban planning documentation and urban planning project documentation. The preparation of the planning documents is financed from the budget of the municipality, as well as by interested natural and legal persons whose program requests and areas of interest are acceptable for the municipality.

The eight municipalities subject to this analysis were asked to provide their annual programs for production of urban planning documents during the period 2018-2022. From the analysis of the answers, it can be concluded that seven of the eight municipalities respect the legal obligation to adopt annual programs for developing urban planning documents for the given period and they adopt these programs within the legally prescribed period.

According to the Law on Spatial and Urban Planning which was valid till 2020, the municipalities were obligated to annually publish two open calls for the submission of initiatives for the development of urban plans by interested natural and legal persons.

From the analysis of the answers provided for this question it can be concluded that the legal obligation to publish open calls for the submission of initiatives for the development of urban plans was mandatory during the period 2018-2022, after which period this obligation was not foreseen in the Law on Urban Planning which went into force in 2020.

In accordance to this, during the period 2018-2022 the municipalities were obligated to publish 5 open calls and from the conducted analysis we concluded that only one municipality (Bitola) fulfilled its legal obligation; 5 municipalities (Kumanovo, Strumica, Negotino, Cair and Kicevo) partially fulfilled the legal obligation and 2 municipalities (Tetovo and Stip) did not publish open calls for submission of initiatives for the development of urban plans.

With the new Law on Urban Planning from 2020, the obligation for mandatory publishing of open calls for initiatives for the development of urban plans is abolished. In accordance with this change, the interested parties can constantly submit initiatives for development of urban plans, not only twice a year after the publishing of the open calls which was the case before the new law was adopted.

From the received answers upon the submitted requests for access to public information, the Municipality of Kumanovo has the biggest number of newly adopted detail urban plans (DUPs) for the given period or 21 DUPs and this municipality also has the most changes or 18. It is important to mention that these data do not include the data on the urban plans for the villages, the urban plans for outside the populated areas and the ones for areas and buildings of national importance. According to the number of adopted DUPs, next on the list are the municipalities of Strumica with 17, Negotino with 11 and Tetovo with 8. Three municipalities (Kicevo, Cair and Stip) have each adopted 4 DUPs and the Municipality of Bitola has the least DUPs or only 3.

Adopted detailed urban plans and their changes in the period 2018-2022

| Municipality | Number of DUPs | Number of changes and additions to the DUPs |
|--------------|----------------|---|
| Kumanovo | 21 | 18 |
| Strumica | 17 | 7 |
| Negotino | 11 | 2 |
| Tetovo | 8 | 0 |
| Kicevo | 4 | 11 |
| Cair | 4 | 1 |
| Stip | 4 | 4 |
| Bitola | 3 | 0 |

As can be seen from the table, for the period 2018-2022 after the Municipality of Kumanovo with 18 changes and amendments to the DUPs, which is also the biggest number, comes the Municipality of Kicevo with 11, then the Municipality of Strumica with 7 changes, the Municipality of Stip with 4, the Municipality of Negotino with 2 and the Municipality of Cair with 1 change. During the five-year period being analyzed, two municipalities (Tetovo and Bitola) did not have changes and amendments to the DUPs.

- Three quarters of the changes to the DUPs are made upon the request of natural or legal persons which indicates the risk that there is an established practice in the municipalities of changes and adaptations of the planning documentation for the needs of external entities as opposed to the initiatives for changes to the DUPs by the municipality which will foresee more projects for the improvement of public space. According to the National Strategy for Prevention of Corruption, the preparation of the urban plans by natural and legal persons leaves room for abuses.

The analysis of the data received indicates that in some municipalities the number of requests and initiatives for changes of the DUPs is relatively low in comparison to other municipalities. For example, if in Kicevo and Bitola the number of requests submitted within the five-year period (2018-2022) is only 11 i.e. 14, that number is 427 requests in the Municipality of Kumanovo.

Total number of requests/initiatives for changes of the DUPs in the period 2018-2022, per years

| Municipality | 2018 | 2019 | 2020 | 2021 | 2022 |
|--------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Bitola | 4 | 2 | 6 | 0 | 2 |
| Kicevo | 2 | 5 | 2 | 1 | 1 |
| Kumanovo | 63 | 84 | 104 | 94 | 82 |
| Negotino | they have no data | 25 | 26 | 26 | 25 |
| Strumica | they have no data | 5 | 5 | 7 | 8 |
| Tetovo | they have no data | they have no data | they have no data | they have no data | they have no data |
| Cair | 0 | 1 | 0 | 0 | 0 |
| Stip | 24 | 27 | 38 | 23 | 55 |

*The data for Kicevo are only for the approved requests

If we delve deeper into analysing those submitting the requests for changes to the DUPs, i.e. analyze how many were requested by natural and legal persons and how many upon the initiative of the municipality itself, it is apparent that in all the municipalities subject to this analysis the number of requests submitted by natural and legal persons is bigger than the changes upon the initiatives of the municipalities themselves. Even though the changes to the DUPs are financed by those that initiate them, it still can not be concluded that this is the reason for the small number of initiatives on the part of the municipalities. The understanding that the municipalities had no initiatives due to the simple reason that they do not care enough for the improvement of public space is much more likely. Of course, this state increases the risk of external influences and corruption.

Total number of requests/initiatives for changes of the DUPs in the period 2018-2022, according to the proposer of the initiative

| Municipality | Total number of changes made in the DUPs | Number of changes initiated by the municipality | Number of changes initiated by natural or legal persons |
|--------------|--|---|---|
| Kicevo | 11 | 0 | 11 |
| Bitola | 14 | 0 | 14 |
| Strumica | 25 | 0 | 25 |
| Negotino | 102 | 58 | 44 |
| Stip | 167 | 66 | 101 |
| Kumanovo | 427 | 68 | 359 |
| Tetovo | they have no data | they have no data | they have no data |
| Cair | 1 | 1 | 0 |

BUILDING PERMIT REQUESTS

- The eight monitored municipalities awarded a total of 3,750 building permits during the 5-year period which is 23% of the total number of awarded building permits in the Republic of North Macedonia. During this period the municipalities approved 69% of the received building requests. Big discrepancies were noted in the level of approval of the requests which points to an inadequate approach of the municipalities and the possibility of corrupt influences.

The eight monitored municipalities awarded a total of 3,750 building permits during the 5-year period which is 23% of the total number of awarded building permits in the Republic of North Macedonia. Namely, according to the State Statistical Office during the period 2018-2022 there were a total of 16,582 awarded permits.

The requests for building permits and the documentation are submitted in electronic form through an e-approval for construction information system.

The eight municipalities subject to this research were asked to provide data on the number of requests for issuance of building permits for the period 2018-2022, for how many of these requests the procedure has been concluded and for how many of them the procedure is still ongoing, as well as data on how many of the completed procedures were granted a building permit, and how many requests were rejected. The municipalities presented high 96% of completed procedures.

At the level of all 8 municipalities, during the period 2018-2022, a total of 5,637 building requests have been submitted to the municipalities; a total of 3,750 of them have been approved and 1,887 have been rejected or withdrawn.

As can be seen from the following table, the Municipality of Tetovo received 1,691 requests, which is the largest number of requests for building permits for the stated period. There were over a thousand in Bitola (1,171 requests). Whereas the least number of building requests within a 5 year period were submitted to the Municipality of Stip with only 192 requests and in the Municipality of Cair with only 210 requests.

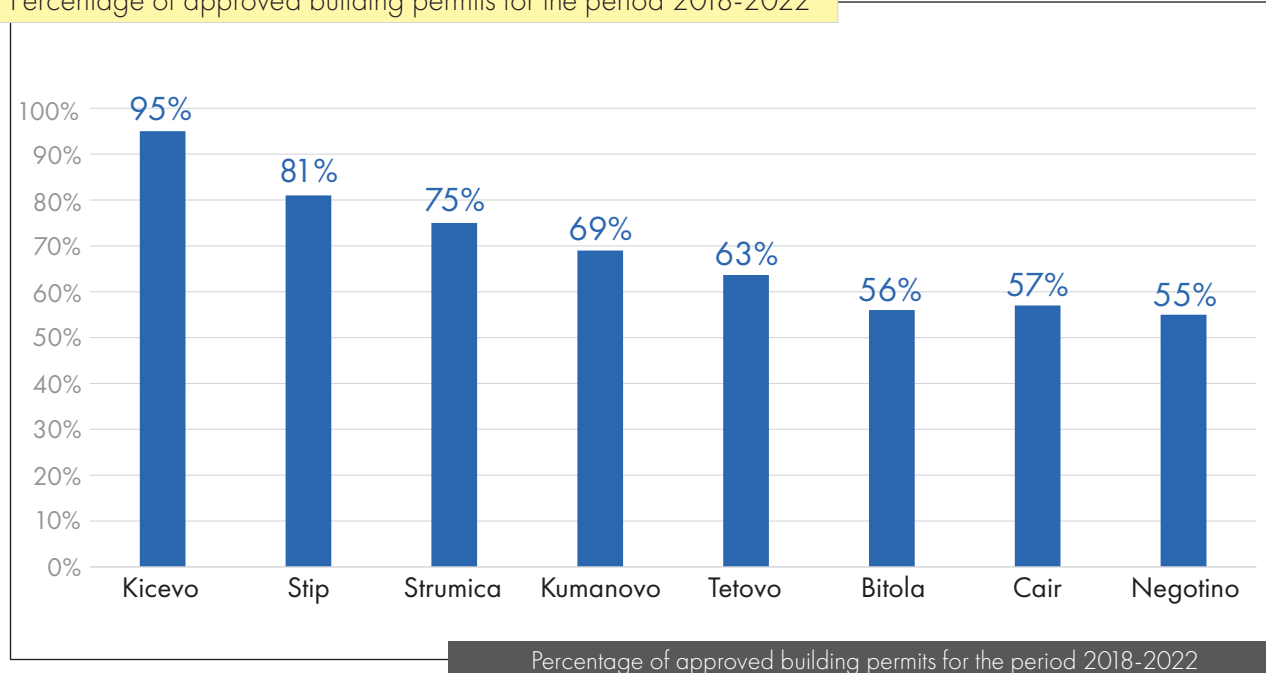
In proportion to the requests received, the municipalities of Tetovo (1,073 building permits) and Bitola (651 building permits) have the largest number of approved requests, followed by Kumanovo (591 building permits), Kicevo (515 building permits), Strumica (413 building permits), Negotino (232 building permits), Stip (156 building permits) and Cair (119 building permits).

Requested building permits and adopted decisions for the period 2018-2022

| Municipality | Number of submitted requests | Number of approved requests | Number of rejected and withdrawn requests |
|--------------|------------------------------|-----------------------------|---|
| Tetovo | 1.691 | 1.073 | 618 |
| Bitola | 1.171 | 651 | 520 |
| Kumanovo | 862 | 591 | 271 |
| Kicevo | 541 | 515 | 26 |
| Strumica | 549 | 413 | 136 |
| Negotino | 421 | 232 | 189 |
| Stip | 192 | 156 | 36 |
| Cair | 210 | 119 | 91 |

In the five-year period, on average the municipalities approved 69% of the received building requests. At the same time, Kicevo is at the top of the list with 95% of the received requests approved and Negotino is at the bottom with 55% of the received building requests approved.

Percentage of approved building permits for the period 2018-2022



Over the years the Municipality of Negotino has the biggest increase in the number of requested and approved building requests. Namely, in 2018 this municipality approved only 16 building requests as opposed to 2022 when there is 213% increase. Next is the Municipality of Kicevo which in 2018 approved 90 building requests as opposed to the 135 requests in 2022, which is 50% increase. Then follows the Municipality of Bitola with an increase in the approved building permits from 113 in 2018 to 165 in 2022, i.e. an increase of 46%. In Stip the increase in approvals is 21%, in Kumanovo 10%, in Cair 6% and in Tetovo 2%. Only the Municipality of Strumica has a decrease in the number of approved building permits with 104 in 2018 and 85 in 2022 which is a drop of 18%.

According to the received data it becomes apparent that 33.4% of the submitted building requests have been rejected or withdrawn. The high percentage of procedures which have been rejected, withdrawn, redirected or annulled indicates risk that the procedure for issuance of building permits in the municipalities in certain cases might be unfairly prolonged, that the decision-making based on the documents is biased and non-objective or that equal treatment (favoritism) of the applicants is not ensured, all the more so that the departments for urban planning in the municipalities subject to this research are partially filled, which is why a large number of cases accumulate with one official. The stated situation creates risk of occurrence of some of the forms of corrupt behaviour to facilitate the procedure for issuance of building permits.

Data on building permits for the period 2018-2022, per year

| Municipality | 2018 | | 2019 | | 2020 | | 2021 | | 2022 | |
|--------------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| | Requested | Approved | Requested | Approved | Requested | Approved | Requested | Approved | Requested | Approved |
| Bitola | 192 | 113 | 203 | 131 | 190 | 105 | 294 | 137 | 292 | 165 |
| Kicevo | 95 | 90 | 106 | 101 | 110 | 105 | 88 | 84 | 142 | 135 |
| Kumanovo | 155 | 100 | 182 | 118 | 151 | 104 | 210 | 159 | 164 | 110 |
| Negotino | 46 | 16 | 64 | 30 | 121 | 75 | 102 | 61 | 88 | 50 |
| Strumica | 116 | 104 | 87 | 62 | 101 | 72 | 116 | 90 | 129 | 85 |
| Tetovo | 264 | 170 | 349 | 242 | 338 | 229 | 378 | 259 | 362 | 173 |
| Cair | 41 | 17 | 45 | 25 | 45 | 26 | 46 | 33 | 33 | 18 |
| Stip | 44 | 34 | 50 | 38 | 24 | 20 | 30 | 23 | 44 | 41 |

REQUESTS FOR DETERMINING THE LEGAL STATUS OF AN OBJECT (LEGALIZATION)

- The requests for legalization of illegally build objects submitted in 2018 are more than double the number of requests for building permits submitted during the full five-year period, from 2018 to 2022. This undeniably speaks of the repercussions from adopting a law to determine the legal status of illegally built objects, which threatens the principles of the rule of law and the planned development of spatial planning in the country.

The total number of submitted requests for determining the legal status of an object (legalization) in the eight municipalities according to the data received from the municipalities themselves is 13,338. The requests for legalization of objects were received in 2018, despite this they are far more numerous than the requests for building permits received within the five-year period. As can be seen from the following table, the number of requests for legalization is highest in Tetovo, Kumanovo and Cair.

Ratio between submitted requests for building permits and requests for determining the legal status (legalization) 2018-2022

| Municipality | Number of requests for determining the legal status (legalization) from 2018 | Number of requests for building permits 2018-2022 |
|--------------|--|---|
| Tetovo | 2.905 | 1.691 |
| Kumanovo | 2.808 | 862 |
| Cair | 1.929 | 210 |
| Bitola | 1.799 | 1.171 |
| Stip | 1.311 | 192 |
| Strumica | 1.232 | 549 |
| Kicevo | 1.009 | 541 |
| Negojino | 345 | 421 |
| Total | 13.338 | 5.637 |

According to the Law on Construction Land, development of construction land is the construction of communal infrastructure facilities for the purpose of ensuring unhindered access to the building plot from a public road, installation of water, fecal and atmospheric sewage and other installations with connections to the building plot. The planning, design and execution of this infrastructure is carried out according to the urban plans, urban planning documentation or infrastructure project determined by law.

The development of the construction land is carried out by the municipalities based on the Program for the Development of Construction Land adopted by the Council, and the development of the construction land is determined by a commission formed by the municipalities which is comprised of three members from among the employees of the service that performs the development of the construction land.

For a developed construction land the investors pay a fee which amount depends on the level of development as regards communal infrastructure facilities and which is determined by the municipalities. The determining of the fee, the manner of payment, as well as the rights and obligations as regards the development of the construction land is done in a procedure for issuance of building permits, in accordance with the provisions from the Law on Construction where the payment of this fee is stated as a condition for receiving the building permit. The funds from the fee are an income for the municipalities and are only used to realize the program for development of the construction land.

Contrary to this, the Law on Dealing with Illegally Built Objects regulates the conditions, method and procedure for recording, determining the legal status and sanctioning the illegally built objects that represent buildings of national and local importance and health institution facilities, as well as additions and upgrades built without a building permit or contrary to the building permit, in and outside the planning scope.

Most of the requests for determining the legal status of an object affect the municipalities' income because the fee for legalization of objects is far lower than the fee for developing construction land (utilities). The aforementioned contributes to municipalities collecting less income on this basis which in turn reduces the funds for regular exercise of the municipalities' responsibilities, and there is also risk of disrupting the liquidity of the municipalities.

At the same time, there is risk that the objects for which a request has been submitted to determine the legal status are not built in accordance with properly prepared project documentation and this includes their audit and supervision, which in itself affects the quality of the objects and the public safety.

The analysis of the data shows that, on average, the eight municipalities subject to this research resolved 35% of the requests for legalization.

Number of submitted requests for determining the legal status (legalization) for 2018

| Municipality | Number of submitted requests | Number of completed requests | Percentage of completed procedures |
|--------------|------------------------------|------------------------------|------------------------------------|
| Tetovo | 2.905 | 1.697 | 58,4% |
| Kumanovo | 2.808 | no data | no data |
| Cair | 1.929 | 530 | 27,5% |
| Bitola | 1.799 | 698 | 38,8% |
| Stip | 1.311 | 341 | 26,0% |
| Strumica | 1.232 | 361 | 29,3% |
| Kicevo | 1.009 | 300 | 29,7% |
| Negotino | 345 | 117 | 33,9% |

The abovementioned data lead to the conclusion that due to the manner in which the legal regulation is defined, there is risk of occurrence of a large number of requests for legalization of objects with an illegal status and commencing construction of these types of objects without procuring the appropriate building permit because the investors pay a smaller fee to determine the legal status of the object (legalization) than they do to secure a building permit through regular procedure where the fee for developing the construction land is much higher.

ARRANGEMENT OF THE ORGANIZATIONAL URBAN PLANNING UNITS

- The average job posts occupancy in the urban planning organizational units is 62%. Due to the partial job posts occupancy, there is risk that adequate management and control is not established and neither is the division of duties and responsibilities.

All the municipalities subject to this analysis within the acts for systematization and organization of job posts have foreseen an urban planning and construction organizational unit whose jurisdiction is to act upon submitted requests for issuance of building permits.

Part of the municipalities have departments for urban planning and construction, and others have them integrated in sectors. The submitted data do not allow for a precise analysis of the number of job posts tasked with urban planning and construction and presenting them in absolute numbers considering the fact that some municipalities submitted data for entire sectors which encompass other job posts as well.

According to the data received from the eight municipalities it can be concluded that the average job posts occupancy in the appropriate organizational units is only 62%. The largest percentage of unfilled job posts are in the Municipality of Kicevo where, in terms of percentages, more than half are unfilled (44%).

Data on the filled job posts in the organizational units for urban planning and construction (state 2023)

| Municipality | Organizational unit | Projected job posts | Filled job posts | Percentage of job posts filled |
|--------------|---|---------------------|------------------|--------------------------------|
| Strumica | Sector for urban planning and communal affairs | 40 | 28 | 70 % |
| Tetovo | Sector for urban planning and construction land management | 19 | 13 | 68 % |
| Stip | Sector for urban planning, communal affairs and environmental protection | 11 | 6 | 55 % |
| Cair | Sector for urban planning, construction land development, communal affairs and environmental protection | 32 | 16 | 50% |
| Kumanovo | Organizational unit for urban planning and construction | 27 | 21 | 77 % |
| Bitola | Department for urban planning and construction | 10 | 7 | 70 % |
| Negotino | Department for urban planning and environmental protection | 8 | 5 | 63 % |
| Kicevo | Department for urban planning and spatial planning | 25 | 11 | 44 % |

Due to the partial job posts occupancy, there is risk that adequate management and control has not been established, neither have the division of duties and responsibilities in the area of exercising the legal competences of the municipality that relate to urban planning and construction. So, there is risk that greater part of the competences will be performed by one employee and the activities will not to be verified by two mutually independent persons.

- In half of the municipalities there is no appointed head of the urban planning organizational unit which means that there is no total and efficient control established in the municipalities, it also increases the possibility for greater influences of the mayors who get the opportunity to authorize close persons for the position.

The municipalities of Bitola, Negotino, Tetovo and Cair do not have heads of the urban planning and construction organizational units. Also, it is stated in the municipalities of Bitola, Tetovo and Cair that these departments are run by persons authorized by the mayors, whereas the Municipality of Negotino answered that they do not have a head of unit.

Data on the management positions in the organizational units for urban planning and construction

| Municipality | Is the management position filled |
|--------------|-----------------------------------|
| Bitola | No |
| Kicevo | Yes |
| Kumanovo | Yes |
| Negotino | No |
| Strumica | Yes |
| Tetovo | No |
| Cair | No |
| Stip | Yes |

The absence of heads of organizational units means that full and efficient control has not been established in the municipalities. Also, the possibility of greater influence on the part of the mayors increases since they get the opportunity to authorize close persons for the position.

INSPECTION SUPERVISION

- Inspection supervision according to the National Strategy for Prevention of Corruption is considered as a point that can generate risks of corruption in this sector. The research reveals that in all municipalities there is a phenomenon of partial filling of the jobs in the departments for inspection supervision, and in 5 municipalities not even the management jobs are filled.

The tasks of inspection supervision over the application of the Building Law, as well as the regulations adopted on the basis of it, are carried out by construction inspectors of the State Inspectorate for Construction and Urban Planning (building inspectors) and construction inspectors of the municipalities (authorized building inspectors).

A building inspector performs inspection supervisions over first category buildings and an authorized building inspector performs inspection supervisions over second category buildings.

A building inspector, i.e. an authorized building inspector has the right to perform inspection supervisions during the construction, as well as inspection supervisions of objects when structural elements in it are converted in terms of their mechanical resistance, stability and seismic protection, and also during the conversion from residential to business space and vice versa and keeps a record of this.

During the inspection supervisions, a building inspector checks whether the authorized building inspector acts in accordance with their jurisdictions.

During the implementation of the inspection supervisions, these inspectors have the right and duty to check whether the participants in the construction have authorizations and licenses, as well as order the removal of irregularities, removal of damages, suspension of construction, removal of the construction, closure of the construction site, marking the construction as dangerous, and also take other actions in order to prevent the construction, if it is carried out illegally.

The inspection supervision procedure is initiated and conducted as part of the official duty of the inspectors, as well as upon the initiative of any person, in accordance with the provisions of the Law on the General Administrative Procedure. If during the performance of the inspection there are irregularities that represent a misdemeanor or a criminal act, then a misdemeanor or criminal procedure is initiated.

As regards whether the act of systematization and organization of job posts provides for a department for performing inspection supervisions in the field of construction and urban planning, it can be concluded that all municipalities have foreseen an organizational unit for performing inspection supervisions in the field of urban planning and construction.

The inspection services are organized as inspectorates, or as organizational units within other state administration bodies, or within local self-government units.

Data on the filled job posts in the organizational units for inspection supervision
from the field of construction and urban planning

| Municipality | Type of organizational unit | Projected job posts | Filled job posts | Percentage of filled job posts |
|--------------|---|---------------------|------------------|--------------------------------|
| Bitola | Department for conducting inspection supervision from the field of urban planning and construction | 2 | 2 | 100 % |
| Stip | Department for inspection supervision from the field of construction | 1 | 2 | 100 % |
| Kumanovo | Department for conducting inspection supervision from the field of urban planning and construction | 28 | 23 | 82 % |
| Strumica | Department for inspection activities in urban planning, communal affairs, environmental protection, traffic and local roads and streets | 19 | 14 | 74 % |
| Kicevo | Department for conducting inspection supervision | 9 | 5 | 56 % |
| Negotino | Department for inspection supervision – Inspectorate | 6 | 3 | 50 % |
| Cair | Department for inspection supervision | 6 | 3 | 50 % |
| Tetovo | Department for inspection supervision from the field of urban planning and construction activity | 9 | 3 | 33 % |

According to the received data, the average occupancy of the projected job posts in the organizational units for inspection supervision in the field of construction and urban planning is 68%. In terms of percentages, the largest deficit of employees in these posts are in the municipalities of Tetovo, Negotino and Cair where at least half of the systematized job posts are not filled. Unlike these municipalities, the Municipality of Stip has projected only one job post for which there are two employees.

Due to the partial occupancy of the job posts, there is no appropriate management and control established, nor is there a division of obligations and responsibilities in the part of exercising the legal jurisdictions of the municipality that refer to inspection supervision in the field of construction, thus there is a risk that most of the jurisdictions are performed by one employee, and that the activities are not verified by two mutually independent persons.

From the aspect of the management structures, it follows that in half of the analyzed municipalities the management positions of the organizational units for inspection supervision in the field of construction and urban planning are unfilled. The absence of heads of organizational units means that a complete and efficient control environment has not been established when performing the jurisdictions. These situations are not in accordance with the provisions of the Law on Public Internal Financial Control.

Data on the management positions in the organizational units for inspection supervision from the field of construction and urban planning

| Municipality | Is the management position filled |
|--------------|-----------------------------------|
| Bitola | No |
| Kicevo | No |
| Kumanovo | Yes |
| Negotino | No |
| Strumica | No |
| Tetovo | Yes |
| Cair | Yes |
| Stip | No |

In seven of the eight municipalities (Bitola, Kicevo, Kumanovo, Negotino, Strumica, Tetovo and Stip) the tasks from the field of inspection supervision in construction are performed by an inspector who is employed in the municipality. The building inspector in Negotino was employed for the period 2019-2021, whereas in the Municipality of Cair during the research period there was no employed inspector because of which the tasks in this field were performed by a building inspector from the State Inspectorate for Construction and Urban Planning.

Number of employed building inspectors in the period 2018-2022

| Municipality | Number of employed building inspectors |
|--------------|--|
| Bitola | 2 |
| Kicevo | 1 * |
| Kumanovo | 4 |
| Negotino | 1 ** |
| Strumica | 2 |
| Tetovo | 4 |
| Cair | 0 |
| Stip | 2 |

*employed in 2019 **worked from 2019 to 2021

As can be seen from the table, the largest number of inspectors are in Kumanovo and Tetovo, 4 each. Then come the municipalities of Stip and Strumica with 2 inspectors each and there is one inspector in Kicevo and Bitola each.

However, precisely in the municipalities where there is the largest number of employed building inspectors, there is also the largest number of requests for determining legal statuses (legalization) which also calls into question their efficacy.

Moreover, in the Municipality of Cair, which has no building inspectors, there is a large number of requests for legalization of objects.

- Almost every municipality has the practice of performing extraordinary supervisions as opposed to the regular and controlled ones. The excessive use of extraordinary supervisions creates the risk of subjectivism in the selection of subjects which are subject to inspection supervision, as well as favoring certain legal entities, i.e. their omission from performing inspection supervision.

In seven of the municipalities the inspectors prepare a work plan/program as well as periodical/annual reports on the work done, whereas the answer from the Municipality of Kicevo states that due to changes in the legal regulations, they no longer prepare work programs, but they do prepare work reports.

The inspectors perform the inspection supervisions through: regular inspection supervisions, extraordinary inspection supervisions and control inspection supervisions.

The regular inspection supervision is an announced supervision which is performed based on the work program of the inspection service and includes supervision over the implementation of laws and regulations adopted on the basis of laws.

The extraordinary inspection supervision is an unannounced supervision and is performed on the basis of an initiative submitted by state authorities, natural or legal persons, as well as in cases of suspicion on the part of the inspector (professional duty).

A control inspection supervision is performed after the expiration of the term specified in the inspection act passed by the inspector, whereupon after determining the actual situation, the inspector will state that the subject of the supervision acted according to the inspection act in its entirety, partially acted according to the inspection act or did not act according to the inspection act.

According to the data, the Municipality of Bitola has the largest number of performed inspection supervisions or 1,168, while the Municipality of Cair has not conducted a single inspection on the grounds that they do not have an authorized building inspector. There is no data on how many inspection supervisions were performed in the Municipality of Cair by a building inspector of the State Inspectorate for Construction and Urban Planning whose job is to do this in municipalities that do not have an inspector.

The Municipality of Negotino informed that it does not keep a register of performed inspection supervisions.

Number of conducted inspection supervisions in the period 2018-2022

| Municipality | Total number of inspection supervisions | Regular inspection supervisions | Extraordinary inspection supervisions | Control inspection supervisions |
|--------------|---|---------------------------------|---------------------------------------|---------------------------------|
| Bitola | 1,168 | 235 | 700 | 233 |
| Kicevo | 471 | No individual records are kept | No individual records are kept | No individual records are kept |
| Kumanovo | 957 | No data | No data | No data |
| Negotino | No register | No register | No register | No register |
| Strumica | 953 | 0 | 833 | 120 |
| Tetovo | 575 | 53 | 473 | 49 |
| Cair | 0 | 0 | 0 | 0 |
| Stip | 461 | 0 | 286 | 175 |

Most of the controls were performed as extraordinary controls. Although performing extraordinary inspection supervisions in construction is a tool that encourages construction workers to work in accordance with laws and regulations, the excessive use of extraordinary inspection supervisions creates risk of subjectivism in the selection of subjects which are subject to inspection supervision, as well as favoring certain legal entities, i.e. their omission from performing inspection supervisions.



ANALYSIS OF THE STATE AT THE LEVEL OF THE MUNICIPALITIES

MUNICIPALITY OF BITOLA

The Municipality of Bitola has adopted programs for the preparation of urban planning documents for the period 2018-2022 which have been published in the municipalities official gazette. All annual programs are published within the legal deadline for adopting these programs, i.e. January 31 the latest for the ongoing year.

In the analyzed period, the Municipality of Bitola has published a total of five open calls for submitting initiatives for developing urban plans by interested natural and legal persons. Two calls were published in 2018, two in 2019 and one in 2020.

The Municipality of Bitola has adopted the general urban plan on 27.09.1999 and, in the meantime, there have been 9 changes. When it comes to the adopted detailed urban plans and their changes, the Municipality of Bitola has adopted three DUPs during this period.

In the analyzed period, the Municipality of Bitola has begun a total of 14 procedures for changing and amending the DUP – four in 2018, two in 2019, six in 2020, none in 2021 and two in 2022. All the procedures for changing and amending the DUP were made upon the initiative of natural persons.

Regarding the list of plots owned by the Republic of North Macedonia that were in the function of the citizens (squares, parks, sports complexes), and which were converted into building plots by the Municipality of Bitola, information was received that in the given period no conversions of such building plots were made.

The Municipality of Bitola has a Department for Urban Planning and Construction. The department foresees 10 job posts, yet three are not filled, including the head of department position which is vacant due to retirement of the person that filled it. The department is run by a civil servant with the title of an advisor.

In the analyzed period, 1,171 requests for issuance of building permits have been submitted to the Municipality of Bitola and in 56% of cases the building permits have been approved.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 192 | 59 % |
| 2019 | 203 | 65 % |
| 2020 | 190 | 55 % |
| 2021 | 294 | 47 % |
| 2022 | 292 | 57 % |

During the same period, 1,799 requests for determining the legal status of an object (legalization) have been submitted to the Municipality of Bitola. One third of these or 539 requests received a positive decision. 75 rejected decisions have been issued by the Municipality of Bitola, 84 requests have been forwarded to the Ministry of Transport and Communications of the Republic of North Macedonia due to lack of competence of the Municipality of Bitola, and 1,101 requests have been sent to institutions in order to receive their opinions and to a commission for photography so as to determine the factual situation.

According to the systematization act, the Municipality of Bitola has a Department for performing inspection supervision in the field of urban planning and construction which does not have a manager. In the inspection supervision department, two jobs are planned and they have been filled.

In the given period, the building inspector conducted a total of 1,168 inspection supervisions, 60%, of which, i.e. 700 supervisions were performed as extraordinary inspection supervisions, 235 were regular, and 233 were control inspection supervisions.

MUNICIPALITY OF KICEVO

The Municipality of Kicevo has adopted annual programs for preparing urban planning documents but the programs for 2018 and 2022 were adopted with one month delay from the legally stipulated period.

In the period 2018-2022, the Municipality of Kicevo published only one open call for submitting initiatives for developing urban plans by interested natural and legal persons and this was done in 2019, even though until 2020 the municipalities were legally obligated to publish at least one such open call annually.

The GUP of the Municipality of Kicevo was adopted on 11.02.2000 and till today five changes have been made.

In the analyzed period, the Municipality of Kicevo adopted a total of four new DUPs and 11 changes to the existing plans.

There are no plots owned by RNM that were used by citizens (squares, parks, sports complexes) which were converted into building plots in the given period.

In the analyzed period, 541 requests for issuance of building permits were submitted to the Municipality of Kicevo and 515 building permits were approved, which is 95%.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 95 | 95 % |
| 2019 | 106 | 95 % |
| 2020 | 110 | 95 % |
| 2021 | 88 | 95 % |
| 2022 | 142 | 95 % |

In the same period, a total of 1,009 requests for determining the legal status of an object (legalization) have been submitted. Of these, 300 or 29.7% have been resolved.

According to the systematization and organization of jobs act, a department for urban and spatial planning, as well as a department for performing inspection supervisions in the field of urban planning and construction are foreseen. In the Department for urban and spatial planning 25 jobs have been planned, but only 11 have been filled, including the position of manager.

In the Department for performing inspection supervisions from this field, 9 jobs are planned of which only 5 have been filled, and there is no appointed head of department. Since 2019 an authorized building inspector has been employed in the municipality who has been performing work in the area of inspection supervision at local level.

The Municipality of Kicevo does not prepare an annual program referring to the legal amendments of 2020.

In the given period, the Municipality of Kicevo conducted a total of 471 inspection supervisions. From the obtained data, it is not possible to determine the type of supervision for each separate year.

MUNICIPALITY OF KUMANOVO

The Municipality of Kumanovo adopted annual programs for developing urban planning documents within the legally stipulated period.

During the period 2018-2022 the municipality published 4 open calls for submitting initiatives for developing urban plans by interested natural and legal persons. The open calls were published in the official gazette of the municipality, on the municipality's webpage, on the notice board of the municipality, in the e-urbanism information system, in a daily newspaper in Macedonian language and in a daily newspaper in Albanian language. After 2020, no such calls were published in accordance with the changes in the Law on Urban Planning.

The GUP of the Municipality of Kumanovo was adopted on 26.03.2004 and has undergone five changes and amendments.

During the analyzed period, the Municipality of Kumanovo adopted 21 DUPs and 18 changes.

There are no registered plots that were used by citizens and were converted into building plots.

A total of 862 requests for issuance of building permits were submitted to the Municipality of Kumanovo in the stated period and 69% of them were approved.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 155 | 65 % |
| 2019 | 182 | 65 % |
| 2020 | 151 | 69 % |
| 2021 | 210 | 76 % |
| 2022 | 164 | 67 % |

A total of 2,808 requests for legalization were submitted to the Municipality of Kumanovo in the stated period, but there are no submitted data on the number of completed procedures.

In the act for the systematization and organization of jobs in the Municipality of Kumanovo, an organizational unit for urban planning and construction and a department for performing inspection supervisions in the field of urban planning and construction are foreseen. In the unit for urban planning and construction, out of the 27 planned jobs 21 have been filled, including the position of head of department, while in the department for inspection supervisions in the field of urban planning and construction 28 jobs have been planned and 23 have been filled, including the management position.

The building inspectors in the municipality perform the works in the field of inspection supervision and in the analyzed period there were 4 inspectors employed. The corresponding department prepares annual programs and half-yearly reports on the work.

In the analyzed period, 957 inspection supervisions were carried out, but it is not possible to determine how many of them were regular, how many were extraordinary and how many control supervisions from the data provided by the municipality.

MUNICIPALITY OF NEGOTINO

The Municipality of Negotino has adopted annual programs for the preparation of urban planning documents in the period 2018-2022 within the legally stipulated period.

During this period, the Municipality of Negotino published three open calls for submitting initiatives for preparing urban plans by interested natural and legal persons, namely two in 2019 and one in 2020.

The general urban plan of the Municipality of Negotino was adopted on November 6, 2020. During the stated period, 11 detailed urban plans and two changes were adopted.

Regarding the issue of whether there are plots owned by RNM that were used by citizens and have been converted into building plots, the Municipality of Negotino replied that it does not have such information, but that when amending the planning documentation they took into account that this number should be minimal and necessary.

In the stated period, the municipality received 421 building permits and approved 55% of them, 345 requests for legalization were also submitted of which 117 were acted upon.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 46 | 35 % |
| 2019 | 64 | 47 % |
| 2020 | 121 | 62 % |
| 2021 | 102 | 60 % |
| 2022 | 88 | 57 % |

There is a department for urban planning and environmental protection in the municipality for which 8 jobs have been planned, but only 5 have been filled and the department does not have a manager.

In the Municipality of Negotino there is a department for inspection supervision - Inspectorate. According to the systematization act, 6 jobs have been planned, but only 3 of them have been filled, one of which is a consultant inspector - an authorized building inspector. During the period from 09.04.2019 to 11.01.2021 this position had not filled.

The authorized inspector prepares an annual program and half-yearly reports, but the municipality does not have a register of conducted regular and extraordinary controls for the period 2018-2022.

MUNICIPALITY OF STRUMICA

The Municipality of Strumica has adopted programs for the preparation of urban planning documents for the period 2018-2022 and they have been published within the legally stipulated period for the adoption of these programs, with an indication that for 2019 a Supplemental Program was submitted, but not the program itself.

In the stated period, the municipality published five open calls for submitting initiatives for the development of urban plans by interested natural and legal persons, two in 2018, two in 2019 and one in 2020.

The general urban plan for the City of Strumica was adopted on July 12, 2002, which was followed by changes in 2006, 2010 and 2020.

As for the number of adopted detailed urban plans, 17 new plans and 7 amendments to the existing ones were adopted in the Municipality of Strumica.

There has been no conversion of parcels that were used by citizens into building plots.

549 requests for building permits were submitted to the Municipality of Strumica, 75% of which were approved.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 116 | 90 % |
| 2019 | 87 | 71 % |
| 2020 | 101 | 71 % |
| 2021 | 116 | 78 % |
| 2022 | 129 | 66 % |

As for the number of submitted requests for determining the legal status (legalization), the municipality points out that there were such requests until 2018, when 1,232 were submitted and 29.3% of them were completed.

The Municipality of Strumica has a Department for urban planning and communal affairs whose responsibility is to act on submitted requests for building permits. According to the systematization, 40 jobs have been projected for this department and 28 jobs have been filled, among which is the position of head of department for urban planning and communal affairs.

The municipality has a department for inspection in urban planning, communal works, environmental protection, road traffic and local roads and streets. According to systematization, 19 jobs have been planned in this department and 14 have been filled. There is no appointed manager.

The Municipality of Strumica has employed two authorized building inspectors who prepare annual, quarterly and monthly reports, while the Annual Program for the work of the building inspection is prepared by the mayor of the municipality.

In the stated period, the Municipality of Strumica has conducted 953 inspection supervisions, of which 833 were extraordinary, 120 control and none were regular.

MUNICIPALITY OF TETOVO

The Municipality of Tetovo did not submit the annual programs of the municipality for the preparation of urban planning documents for the period 2018-2022, nor has it published open calls for submitting initiatives for the preparation of urban plans by interested natural and legal persons.

The current General Urban Plan of the Municipality of Tetovo was adopted on April 16, 2003, and in the meantime 10 changes were made.

According to the data received from the municipality, a total of 8 detailed urban plans were adopted.

In the given period, a total of 1,691 requests for building permits were submitted to the Municipality of Tetovo, 67% of which were approved.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 264 | 64 % |
| 2019 | 349 | 69 % |
| 2020 | 338 | 68 % |
| 2021 | 378 | 69 % |
| 2022 | 362 | 64 % |

In the same period, a total of 2,905 requests for determining the legal status of an object (legalization) were submitted, 1,466 of which were resolved.

Within the municipality there is an organizational unit - the Department for urban planning and construction land management. There are 19 jobs planned for this department of which 13 have been filled, and it is managed by a manager for the implementation of urban plans with the authorization of the mayor.

The act of internal organization of the Municipality of Tetovo provides for a Department for urban planning and construction supervision, and it provides for nine jobs, of which three have been filled, including the manager post.

In the given period, four authorized construction inspectors worked in the field of inspection supervision at the local level.

No answer was received from the municipality whether the department prepares an annual program and work reports.

In the period 2018-2022, a total of 575 inspection supervisions were carried out, of which 53 were regular, 473 extraordinary and 49 control.

MUNICIPALITY OF CAIR

The Municipality of Cair has adopted programs for the development of urban planning documents for the period 2018-2022 and they have been published within the legally stipulated period for the adoption of these programs.

The Municipality of Cair published open calls for submitting initiatives for the development of urban plans by interested natural and legal persons in the period 2018-2019.

The municipality does not have a General Urban Plan, but the detailed urban plan for the Municipality of Cair is within the GUP of the City of Skopje, which was adopted on 03.12.2012.

The last changes to the detailed urban plan of the Municipality of Cair were made in 2021, a total of four, and no information was provided on whose initiative they were made.

None of the plots owned by RNM which are a square, park or sports complex have been converted into building plots.

In the stated period, 210 requests for building permits were submitted to the Municipality of Cair and all of them were acted upon. Approval was granted in 57% of cases.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 41 | 41 % |
| 2019 | 45 | 56 % |
| 2020 | 45 | 58 % |
| 2021 | 46 | 72 % |
| 2022 | 33 | 55 % |

Regarding the number of requests for determining the legal status of an object, the Municipality of Cair received 1,929 such requests, and until today 530 requests have been completed with a decision.

The Municipality of Cair has a Department for urban planning, development of construction land, communal works and environmental protection in which 32 jobs are planned and 16 are filled. The department is managed by a person authorized by the mayor.

In the Municipality of Cair, a Department for inspection supervision has been established and there is a head. In total, three out of six systematized positions have been filled and there is no employed building inspector.

Regarding the inspection supervision, the Municipality of Cair has not conducted any with the reasoning that they do not have an authorized building inspector and for the same reason they do not prepare an annual program and report on the work of the respective department.

MUNICIPALITY OF STIP

The Municipality of Stip submitted the annual programs for the preparation of urban planning documents in the period 2018-2021 from which it can be concluded that they were adopted within the legally stipulated period, while for 2022 a Program was submitted for supplementing the program for the preparation of urban planning documents.

In connection to the published open calls for submitting initiatives for the preparation of urban plans by interested natural and legal persons, the Municipality of Stip did not submit documents which raises the question of whether such calls were published at all.

The general urban plan of the Municipality of Stip was adopted on December 31, 2022.

In the period 2018-2022, a total of 4 new detailed urban plans and 4 changes were adopted.

There has been no conversion of plots owned by RNM and used by citizens into building plots.

In the given period, 192 requests for building permits were submitted to the Municipality of Stip and in 81 % of the requests the approval was issued.

Submitted requests for building permits per year

| Year | Number of requests | Percentage of approved |
|------|--------------------|------------------------|
| 2018 | 44 | 77 % |
| 2019 | 50 | 76 % |
| 2020 | 24 | 83 % |
| 2021 | 30 | 77 % |
| 2022 | 44 | 93 % |

The Municipality of Stip published a call for submitting requests for legalization only in 2018, when 1,311 requests were submitted of which 341 were answered positively, 17 requests were rejected, and the rest are still being processed.

In the Municipality of Stip there is a department for urban planning, communal activities and environmental protection. According to the systematization, 11 jobs are planned in the department, of which 6 have been filled, including the head of department.

In the Systematization of Jobs Act a department for inspection supervision in the field of construction is provided with one position for a construction inspector and two executors and this job is filled.

The systematized position of head of department is not filled, the immediate manager is the head of the department of inspection works.

The position of building inspector has been filled and building inspectors performed the work in the field of inspection supervision continuously from 2018 to 2022.

The authorized inspectors from the field of urban planning and construction prepare a monthly work plan and, according to the performed inspection supervisions, prepare reports on the work.

There were a total of 461 conducted inspection supervisions, of which 286 were extraordinary and 175 control inspection supervisions.

RECOMMENDATIONS

- ✓ The municipalities of Bitola, Kumanovo and Kicevo should speed up the process of adopting the General Urban Plans, in accordance with their annual programs for the preparation of urban planning document. While the municipalities of Strumica and Tetovo should commence this complex and longterm process.
- ✓ The adoption of the Detailed Urban Plans and their changes should be carried out through an inclusive and consultative process with the citizens, in initiatives that will be instituted by the municipalities themselves in order to foresee more projects for improvement of public space.
- ✓ Reduce the preparation of urban plans by natural and legal persons until the adoption of amendments to the Law on Urban Planning, in order to delete the possibility of having private legal entities prepare urban plans, in accordance with the requirement of the National Strategy for the Prevention of Corruption and Conflict of Interests 2021-2025.
- ✓ Strengthen inspection supervisions in order to not make it possible to build objects without a previously obtained building permit.
- ✓ Discourage the adoption of a new law to extend the deadline for determining the status of illegally built objects.
- ✓ Strengthen the personnel capacities in the municipalities in the field of urban planning and construction.
- ✓ Appoint the management structures in the organizational units responsible for urban planning, as well as in the organizational units for inspection supervisions in construction.
- ✓ Building inspectors should conduct an adequate number of regular controls based on relevant criteria for selecting the subject to be controlled. In this way, the large number of extraordinary inspection supervisions will be reduced, whose large number allows for greater subjectivity of the inspectors.
- ✓ Improve the way of recording the performed inspection supervisions. The Municipality of Negotino should start keeping a register of performed inspection supervisions, and the municipalities of Kicevo and Kumanovo should also keep separate records for the type of supervision (regular, extraordinary and control).

