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ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

Based on Article 75, paragraphs 1, 2 and 4 of the Constitution of the Republic of North Macedonia, the President of the Republic of North Macedonia and the President of the Assembly of the Republic of North Macedonia issue

ORDINANCE FOR THE PROCLAMATION OF THE OFFENSES LAW

The Law on Misdemeanors is promulgated, which the Assembly of the Republic of North Macedonia adopted at the session held on February 25, 2019.

No. 08-1578/2 President of the Republic
May 17, 2019 North Macedonia,
Skopje **Stevo Pendarovski**, m.h.

President
of the Assembly of the Republic
of North Macedonia,
Mr **Talat Xhaferi**, s.r.

OFFENSES LAW

BASIC PROVISIONS

Subject to the law

Article 1

This law regulates the general conditions for prescribing offenses and criminal sanctions, the general conditions for determining criminal liability, for the imposition and execution of criminal sanctions and prescribes the criminal procedures.

Application of the provisions of other laws

Article 2

(1) The provisions of the general part of the Criminal Code shall be applied accordingly to the misdemeanor and misdemeanor liability.

(2) If the provisions of this law do not stipulate otherwise, the courts in misdemeanor proceedings shall apply the provisions of the Law on Criminal Procedure that refer to the basic principles: language, local jurisdiction, consequences of lack of jurisdiction, conflict of jurisdictions, exemption, accused, counsel, submissions, minutes, deadlines, property-legal claim, making and communicating decisions, delivery of written and regular and extraordinary legal remedies.

(3) The misdemeanor authority, when conducting the misdemeanor procedure, appropriately applies the provisions of the Law on General Administrative Procedure, unless otherwise determined by this Law.

(4) The classification of small, medium and large trading companies is determined in accordance with the provisions of the Law on trading companies.

(5) The provisions of the law regulating the use of languages in the Republic of Macedonia

and in the local self-government units shall be applied accordingly in the misdemeanor procedure.

Meaning of expressions in this Law

Article 3

(1) The term natural person in the sense of this law denotes any adult person who commits an offense, a responsible person in a legal entity, a sole trader, an authorized official and a person who independently performs an activity.

(2) Legal entity denotes: the Republic of Macedonia, public bodies, local self-government units, public enterprises, trading companies, institutions, political parties, associations, foundations, alliances and organizational forms of foreign organizations, sports associations and other legal entities from the field of sports and other legal entities and other communities and organizations that have been recognized as legal entities.

(3) FBy foreign legal entity denotes a public company, institution, fund, bank, trading company or other form of organization according to the laws of a foreign country in the performance of economic, financial, banking, commercial, service or other activities, which has its headquarters in another country or representative office in the Republic of Macedonia or is established as an international company, fund, bank or institution.

(4) Ministries and other organs of the state administration, organizations established by law, legal and natural persons who are entrusted by law to exercise public powers, as well as the authorities of the municipality, the city of Skopje and the municipalities in the city of Skopje, represent a public authority.

(5) State bodies are the ministries, other bodies of the state administration, bodies of the legislative, executive and judicial authorities.

(6) A responsible person in a legal entity is considered to be the person who, in view of his function or on the basis of a special authorization in the legal entity, is entrusted with a certain scope of work related to the execution of legal regulations or regulations adopted on the basis of law, act of the legal entity in the management, use and disposal of property, the management of the production or business venture, some other economic process or the supervision over them. When this is specifically provided for by this law, the person who performs a special function or authority or who is entrusted with the independent performance of certain tasks in a foreign legal entity, as well as the person who is the representative of a foreign legal entity in the Republic of Macedonia, is considered a responsible person.

(7) An official person is:

a) An elected or appointed official in the Parliament of the Republic of Macedonia, in the Government of the Republic of Macedonia, in the bodies of the state administration, in the courts and other bodies and organizations that perform certain professional, administrative and other tasks within the framework of the rights and duties of the Republic of Macedonia, in local self-government units, as well as persons who constantly or occasionally perform official duties in these bodies and organizations;

b) An authorized person in a legal entity who is entrusted with the exercise of public powers by law or by another regulation adopted on the basis of law, when they perform the duty within the framework of those powers;

c) A person authorized by the official who leads and completes the procedure and performs certain official duties based on authorization given by law or by other regulations and acts passed on the basis of law;

d) Military personnel when it comes to offenses in which an official is designated as the perpetrator;

e) An administrative officer is a person who established an employment relationship for the purpose of performing administrative work in one of the following institutions: state and local government bodies and other state bodies established in accordance with the Constitution and the

law and institutions that perform activities in the field of education, science, health, culture, labor, social protection and child protection, sports, as well as in other activities of public interest established by law, and organized as agencies, funds, public institutions and public enterprises founded by the Republic of Macedonia or by the municipalities, from the city of Skopje, as well as from the municipalities in the city of Skopje;

f) Representative of a foreign state or an international organization in the Republic of Macedonia.

(8) Under the term military personnel are considered: military elders - officers and non-commissioned officers, soldiers serving the military term, cadets of the Military Academy, persons undergoing professional training and improvement for officers and non-commissioned officers, conscripts in the reserve composition of the Army of the Republic of Macedonia while they are called to perform rights and duties in the field of defense in connection with the performance of the military obligation and civilian personnel serving in the Army of the Republic of Macedonia.

(9) Misdemeanor procedure is a procedure which, in accordance with the provisions of this law, is led by a court, a misdemeanor authority and an authorized official.

(10) Offense authorities in the sense of this law mean: public authorities, independent regulatory bodies and other authorities competent in accordance with the law for conducting misdemeanor proceedings and imposing misdemeanor sanctions.

(11) An authorized official is an official in a public authority who is authorized to issue a misdemeanor payment order, conduct misdemeanor proceedings and impose misdemeanor sanctions in misdemeanor procedures established by law.

(12) An independent performer of an activity is considered a person who performs an activity on the basis of prescribed permits or approvals.

(13) Under the term fine is considered a monetary amount calculated in Denars equivalent to the amount of the average exchange rate of the euro according to the National Bank of the Republic of Macedonia at the time of the imposition of the fine calculated in Denars equivalent without decimals.

Part one

SUBSTANTIVE-LEGAL PROVISIONS

Chapter one

GENERAL PROVISIONS

Principle of legality in the determination of offenses and in the prescription of offense sanctions

Article 4

No one can be imposed a misdemeanor sanction for a misdemeanor that was not defined by law as a misdemeanor before it was committed and for which no misdemeanor sanction was prescribed by law.

Prohibition of double imposition of sanctions

Article 5

No one can be sanctioned again for an offense for which a procedure was already conducted and a criminal or misdemeanor sanction was imposed on him for the same action.

Principle of proportionality

Article 6

(1) When conducting the misdemeanor procedure, the court, i.e. the misdemeanor authority, should enable the party to exercise and protect its rights and legal interests, if they do not harm the rights and legal interests of other parties or third parties and are not to the detriment of the public interest established by law.

(2) When obligations are imposed on the parties in the misdemeanor procedure, the court or the misdemeanor authority is obliged to apply those actions that are more favorable to the parties, if such actions are sufficient to achieve the goal established by law.

Offense sanctions

Article 7

For a committed offense under the terms of this law, the following are imposed:

- 1) misdemeanor sanctions for natural persons,
- 2) misdemeanor sanctions for legal entities and
- 3) special criminal measures.

Chapter two

OFFENSE AND CRIMINAL LIABILITY

Offense

Article 8

A misdemeanor is an illegal act defined by law as a misdemeanor, the characteristics of which are determined by law and for which a misdemeanor sanction is prescribed.

Liability of a natural person

Article 9

(1) Negligence is sufficient for the liability of a natural person, if the law in which the offense is prescribed does not stipulate that the offender will be subject to a criminal sanction only when the offense was committed with intent.

(2) A responsible person in a legal entity will be imposed a misdemeanor sanction for a misdemeanor when the misdemeanor was committed by his action, omission of action and his failure to perform due supervision.

(3) If the same person is a perpetrator of the same offense as a natural person and as a responsible person in a legal entity, he will be responsible only as a natural person.

Liability to a legal entity

Article 10

(1) A legal person can be liable for a misdemeanor only if it is determined by the law that prescribes the misdemeanor.

(2) The legal entity is responsible for a misdemeanor if the misdemeanor was committed by an action, omission of an action, or by the omission of due supervision by the competent authority or the responsible person in the legal entity, or by the action or omission of another person who was authorized to act on behalf of the legal person, within the framework of their supervision, or when they exceeded their powers for the purpose of benefiting the legal entity.

(3) The criminal responsibility of the legal entity does not exclude the responsibility of the

perpetrator of the crime.

(4) All legal entities, with the exception of the Republic of Macedonia, the state authorities and the councils of the local self-government units, are criminally responsible for the acts defined by law.

(5) A legal entity that is in bankruptcy is responsible for an offense committed before the initiation of the bankruptcy procedure and can only be imposed a special measure of confiscation of property, property benefit and confiscation of objects.

Liability of a foreign legal entity

Article 11

A foreign legal entity is criminally liable if the offense was committed on the territory of the Republic of Macedonia or the offense caused consequences on the territory of the Republic of Macedonia.

Liability for the tort of another

Article 12

(1) The responsible person in a legal entity, in the cases provided for by law, is responsible for an offense committed by an employee of that legal entity, if the offense was committed by failing to supervise the operation.

(2) The responsibility of the responsible person in the legal entity does not exclude the responsibility of the perpetrator.

Liability of an official in a public authority

Article 13

The official in a public body is responsible if they committed the offense within the scope of their official powers or if, while exercising their official powers, they exceeded their official powers.

An attempt

Article 14

There is no liability for an attempted offence, except in cases determined by law.

Helper and encourager

Article 15

There is no liability for aiding and abetting an offense, except in cases determined by law.

General rules for measuring the misdemeanor sanction

Article 16

(1) The perpetrator of a misdemeanor shall be assessed a misdemeanor sanction within the limits prescribed by law for a committed misdemeanor, taking into account the misdemeanor responsibility of the offender and the gravity of the misdemeanor.

(2) When measuring the misdemeanor sanction, all circumstances that influence the misdemeanor sanction to be lighter or more severe (facilitating and aggravating circumstances) are taken into account, and in particular: the degree of responsibility of the offender for the misdemeanor, the motivations from which the misdemeanor was committed, the strength of the threat or the violation of the protected good, the circumstances under which the offense was

committed, the former life of the offender, his personal circumstances and his behavior after the offense, especially whether he compensated the damage, as well as other circumstances relating to the person of the offender.

(3) When calculating the fine, the property status of the offender, the amount of his salary, his other income, his property and his family obligations, in the case of offenses in the field of taxes and customs, and the proportionality of the amount of the unpaid duties to which he is liable, are taken into account. by law.

(4) Misdemeanor sanctions imposed for a previously committed offense cannot be considered an aggravating circumstance, if more than one year has passed from the day of the decision on the offense to the commission of the new offense.

Stack events

Article 17

(1) If the perpetrator has committed several offenses with one action or with several actions, but no decision has been made regarding the offense, a misdemeanor sanction will be determined beforehand for each separate offense, and then all such determined misdemeanor sanctions will be pronounced as a single misdemeanor sanction.

(2) If a fine has been determined for multiple offenses committed in a row, a single misdemeanor sanction will be imposed that is equal to the sum of the separately determined fine, which cannot exceed the legal maximum of the fine prescribed by law.

Continuing offense

Article 18

(1) The offender who, taking advantage of the same permanent behaviour, the same occasions or other similar circumstances, commits two or more time-related actions that represent multiple realization of the same offense, will be sentenced to a single misdemeanor sanction within the limits of the misdemeanor sanction prescribed for that offense.

(2) The offender who, under the conditions of paragraph (1) of this article, commits two or more time-related actions that represent the realization of related offenses, will be imposed a misdemeanor sanction within the limits of the misdemeanor sanction prescribed for the most serious offense.

Exemption from misdemeanor sanction

Article 19

(1) The court, that is, the misdemeanor authority, can release the perpetrator of the misdemeanor from a misdemeanor sanction only when it is expressly established by law. (2) The court, i.e. the criminal authority can exempt the perpetrator of the offense from a misdemeanor sanction, reduce his fine without the restrictions prescribed for mitigating the fine, or exempt him only from the misdemeanor sanction of banning driving a motor vehicle or expelling a foreigner from the country.

Special basis for exemption from misdemeanor sanction

Article 20

The court, i.e. the criminal authority, can exempt the perpetrator of the offense committed due to negligence from a criminal sanction when the consequences of the offense affect the offender so badly that the imposition of the criminal sanction in such a case would not correspond to the purpose of the sanctioning.

Reduction of fine and release due to removal of harmful consequences of the offense

Article 21

(1) When the offense is committed under particularly extenuating circumstances, the fine may be reduced to the general legal minimum determined in articles 26 and 36 of this law. (2) For a misdemeanor committed under particularly extenuating circumstances, for which a misdemeanor sanction is prescribed, the court, i.e. the misdemeanor authority, may release the offender from the misdemeanor sanction if the offender himself reports the offense before it is discovered or if he returns the offense by the end of the misdemeanor procedure the deprived benefit of the injured party, compensate the damage or otherwise compensate or repair the harmful consequences of the offense.

Chapter Three

OFFENSE SANCTIONS FOR NATURAL PERSONS

Types of misdemeanor sanctions for natural persons

Article 22

The following misdemeanor sanctions may be imposed on misdemeanor offenders:

- 1) warning;
- 2) community service;
- 3) fine;
- 4) negative points;
- 5) termination of the validity of a driver's license;
- 6) prohibition of driving a motor vehicle;
- 7) prohibition of performing a profession, activity or duty;
- 8) expelling a foreigner from the country;
- 9) ban on entry and attendance at sports competitions, and
- 10) prohibition of the use of subsidies and other funds provided by the Budget of the Republic of Macedonia.

Conditions for imposing misdemeanor sanctions

Article 23

(1) The warning is pronounced as an independent misdemeanor sanction or in exchange for a fine when it is a violation committed under such mitigating circumstances that make it particularly easy or when its imposition achieves the purpose of the law.

(2) Community service is imposed as an independent misdemeanor sanction or in exchange for a fine when the fine cannot be enforced in accordance with cases determined by law.

(3) The fine is imposed as a major misdemeanor sanction.

(4) Negative points are imposed as a substitute for the fine.

(5) Termination of the validity of a driver's license or a ban on driving a motor vehicle shall be imposed with a fine, admonition or as independent criminal sanctions in the cases determined by law.

(6) The ban on performing a profession, activity or duty is pronounced as an independent misdemeanor sanction, and in the case of a repeat offense it is pronounced together with a fine.

(7) Expulsion of a foreigner from the country is pronounced together with a fine, warning or as an independent criminal sanction in the cases determined by law.

(8) The ban on entering and attending sports competitions is imposed together with the fine or as an independent misdemeanor sanction in the cases determined by law. (9) A ban on the use of

subsidies and other funds provided by the Budget of the Republic of Macedonia is imposed together with the fine, warning or as an independent misdemeanor sanction in the cases determined by law.

Warning

Article 24

(1) A warning is issued for a misdemeanor committed under such extenuating circumstances that make it particularly light, or when its issuance achieves the goal of the law. (2) The reprimand can be issued if the offense consists of failure to fulfill the prescribed obligation or the offense caused damage, and before the decision on the offense was made, the offender fulfilled the prescribed obligation, i.e. removed or compensated the damage caused, or if the offense is committed for the first time and did not cause harmful consequences for a third party, nor was the public interest threatened.

Community work

Article 25

(1) For an offense of a natural person for which a fine is foreseen, the court may impose community service for a maximum of 30 days.

(2) The measure of community service is imposed in hours, not less than five hours per week, for a maximum period of up to 30 days.

(3) When pronouncing the misdemeanor sanction, the court determines the amount of the fine and establishes that it will not be enforced if the person convicted of a misdemeanor accepts community service. At the same time, every day of community service is equivalent to a fine of 15 Euros in Denars.

(4) The offender is obliged to perform community service within a period determined by the court, without compensation, in a public authority or humanitarian organization, on non-working days and holidays. When there are health or justified personal or family reasons, community service can be postponed for a maximum of another 30 days.

(5) If the offender does not perform the community service within the period determined by the court and does not bring a certificate that he has performed the community service, the court will impose a fine on them. (6) The way of carrying out the public service will be carried out in accordance with the law.

A fine

Article 26

(1) The fine for a natural person consists in the payment of a certain monetary amount which cannot be less than 15 Euros in Denar equivalent value nor greater than 250 Euros in Denar equivalent value, unless otherwise determined by the legislation of the European Union.

(2) The fine for a responsible person in a legal entity and an authorized official cannot be less than 15 Euros in Denar equivalent value, nor greater than 500 Euros in Denar equivalent value, unless otherwise determined by the legislation of the European Union.

(3) For offenses in the area of taxes, customs, public procurement, public finances and public debt, a fine may be prescribed in a larger monetary amount depending on the evaded duty or amount of procurement, but at most in an amount twice the amount in paragraphs (1)) and (2) of this article.

(4) For offenses in the area of protection of human health, protection of natural resources, environment, protection of cultural heritage, protection from natural and other disasters, a fine in the amount of three times the amount in paragraphs (1) and (2) of this article.

(5) For offenses in the field of competition, energy, electronic communications, trade in

prohibited and/or restricted goods, offenses committed out of self-interest or for offenses causing greater property damage, a fine of up to double the amount of the maximum or in proportion to the amount of the damage caused or the benefit obtained, but at most up to ten times the amount in paragraphs (1) and (2) of this article.

(6) In the decision on the offense, the deadline for payment of the fine is determined, which cannot be shorter than eight days or longer than 30 days from the day of the decision's finality, after which compulsory collection is carried out, in accordance with the provisions of the Law on Tax Procedure .

(7) In justified cases where the offender does not have enough property, is not employed, suffers from an illness and other similar circumstances that justify it, the fine may be allowed to be paid in installments. In that case, the method and term of payment will be determined, which cannot be longer than six months.

Negative points

Article 27

For offenses in the field of traffic and other offenses determined by law, negative points can be prescribed by the offense authority.

Termination of validity of driver's license

Article 28

(1) The court will impose a misdemeanor sanction of suspension of the driver's license, if an offense has been committed in the area of road traffic that causes a danger of serious consequences or if evidence is submitted that the offender has scored 100 negative points in road traffic in the last three years.

(2) If the driver for a period of the last three years achieves or exceeds 100 negative points in road traffic, the court will impose a misdemeanor sanction of suspension of the validity of the driver's license in the category of the motor vehicle with which he achieved 100 negative points.

(3) The pronounced misdemeanor sanction of suspension of the driver's license will not be carried out if more than three years have passed since the decision on the misdemeanor took effect.

(4) In the cases referred to in paragraph (1) of this article, the driver's license ceases to be valid with the finality of the decision by which the misdemeanor sanction for the termination of validity of the driver's license was imposed.

(5) The offender who has been sentenced to a misdemeanor sanction of suspension of the validity of a driver's license of a certain category cannot acquire the right to drive a motor vehicle of the category with which he committed the offense for which his driver's license was revoked before the expiration of six months from the date of termination of the validity of the driver's license.

Prohibition of driving a motor vehicle

Article 29

(1) For an offense against the safety of public traffic, with which there is a danger of a serious consequence, that is, the action caused a harmful consequence, a misdemeanor sanction may be imposed, banning the operation of a motor vehicle of certain types or categories of motor vehicles for a period of 30 days to a year.

(2) For a person who does not have a driver's license and has committed an offense from paragraph (1) of this article, the ban on driving a motor vehicle includes a ban on acquiring a driver's license for a period of 30 days to one year.

(3) The ban on driving a motor vehicle is recorded in the driver's file no later than 15 days

after the decision becomes final and begins to run from the day of recording in the driver's license, i.e. in the driver's book.

(4) If the misdemeanor sanction from paragraph (1) of this article is imposed on a person who has a foreign license to drive a motor vehicle, this misdemeanor sanction includes a ban on driving a motor vehicle on the territory of the Republic of Macedonia, for which the border control will be notified police in order to enforce the ban.

Prohibition of performing a profession, activity or duty

Article 30

(1) The perpetrator of the offense may be prohibited from performing a certain profession, activity or duty or matters related to the disposal, use, management and handling of property or for the custody of that property, if he abused his profession, activity or duty for the purpose of performing of an offense and if, based on the nature of the offense and the circumstances under which it was committed, it can be expected that he will abuse such activity to commit an offense again.

(2) The court determines the duration of the ban from paragraph (1) of this article, up to one year at most, counting from the day the decision becomes final.

(3) The offense authority may impose the sanction from paragraph (1) of this article for a duration of at least three days to a maximum of 30 days.

Expulsion of a foreigner from the country

Article 31

(1) The court may impose the misdemeanor sanction of expulsion from the country on the offender who is not a citizen of the Republic of Macedonia when it assesses that the nature of the offense, the motivations of the offender and the circumstances under which it was committed indicate the undesirability of the offender's further stay in the country.

(2) Expulsion of a foreigner from the country can last from one to ten years or forever and starts counting from the day of the expulsion of the perpetrator from the territory of the Republic of Macedonia.

(3) The misdemeanor sanction from paragraph (1) of this article cannot be imposed on the offender who enjoys protection in accordance with an international agreement ratified in accordance with the Constitution of the Republic of Macedonia.

Ban on entry and attendance at sports competitions

Article 32

(1) The court will issue a misdemeanor sanction banning entry and attendance at sports competitions, if a misdemeanor has been committed in the cases determined by law. (2) The ban on entering and attending sports competitions can be imposed for a maximum of three years.

Prohibition of using subsidies and other funds provided by the Budget of the Republic of Macedonia

Article 33

(1) The court will impose a misdemeanor sanction prohibiting the use of subsidies and other funds provided by the Budget of the Republic of Macedonia, if a misdemeanor has been committed in the cases determined by law.

(2) The ban on the use of subsidies and other funds provided by the Budget of the Republic of Macedonia can be imposed for a maximum of three years.

Chapter four

OFFENSE SANCTIONS FOR LEGAL ENTITIES

Types of misdemeanor sanctions for legal entities

Article 34

The following misdemeanor sanctions may be imposed for offenses committed by legal entities:

- reprimand,
- fine and
- temporary ban on performing a separate activity.

Warning

Article 35

The reprimand is issued for an offense committed under particularly extenuating circumstances, if the offense consists of failure to fulfill the prescribed obligation or the offense caused damage, and the perpetrator fulfilled the prescribed obligation, i.e. removed or compensated for the damage, before the decision on the offense was made, or if the offense was committed for the first time and did not cause harmful consequences for a third party, nor was the public interest threatened.

A fine

Article 36

(1) A fine for legal entities cannot be less than 50 Euros in Denar equivalent value, nor greater than 1,000 Euros in Denar equivalent value for micro traders, for small traders it cannot be less than 50 Euro in Denar equivalent value, nor greater than 2,000 euros in Denar equivalent, and for medium traders it cannot be less than 250 Euros in Denar equivalent, nor more than 6,000 Euros in Denar equivalent, and for large traders it cannot be less than 250 Euros in Denar equivalent, nor more than 10,000 Euros in Denars.

(2) For offenses in the field of taxes, customs, public procurement, public finances and public debt, a fine may be prescribed in a larger monetary amount than the evaded tax or the amount of the procurement, but at most in twice the amount of paragraph (1) of this article.

(3) For offenses in the area of protection of human health, protection of natural resources, environment, protection of cultural heritage, protection from natural and other disasters, a fine in the amount of three times the fine provided for in paragraph (1) of this article may be prescribed.

(4) For misdemeanors committed out of self-interest or for misdemeanors that cause greater property damage, a fine may be imposed up to twice the maximum amount of this sanction or in proportion to the amount of the damage caused or the benefit obtained, but at most up to ten times the amount of paragraph (1) of this article.

(5) For offenses in the field of competition, electronic communications and trade in prohibited and/or restricted goods, as well as in other areas covered by the legislation of the European Union, a fine may be prescribed in a percentage amount, but at most up to 10% of the income of the legal entity realized in the previous fiscal year.

(6) For violations in the field of energy, a fine can be prescribed in a percentage amount, but at most up to 10% of the income of the legal entity realized from the energy activity, for the exercise of which it has received a license from the Regulatory Commission for Energy of the

Republic of Macedonia, in the previous fiscal year.

(7) With the law that prescribes the offense, the amount of the fine is expressed in a range, and the amount of the fine in the offense payment order is expressed in a fixed amount. (8) In cases where the offender has justified reasons for not being able to pay the fine at once, the fine may be allowed to be paid in installments, in a manner and within a period determined by the court or the criminal authority.

Assessment of a fine for a legal entity

Article 37

(1) When determining the amount of the legal entity's fine, apart from the circumstances determined in Article 16 paragraph (2) of this law, the court, i.e. the criminal authority, separately assesses as mitigating or aggravating circumstances and:

- the total income realized in the previous fiscal year of the year in which the offense was committed,
- the average number of employees based on the situation at the end of the previous month in relation to the month in which the offense was committed and previous sanctioning of the offender for the same or related offenses.

(2) If the legal entity in the Central Registry of the Republic of Macedonia has not submitted an annual account for the previous fiscal year from which the total income can be determined, when calculating the amount of the fine, the average total income at the level of the activity it performs will be taken into account the offender.

(3) The Central Registry of the Republic of Macedonia and the Employment Agency of the Republic of Macedonia are obliged to provide and deliver processed data on the total income, that is, on the average number of employees, at the request of the court and the criminal authority, without compensation within seven days from the day of receipt of the request.

Execution of the fine

Article 38

(1) If the convicted legal entity does not pay the fine within the specified period, which cannot be shorter than eight days nor longer than 30 days from the day the decision becomes final, compulsory collection will be carried out, in accordance with the provisions of the Law on Tax Procedure.

(2) The fine of foreign legal entities is executed from the property confiscated in the Republic of Macedonia or by applying an international agreement ratified in accordance with the Constitution of the Republic of Macedonia, from the property abroad.

Temporary ban on performing a separate activity

Article 39

(1) In the decision by which a misdemeanor sanction is imposed on a legal entity, a temporary ban on the performance of a separate activity, the activity whose performance is prohibited to the legal entity is specified.

(2) The misdemeanor sanction, temporary ban on the performance of a separate activity of a legal entity, can be imposed if there is a risk that the legal entity will commit a repeat offense dangerous to the life or health of people or an offense that may cause property damage by performing such an activity to another legal entity or to citizens or if the legal entity has been issued a misdemeanor sanction for the same or a similar offense in the last two years.

(3) The law that prescribes the offense may prescribe the mandatory imposition of a misdemeanor sanction, a ban on the performance of a separate activity of a legal entity. (4) The court determines the duration of the misdemeanor sanction from paragraph (1) of this article,

which cannot be shorter than three months or longer than two years, from the day the decision becomes final.

(5) The misdemeanor authority may impose the misdemeanor sanction from paragraph (1) of this article for a duration of at least three days to a maximum of 30 days.

(6) The misdemeanor sanction of a temporary ban on performing an activity cannot be imposed on a legal entity established by law.

Chapter five

SPECIAL OFFENSIVE MEASURES

Confiscation of property and property benefit and confiscation of objects

Article 40

(1) The provisions on confiscation of property and property benefit and confiscation of objects from the Criminal Code shall be applied accordingly to confiscated property and property benefit obtained by the offense of a natural person.

(2) For confiscated property and property benefit obtained by violation of a legal entity, the provision on types of punishments of a legal entity from the Criminal Code shall be applied accordingly.

(3) When confiscating objects, the court, that is, the criminal authority, shall accordingly apply the provisions on conditions for confiscation of objects from the Criminal Code.

(4) A misdemeanor authority from the special misdemeanor measures can only apply the measure of confiscation of items or collection of the equivalent value of the confiscated items, when this is determined by a law that prescribes the misdemeanor.

(5) If the misdemeanor authority considers that the confiscation of property and property benefits should be imposed for a specific offense, the authority will submit a request for initiation of misdemeanor proceedings with a proposal to the court for making a decision on the request, with the collected evidence for the property and the property benefit from the offense committed, regardless of when the request for initiating an offense procedure was submitted to the authority.

Chapter Six

STATUTE OF LIMITATIONS AND RECORD OF OFFENSE SANCTIONS

Limitation of initiation and management of the misdemeanor procedure

Article 41

(1) The misdemeanor procedure cannot be initiated or conducted if two years have passed since the day when the offense was committed.

(2) Offenses in the area of taxes, customs, public procurement, public finances and public debt cannot be initiated or prosecuted if four years have passed since the offense was committed.

(3) For offenses in the field of competition, energy, trade in prohibited and/or restricted goods, the field of human health protection, protection of natural resources, environment, protection of cultural heritage, protection from natural and other disasters, electronic communications or offenses committed out of self-interest, no criminal proceedings can be initiated or conducted if five years have passed since the day when the offense was committed.

(4) The statute of limitations for misdemeanor prosecution starts from the day the offense was committed.

(5) If it is a prolonged or repeated offense, the statute of limitations begins to run from the day of the last act of the offense.

(6) The statute of limitations does not run for the time for which, according to the law,

prosecution cannot begin or continue.

(7) The statute of limitations is interrupted by any procedural action that is taken for the purpose of prosecuting the perpetrator of the offense.

(8) The statute of limitations is also terminated when the perpetrator commits a more serious offense during the period of limitation.

(9) After each interruption, the statute of limitations begins to run again.

(10) Prescription of misdemeanor prosecution occurs in any case when twice as much time as required by law for statute of limitations of misdemeanor prosecution has passed.

(11) The statute of limitations from paragraphs (1) (2) and (3) of this article may be longer if compliance with the legislation of the European Union is carried out in a certain area.

Limitation of execution of criminal sanctions

Article 42

(1) The pronounced misdemeanor sanction cannot be enforced if two years have passed since the decision on the misdemeanor took effect.

(2) The statute of limitations for execution of the misdemeanor sanction begins to run from the day when the decision on the misdemeanor became final.

(3) Prescription does not run for the time for which execution cannot be undertaken according to law.

(4) The statute of limitations is interrupted by any action of the competent authority that is taken for the purpose of executing the misdemeanor sanction.

(5) After each interruption, the statute of limitations begins to run again.

(6) Limitation of the misdemeanor sanction occurs in any case when twice as much time has passed as is required by law for the limitation of execution.

(7) With a law that prescribes the offense, statutes of limitation for execution may be determined for separate sanctions longer than the term from paragraph (1) of this article, but not longer than five years.

(8) The statute of limitations from Article 26 paragraph (7) of this law begins to run after the deadline for the last installment of the fine has expired.

(9) The statute of limitations from paragraphs (1), (2) and (3) of this article may be longer if compliance with the legislation of the European Union is carried out in a certain area.

Keeping records of misdemeanor sanctions

Article 43

(1) The court and the misdemeanor authority keep records of the perpetrators of the misdemeanor and of the imposed sanctions for the committed misdemeanor.

(2) The records of misdemeanor sanctions are kept by the court of first instance according to the place of birth of the offender, that is, the seat of the legal entity.

(3) For persons born abroad or for those whose place of birth is unknown, as well as for foreign legal entities, criminal records are kept by the court determined by law.

(4) Data from the records of misdemeanor sanctions, the court and the misdemeanor authorities provide only upon a reasoned request from other public authorities, legal or natural persons who have a legal interest, if the measures of prohibition or imposed sanctions are still in effect.

(5) Perpetrators of misdemeanor sanctions and imposed misdemeanor sanctions are deleted from the record of misdemeanor sanctions after the expiration of the time for which they were imposed or ex officio after the expiration of one year from the executed or expired misdemeanor sanction.

(6) The content and manner of keeping records from paragraph (1) of this article are

prescribed by the president of the Supreme Court for the courts, and by the minister of justice for the misdemeanor authorities.

Part two
SETTLEMENT AND CONSOLIDATION PROCEDURES

Chapter Seven

OBJECTIVES AND METHOD OF IMPLEMENTATION OF THE SETTLEMENT AND
CONSOLIDATION PROCEDURES

Purpose of Settlement and Conciliation Procedures

Article 44

(1) The purpose of the settlement and settlement procedures is to achieve the consent of the perpetrator of the offense and the competent authorities authorized to initiate criminal proceedings to remove the harmful consequences of the committed offense and to prevent repeated offenses and therefore avoid conducting criminal proceedings before the competent court, i.e. offense authority.

(2) The competent authorities authorized to initiate misdemeanor proceedings are obliged to propose to the perpetrator of the offense a settlement or settlement procedure before submitting a request for initiation of misdemeanor proceedings, if this is determined by law.

(3) The court, that is, the misdemeanor authority ex officio takes care of whether an agreement or settlement procedure has been carried out. If the obligation from paragraph (2) of this article is not fulfilled, the court, that is, the misdemeanor authority, will return the request to the authority from paragraph (2) of this article.

Types of procedures

Article 45

(1) The settlement procedure is conducted as a procedure for issuing a delinquent payment order.

(2) The settlement procedure is conducted as a settlement procedure with natural and legal persons.

Actions in the settlement procedure before issuing a misdemeanor payment order

Article 46

(1) When the authorized official establishes a violation, they compile a record in which they notes the essential elements of the action from which the legal sign of the violation arises, the personal name, address and unique identification number of the citizen, whether it is a foreigner, and the number of the travel document and country, and for a legal person, name, headquarters and tax number, the time, place and manner of committing the offense, the description of the action, the legal qualification of the offense and the persons found on the spot, as well as giving a proposal for settlement by issuing an offense payment warrant. The minutes are signed by the authorized official and the offender.

(2) As an exception to paragraph (1) of this article, if the authorized official determines the offense personally or determines it using appropriate technical means and makes it, that is, with data from official records, the minutes are signed only by the authorized official.

(3) If in the procedure the offender was issued a misdemeanor payment order, this will be noted in the record of the ascertained misdemeanor.

(4) If the offender does not agree to be issued a misdemeanor payment order or the law does not prescribe the issuance of a misdemeanor payment order, the same shall be noted in the record of the ascertained offense, and the authorized official submits a request for initiation of misdemeanor proceedings before a competent court, i.e. offense authority.

Issuance of a misdemeanor payment order

Article 47

(1) When the authorized official determines that a misdemeanor has been committed for which the law provides for the issuance of a misdemeanor payment order, he shall hand over the misdemeanor payment order to the offender.

(2) In the misdemeanor payment order, the essential elements of the action from which the legal mark of the offense derives, personal name, address and unique identification number of the citizen, if it is a foreigner and the number of the travel document and country, and for a legal entity, are specified. name, registered office and tax number, place and time of action, the offence, the legal qualification of the offence, the amount of the fine, the number of the payment account, legal instruction as well as other data in accordance with the law.

(3) In the settlement procedure, the fine in the misdemeanor payment order is pronounced in a fixed amount prescribed by law, and if the fine is prescribed in a range, the minimum prescribed amount for the offense is pronounced.

(4) After receiving the misdemeanor payment order, the offender is obliged to pay the fine imposed in accordance with paragraphs (2) and (3) of this article within eight days from the day of receipt of the misdemeanor payment order to the account indicated in the misdemeanor payment order.

(5) The perpetrator who pays the fine within the term of paragraph (4) of this article shall pay half of the imposed fine, which right is taught in the legal instruction. (6) In the procedure that will end with the payment of a delinquent payment order, costs of the procedure are not paid.

(7) The perpetrator who could avoid the payment of the fine by leaving for the purpose of staying abroad, is obliged to immediately pay the fine imposed by the misdemeanor payment order.

(8) If the offender does not pay the fine within the term of paragraphs (4) and (7) of this article, the authorized official submits a request for initiation of misdemeanor proceedings to the competent court, i.e. misdemeanor authority.

(9) The authority responsible for initiating misdemeanor proceedings may temporarily confiscate the travel document or identity card of a foreigner and the driver's license, until proof is provided that the fine has been paid, but no longer than eight days from the day of confiscation of the travel document or identity card of a foreigner and driver's license.

Settlement procedure with natural and legal persons

Article 48

(1) A settlement procedure can be conducted for offenses in the field of taxes, customs, public procurement, public finance and public debt, competition, energy, trade in prohibited and/or restricted goods for use, protection of human health , protection of natural resources, the environment, protection of cultural heritage, protection from natural and other disasters, electronic communications or for offenses committed out of self-interest.

(2) For misdemeanors when it is determined by law, the authority that is competent for initiating misdemeanor proceedings, will prepare a record of the ascertained misdemeanor and in it will propose to the perpetrator of the misdemeanor a procedure for settlement and reaching

consent, with which the perpetrator of the misdemeanor will pay the agreed fine and other fees established by law, remove the consequences of the offense or fulfill any obligation provided by law.

(3) The authorized official draws up a record in which the consent of both parties to a settlement is ascertained, which is signed by the perpetrator of the offense, and within three days of signing the record, submits it to the Commission for settlement.

(4) The conciliation procedure is urgent and is conducted before a special Commission for conciliation within the competent authority, regardless of the amount of the foreseen fine.

(5) If the conciliation procedure succeeds within 30 days from the day of the initiation of the procedure before the Conciliation Commission, a settlement is concluded with the offender.

(6) If the conciliation procedure fails, the Conciliation Commission, within three days from the day of completion of the conciliation procedure, notifies the competent authority that ascertained the violation, to submit a request for initiation of criminal proceedings before a court or a criminal authority, and the costs of the procedure are borne by the offender.

(7) The agreement on the agreed fine, which cannot be less than half of the prescribed fixed fine or half of the prescribed minimum when the fine is prescribed in a range, has the force of an enforceable document. If the offender does not pay the fine within the set deadline, it will be submitted to the administrative body responsible for forced collection.

Part three

CRIMINAL PROCEDURE

Chapter Eight

BASIC PROVISIONS

Offense Jurisdiction

Article 49

(1) A misdemeanor proceeding can be conducted and a misdemeanor sanction can be imposed only by a competent court.

(2) For separate offenses for which the fine is set at a maximum of 250 Euros in Denars for a natural person, 500 Euros in Denars for a responsible person in a legal entity and official person and 1,000 Euros in Denars for legal entities, misdemeanor proceedings may be conducted and a misdemeanor sanction may be imposed by the misdemeanor authority and an authorized official.

(3) As an exception to paragraph (2) of this article, a misdemeanor procedure may be conducted and a misdemeanor sanction may be imposed by a misdemeanor authority for offenses for which a fine higher than that determined in paragraph (2) of this article is provided for, if this is provided for with the legislation of the European Union.

(4) The procedure against a responsible person in a legal entity is led by the court, that is, the misdemeanor authority that is competent for conducting the misdemeanor procedure for a legal entity.

(5) All public authorities and holders of public authority are obliged to provide the court and the criminal authority free of charge with the necessary assistance and data necessary for the determination of facts in connection with the criminal procedure and the execution of sanctions.

Conflict of jurisdiction

Article 50

(1) The Supreme Court of the Republic of Macedonia decides on a conflict of jurisdiction between the courts and the misdemeanor authorities.

(2) A procedure for resolving a conflict of jurisdiction is initiated by the offending authority,

that is, the court that causes a conflict of jurisdiction with its decision.

Immunity

Article 51

Misdemeanor proceedings will not be conducted against a person who has diplomatic immunity, as well as against other persons who have immunity in accordance with international agreements ratified in accordance with the Constitution of the Republic of Macedonia and under conditions of reciprocity.

A decision

Article 52

The court, that is, the misdemeanor authority, decides on a misdemeanor and the imposition of a misdemeanor sanction with a decision, against which legal remedies established by this law are allowed.

Costs of the procedure

Article 53

Costs of the procedure are expenses that will be incurred in the misdemeanor procedure or because of it and expenses that will be incurred in connection with the provision of necessary evidence and storage of seized and confiscated objects before the initiation of the procedure.

Part four

CRIMINAL PROCEEDINGS BEFORE A CRIMINAL AUTHORITY

Chapter nine

GENERAL PROVISIONS AND FLOW OF THE PROCEDURE

Jurisdiction of offending authority

Article 54

(1) A misdemeanor authority conducts misdemeanor proceedings when exclusive competence for its actions is prescribed by law.

(2) The criminal authority where the headquarters of the legal entity is located, i.e. the representative office of the foreign legal entity, is competent for conducting misdemeanor proceedings against a legal entity, unless otherwise determined by a separate law.

Authorization to conduct proceedings

Article 55

(1) The procedure before the misdemeanor authority is conducted by the Commission for decision-making after misdemeanor established by law.

(2) The members of the Commission from paragraph (1) of this article are authorized officials with the appropriate degree and type of professional training and necessary work experience determined by law, of which at least one of the members is a graduated lawyer with a passed bar exam.

(3) The professional-administrative tasks for the Commission from paragraph (1) of this article are performed by the employees of the authority in accordance with the act on the systematization of jobs.

Delivery of letters to natural persons

Article 56

(1) Letters are delivered by mail, through a legal entity with special powers established by law, through an official of the criminal authority or directly to the criminal authority.

(2) When delivery is made by mail, by registered mail or through a legal entity with special powers established by law, delivery is considered to have been made on the day when the letter is delivered to the address of the person to whom it is delivered, i.e. if the person does not pick up the letter within eight days from the day of the notification, even though he was called to do so.

(3) If the person is not present at the place where the delivery is to be made, the delivery person will hand it over to one of the members of his household over 16 years of age who is obliged to receive the letter or he will hand the letter over to the guardian or a neighbor, if they agree to receive it. The delivery of the letter to detained or sentenced persons is carried out through the institution where they are housed.

(4) If it is established that the person is absent and because of that the persons from paragraph (3) of this article cannot deliver the letter to him in time, the letter will be returned with an indication of where the absent person is located.

(5) The offense authority is obliged, within the period of 15 days from the day when the need for delivery is determined, to make two consecutive attempts to carry out orderly delivery in one of the ways provided for in paragraph (1) of this article, and if the delivery fails, the letter is published on the website of the offending authority and with the expiration of eight days from the day of its publication, it is considered that delivery has been made.

Delivery of letters to legal entities

Article 57

(1) Delivery of letters to legal entities is done electronically, in accordance with Article 82 of this law.

(2) If there are no conditions for the application of paragraph (1) of this article, the delivery is made by mail, through a legal entity with special powers established by law, through an official of the criminal authority or directly in the criminal authority.

(3) When delivery is made by registered mail to the address of the legal entity to which it is delivered or through a legal entity with special powers established by law, delivery is considered to have been made on the day the document is handed over to the legal entity's registry office, that is, if the person does not pick up the letter within eight days from the day of the delivered notice, even though he was called to do so.

(4) When delivery is made through an official of the offending authority, the offending authority is obliged, within a period of 15 days from the day when the need for delivery is determined, to make two consecutive attempts to carry out orderly delivery in one of the ways provided for in paragraph (2) of this article, and if the delivery fails, the letter is published on the website of the offending authority and with the expiration of eight days from the day of its publication, it is considered that the delivery has been made.

Initiation of misdemeanor procedure

Article 58

(1) The misdemeanor authority initiates misdemeanor proceedings ex officio or at the request of an authorized official in the authorities referred to in Article 83 paragraph (2) of this law.

(2) The authorized official from paragraph (1) of this article is obliged, within the shortest possible time, but no longer than 30 days from the day after the offense was ascertained or after

a report of a committed offense has been submitted, to submit a request for the initiation of an offense procedure whenever there is a legal basis for it, when it is determined by technical means or after the application of the injured party.

(3) If the deadline from paragraph (2) of this article has expired or if a notice has been received from the criminal authority that the report is unfounded, the injured party has the right to submit an objection to the higher authority responsible for supervising the work of the authorized official, whose decision is final.

(4) If the injured party has a property legal claim, he can pursue it in civil proceedings.

(5) The request for initiation of misdemeanor proceedings contains the data from Article 84 of this law.

(6) The request is submitted to the competent offense authority. If the request is submitted to another authority, it will immediately transfer it to the competent offense authority and inform the petitioner about it.

(7) If, after receiving the request from paragraph (2) of this article or during the procedure, the criminal authority determines that it is not actually competent in accordance with this or another law to act on a violation, that is, that the violation is within the jurisdiction of the court, with the decision will be announced as incompetent and the request for initiation of misdemeanor proceedings will be submitted with all the documents to the competent court.

(8) The misdemeanor authority will reject the request for initiation of misdemeanor proceedings in accordance with articles 86 and 87 of this law.

(9) The decision from paragraph (8) of this article shall be delivered to the petitioner within five days from the day of adoption.

Short procedure

Article 59

(1) The misdemeanor authority conducts an abbreviated procedure when:

- the request for initiation of criminal proceedings contains all the facts and evidence on the basis of which a decision can be made without the presence of the offender,
- the request for initiation of the procedure is based on public documents issued by competent public authorities, and
- the perpetrator is caught while committing the offense by an authorized official.

(2) In a summary procedure, a decision is made without examining the offender when they have been duly summoned, but they have not appeared and has not provided evidence of a justified inability to appear before the criminal authority.

Proceedings before the offending authority

Article 60

(1) The misdemeanor authority ex officio obtains the evidence without delay and determines the factual situation necessary for making a decision on the misdemeanor. (2) If the perpetrator of the offense is a foreigner, the procedure is urgent and ends within a maximum of three days.

(3) The offense authority, before passing the decision on the offence, will obligatorily inform the offender about the offense he is charged with and instruct him that within three days from the day of receipt of the notice he has the right to state the facts and evidence.

(4) As an exception to paragraph (3) of this article, a longer deadline for making a statement may be prescribed for certain offenses determined by law, if longer deadlines for making a statement are provided by law.

(5) The misdemeanor authority may call the perpetrator of the offense to testify orally about the facts and evidence in the authority.

(6) If the perpetrator of the offense admits the commission of the offense and the confession is

clear and complete, the offense authority does not need to collect other evidence.

(7) The misdemeanor authority for merging and separating the procedure decides according to the provisions of Article 88 of this law.

Oral argument

Article 61

The misdemeanor authority can hold an oral hearing according to the provisions of the Law on General Administrative Procedure.

Content of the solution

Article 62

(1) The decision on an offense contains an introduction, a dispositive, an explanation and a legal instruction. (2) The introduction of the offense decision contains the name of the offense authority that issued it, the name and surname of the members of the Commission from Article 55 of this law, the name and surname of the offender and the defense counsel, the name and surname of the responsible person in the legal entity, company, that is, the name and headquarters of the legal entity and the offense that is the subject of the procedure.

(3) The dispositive of the solution for an offense must contain: basic data on the identity of the offender (name and surname, nickname, unique identification number of the citizen (hereinafter: UIN)), place and date of birth, place of residence, street and number, address of the temporary residence, occupation, citizenship, if the natural person is a foreigner, then instead of the UIN number of the travel document), for the legal entity name and registered office of the legal entity, the unique tax number (hereinafter: UTN), and for the responsible person in the legal entity and the function he performs in the legal entity, the factual description of the offense that the offender committed the offense, the offense sanction that is imposed, the special offense measure if it is imposed or that the procedure is stopped, as well as a warning that the unpaid fine will be compulsory collection, as well as the costs of the procedure.

(4) The reasoning of the decision should be comprehensible and contain: a brief presentation of the petitioner for the initiation of criminal proceedings, the established facts according to which the request was submitted, the legal regulations and the reasons for which the decision was made, the reasons for which some of the claims, claims or proposals of the petitioner are not accepted, as well as the reasons why some of the statements made during the procedure were not taken into account.

(5) The solution for an offense must also have a legal instruction.

Decision to establish a violation

Article 63

(1) The misdemeanor authority will pass a decision on a misdemeanor that determines the responsibility of the offender and imposes a misdemeanor sanction.

(2) The decision on a misdemeanor applies only to the person for whom the initiation of the misdemeanor procedure is requested and only to the misdemeanor that is the subject of the request.

(3) The offense authority is not bound by the proposals and the assessment regarding the legal qualification of the offense.

(4) The decision on the misdemeanor is based on the presented evidence and the facts determined in the misdemeanor procedure.

(5) If the misdemeanor procedure is conducted for several misdemeanors, the decision will state for which misdemeanors liability has been established and which misdemeanor sanction is imposed.

(6) The decision made in a summary procedure, when the perpetrator admits the offense and waives the right to a regular legal remedy, has no justification.

Decision by which the offender is released from responsibility

Article 64

When adopting a decision by which the perpetrator is released from responsibility, the criminal authority will accordingly apply the provisions of Article 114 points 1 to 10 of this law.

Decision to stop and terminate a procedure

Article 65

(1) When passing a decision stopping the procedure, the misdemeanor authority will accordingly apply the provisions of Articles 102 and 115 of this law. (2) When adopting a decision terminating the procedure, the misdemeanor authority will accordingly apply the provisions of Article 101 of this law.

Warning

Article 66

(1) Instead of issuing a fine to the perpetrator of the offense, the misdemeanor authority shall issue a warning based on Articles 24 and 35 of this law.

(2) As a rule, the misdemeanor authority pronounces a warning when the offense was committed under particularly extenuating circumstances, if the offense consists of failure to fulfill the prescribed obligation or the offense caused damage, and before the decision on the offense was made, the offender fulfilled the prescribed obligation, i.e. removed it or compensated for the damage caused, or if the offense was committed for the first time and did not cause harmful consequences for a third party, nor was the public interest threatened.

Costs of proceedings

Article 67

(1) The costs of the procedure shall be paid by the perpetrator of the misdemeanor, to whom a misdemeanor sanction has been imposed.

(2) If there is not enough data to determine the costs, a separate decision will be made regarding the costs of the procedure.

(3) The amount and method of determining the costs actually incurred in the misdemeanor procedure before the misdemeanor authority shall be prescribed by the Minister of Justice.

Procedures for legal remedies against the decision of the criminal authorities

Article 68

(1) Against the decision for a misdemeanor made by the misdemeanor authority, an appeal can be filed within 15 days from the day of receipt of the decision through the misdemeanor authority to the State Commission for decision-making in the second instance in the field of inspection supervision and misdemeanor procedure, established by special law (hereinafter: the State Commission).

(2) An appeal from paragraph (1) of this article can be submitted by the person (physical or legal) to whom a misdemeanor sanction was imposed, his legal representative, i.e. the defense attorney, the injured party and his representative, the owner of the confiscated items in misdemeanor proceedings and the petitioner to the request for initiation of the misdemeanor

procedure.

(3) If the misdemeanor authority that issued the decision finds that the appeal is founded, and it is not necessary to conduct a new procedure, it may decide otherwise and replace the decision that is contradicted by the appeal with a new decision.

(4) The appeal from paragraph (1) of this article postpones the execution of the decision, except when the appeal is filed by a foreigner.

(5) A lawsuit may be filed against the decision on appeal made by the State Commission to initiate an administrative dispute. A lawsuit may be filed by the person (physical or legal) to whom a misdemeanor sanction was imposed, his legal representative, the defense attorney, the injured party and his representative, the owner of the confiscated items in the misdemeanor procedure and the petitioner for the initiation of the misdemeanor procedure.

(6) The lawsuit from paragraph (5) of this article postpones the execution of the decision.

(7) The court competent to decide on an administrative dispute conducts the judicial protection procedure according to the Law on Administrative Disputes.

Reasons for rejecting the decision of the State Commission

Article 69

The decision of the State Commission can be challenged:

- if it was adopted by a non-competent authority,
- due to incorrect application of substantive law,
- due to an incorrectly or incompletely determined factual situation in the procedure that preceded the act,
- when in the procedure that preceded the act, it was not acted according to the rules of the procedure and
- due to improperly measured and pronounced misdemeanor sanction.

The right to initiate an administrative dispute

Article 70

(1) A lawsuit can be filed against the decision for an offense for the initiation of an administrative dispute within 30 days from the day of receipt of the decision.

(2) A lawsuit may be filed by the person (physical or legal) to whom a misdemeanor sanction was imposed, his legal representative, the defense attorney and the owner of the seized objects in the misdemeanor procedure.

(3) If the misdemeanor authority that issued the decision, when the counterclaim is delivered to it, finds that it is founded, and it is not necessary to conduct a new procedure, it may decide otherwise and replace the decision that is refuted with a new decision the lawsuit.

(4) The misdemeanor authority from paragraph (3) of this article immediately reports the same to the court competent to decide on an administrative dispute, which stops the procedure with a decision. (5) The lawsuit from paragraph (1) of this article postpones the execution of the decision. (6) The court competent to decide on an administrative dispute conducts the judicial protection procedure according to the Law on Administrative Disputes.

Temporary confiscation of objects

Article 71

(1) The law may authorize the officials in the bodies of the state administration or organizations and other bodies that exercise public powers of supervision over the implementation of laws, to temporarily confiscate the objects from Article 40 of this law when, in the performance of their official duties, find out about the offense and hand them over to the Agency for Management of Confiscated Property.

(2) The authorized officials from paragraph (1) of this article are obliged within 15 days from the day of confiscation of the items to submit a request for initiation of misdemeanor proceedings to the competent court, i.e. the misdemeanor authority, and to notify it of the temporary confiscation. of the subjects.

(3) If the authorized officials from paragraph (1) of this article do not act in accordance with paragraph (2) of this article, the court, i.e. the criminal authority, based on a request submitted by the person from whom the items were confiscated, will make a decision to return the items, except for items whose circulation is prohibited.

Temporary ban on activity

Article 72

(1) Authorized officials in the bodies of the state administration or organizations and other bodies that exercise public powers of supervision over the implementation of laws, in the cases regulated by law, may temporarily prohibit the perpetrator of the offense from performing the activity by which the offense was committed if there is a danger of repeating the offense or to remove the consequences of the offense and are obliged to submit a request for the initiation of an offense procedure within 15 days from the day of ascertaining the offense at the latest.

(2) If the request is not submitted within the period of paragraph (1) of this article, it is considered that the temporary ban has ceased to be valid.

Part five

CRIMINAL PROCEEDINGS BEFORE THE COURT

Chapter ten

GENERAL PROVISIONS

Actual jurisdiction

Article 73

(1) The misdemeanor procedure in the first instance is led by an individual judge in the basic court, and the procedure according to regular legal remedies is conducted by a panel of three judges in the appellate courts.

(2) The misdemeanor procedure for a submitted request for the protection of legality is conducted by a panel of three judges in the Supreme Court.

(3) The misdemeanor procedure for a request to repeat the procedure is conducted by a criminal council of three judges in the basic court.

(4) In misdemeanor proceedings for restoration to former status, the judge in the basic court who made the previous decision decides.

Accused

Article 74

(1) Accused in the sense of this law, is a natural and legal person against whom criminal proceedings are conducted.

(2) If a legal entity is accused of a misdemeanor and a responsible person in the legal entity, a single procedure is implemented.

Representation of a legal entity

Article 75

(1) For the accused legal person in the misdemeanor procedure, his representative

participates, authorized to take all the actions that the accused can take in accordance with this law.

(2) A representative of the accused legal entity is a person who is authorized to represent the legal entity based on a law or other regulation of a competent authority, statute or other general act of the legal entity.

(3) When the legal entity is founded by one founder, then the same person is considered as the responsible person and representative of the legal entity.

(4) The competent authority of the accused legal entity may designate another person who is employed by that legal entity as a representative.

(5) The representative of the accused legal entity from paragraph (4) of this article is obliged to have a written authorization from the competent authority that designated them as a representative.

(6) Only one person can be a representative of the accused legal entity.

Representation of a foreign legal entity

Article 76

The foreign legal entity is represented by the head of the subsidiary, that is, the representative office or another person authorized by the foreign legal entity.

Limitation on Representation

Article 77

(1) A representative of the accused legal entity, except for the person from Article 75 paragraph (3) of this law, cannot be the responsible person in the legal entity against which criminal proceedings are conducted for the same offense.

(2) The representative of the legal entity cannot be a person who is a witness in the same case.

(3) In the cases referred to in paragraphs (1) and (2) of this article, the court is obliged to notify the legal entity in order to determine another representative.

(4) For a foreign legal entity, the notification from paragraph (3) of this article shall be delivered to the headquarters, the subsidiary, that is, to the representative office of the foreign legal entity.

The victim and their representation

Article 78

(1) The victim has the right to participate in misdemeanor proceedings as a victim by joining the request for initiation of misdemeanor proceedings or the request for compensation for damages.

(2) If the victim is a child, that is, it belongs to the group of vulnerable categories, it has the right to special measures of procedural protection during testimony and examination, defined in the Law on Criminal Procedure.

Defense counsel

Article 79

(1) The accused, who receives a proper summons for the hearing, may revoke the power of attorney of his defense attorney no later than three days before the beginning of the hearing.

(2) The defense attorney may cancel the defendant's power of attorney no later than three days before the beginning of the hearing, and inform the court about this or is obliged to ensure that another defense attorney attends the hearing.

(3) If the defense attorney does not notify the court within the time limit of paragraph (2) of

this article that he has canceled the power of attorney or has not ensured the presence of another defense attorney, the court may impose a fine of 250 euros in Denars.

Delivery of letters to natural persons

Article 80

(1) Letters are delivered by mail, electronically, through an official of the public authority that sends the letter, directly to that authority or through a legal entity with special powers established by law.

(2) When the delivery is made by post, the postman leaves a notice at the home of the accused to pick up the letter at the post office, and if the letter is returned with the indication "notified-not requested", it is considered that the delivery has been properly made.

(3) The delivery can be performed by hiring another special delivery service.

(4) The summons for the main hearing or other summonses may be communicated orally by the court to the person who is in front of the court, with instructions on the consequences of non-appearance. The subpoena executed in this way will be noted in the minutes, which the subpoenaed person will sign, unless that subpoena is noted in the minutes of the main hearing. It is considered that it has been duly served.

Delivery of the letter

Article 81

(1) The written document is delivered immediately to the person to whom it was sent, who is obliged to receive it. If the person does not appear where the delivery is to be made, the delivery person will hand it over to one of the members of their household, older than 16 years, who are obliged to receive the letter. If they are not found in the home, the letter will be delivered to the janitor, the manager or a neighbor, if they agree to receive it. If the delivery is made at the workplace of the person to whom the letter should be delivered, and that person is not there, the delivery can be made to a person authorized to receive mail who is obliged to receive the letter or to a person who is employed in the same place, if they are agreed to receive the letter. If the person does not appear at the address to which the delivery should be made, the delivery person will leave a written notice for the purpose of receiving the letter, with which the person is notified to come on a certain day and time to a certain room of the competent authority to receive the letter. If the person does not act on the notification, it is considered that the delivery was made on the day and hour specified in the notification. With that, it is considered that the letter has been delivered.

(2) If it is established that the person to whom the letter should be delivered is absent and that the persons referred to in paragraph (1) of this article cannot deliver the letter on time because of that, the letter will be returned with an indication of where the absent person is located.

(3) If delivery is not made in accordance with paragraph (2) of this article, the court conducting the procedure will highlight the letter on the notice board. After the expiration of eight days from the appointed day, it is considered that the delivery has been properly conducted.

Delivery of letters to legal entities

Article 82

(1) The delivery of letters to legal entities is done electronically.

(2) The delivery is made electronically to an electronic mailbox at the address of the electronic mailbox and is considered to have been made on the day of receipt of the letter electronically.

(3) The information system of the competent authority simultaneously with sending the letter to the recipient of the delivery to his electronic address also sends a notification that a written document has been sent from the information system of the competent authority, which the

holder of the address must download.

(4) The e-mail from the e-mail box must be downloaded no later than three days from the day of its sending.

(5) In the notification from paragraph (3) of this article, the recipient of the delivery is warned that if the electronic mail is not retrieved from the electronic mailbox within three days from the day of its sending, the delivery will be considered completed.

(6) If the letter delivered electronically contains attachments for which there is no technical possibility to be delivered electronically, the court, i.e. the misdemeanor authority, will notify the recipient in the letter it delivers that the attachments should be picked up immediately by the court, i.e. the misdemeanor authority in a period of five days from the day of notification, and if he does not pick them up within that period, it is considered that the attachments have been delivered.

(7) When the delivery of decisions is carried out for which the deadline runs from the day of delivery, the day of receipt of the letter by electronic means is considered as the day of delivery, in accordance with this article.

(8) Summonses and other letters, as well as decisions, are delivered to the address of the electronic mailbox that is registered with the competent authority. If in the course of the misdemeanor procedure the legal entity has changed the address of the electronic mailbox, it is obliged to inform the competent authority about the new address of the electronic mailbox within three days of the change at the latest, otherwise any delivery made will be considered proper at the previous address.

(9) The decision imposing a misdemeanor sanction on the legal entity shall be submitted electronically in accordance with this article.

(10) If there are no conditions for the application of paragraph (1) of this article, delivery is made by mail, through a legal entity with special powers established by law, through an official of the court or directly in the court.

(11) If delivery fails, the court conducting the procedure will display the writ on the notice board. After the expiration of eight days from the appointed day, it is considered that the delivery has been properly made.

(12) When the delivery is made in accordance with paragraph (10) of this article, the day of delivery of the document to the registry office is considered as the day of delivery.

Chapter eleven

CONDUCT OF CRIMINAL PROCEEDINGS

Request for initiation of misdemeanor procedure

Article 83

(1) The misdemeanor procedure is initiated at the request of the authorized body. (2) Authorized authorities for submitting a request for initiation of misdemeanor proceedings are: state administration bodies, local self-government units and other authorities and organizations exercising public powers whose competence includes the immediate execution or supervision over the execution of the laws in which offences. (3) The public prosecutor is also an authorized authority ex officio in cases where it is necessary for the protection of the public interest.

(4) The authorized authorities from paragraph (2) of this article are obliged within 30 days from the day after the violation has been established or after a report has been submitted by the injured party for a committed violation to submit a request for the initiation of criminal proceedings whenever there is a well-founded suspicion that an offense has been committed.

(5) If the deadline from paragraph (4) of this article has expired or if a notice has been received that the request is unfounded, the injured party has the right to submit an objection to the higher authority responsible for supervising the work of the bodies from paragraph (2) of this

article, whose decision is final.

(6) The injured party, if they have a property legal claim, can pursue the same in civil proceedings.

(7) The request for initiation of misdemeanor proceedings shall be submitted in writing or by electronic means determined by law, in a sufficient number of copies for the competent authority and the persons against whom misdemeanor proceedings have been initiated.

Content of the request

Article 84

(1) The request for initiation of misdemeanor procedure contains:

- basic data on the identity of the perpetrator (name and surname, nickname, UBN, place and date of birth, place of residence, street and number, address of temporary residence, occupation, citizenship, if the natural person is a foreigner, then instead of UBN, the road number document), and for the legal entity name and headquarters of the legal entity, UTN, and for the responsible person in the legal entity and the function he performs in that legal entity,

- a factual description of the offense from which the legal characteristics of the offense derive, time and place of the offense and other circumstances necessary to determine the offense as closely as possible,

- legal qualification of the offense to be applied,

- the evidence to be produced and

- signature of the petitioner.

(2) The evidence shall be attached to the request.

(3) When it is not possible to determine the identity of the perpetrator of the offense in the request, instead of the personal data, the description of the person and a photograph, that is, a recording and all other data for determining the identity of the person shall be stated. The same can be kept in an acceptance center, until the identity is established, but mostly until the decision on the offense is made.

(4) A request for the initiation of misdemeanor proceedings in cases where there are confiscated objects or acquired property benefit from a committed offense can be submitted against an unknown perpetrator.

Offense that the court will find out about during the procedure

Article 85

If, during the course of the procedure, the court finds out about a violation for which no request was submitted by the authorized body, it will notify the authorized body about this.

Supplementing the request

Article 86

(1) If the request for initiation of the misdemeanor procedure does not contain all the data from Article 84 of this law, the petitioner will be asked to supplement it within a period that cannot be longer than 15 days from the day of receipt of the request.

(2) In the event that the petitioner has not removed the deficiencies within the period of paragraph (1) of this article, it will be considered that he has given up the request, and the request will be rejected.

Rejection of the request

Article 87

(1) If the court determines that there are no conditions for starting the misdemeanor procedure, it will reject the request with a decision.

(2) There are no conditions for starting the misdemeanor procedure when:

- the action described in the request is not a misdemeanor,
- there are grounds that exclude liability for an offence,
- the statute of limitations for starting the misdemeanor procedure has expired,
- the request was submitted by an unauthorized applicant, i.e. a person,
- there are other legal reasons why the misdemeanor procedure cannot be initiated,
- the request is not supported by evidence of a committed offense and
- the request does not contain the necessary data from Article 84 of this law.

(3) The decision from paragraph (1) of this article is delivered to the petitioner.

(4) The petitioner has the right to oppose the decision from paragraph (1) of this article of an appeal within eight days from the day of receipt of the decision to the second-instance court.

(5) The decision from paragraph (1) of this article is not an obstacle for conducting a special procedure for confiscation of objects or confiscation of property benefits.

Merging and unbundling of the procedure

Article 88

(1) If the accused, with one action or several actions, commits several offenses for which no decision was made, and the same court is competent for all decisions, as a rule, a single procedure will be conducted and a single decision will be made for the offense. A single procedure, as a rule, will be carried out against a legal entity and a responsible person, against an accused, an accomplice, an instigator and an aider, unless there are legal conditions for the procedure to be conducted against only one of them.

(2) Until a decision is made on a misdemeanor for justified reasons or due to expediency, the court may decide to separate the procedure for separate misdemeanors or against separate defendants, accomplices, instigators or helpers from the single procedure and complete them separately.

(3) For the merger and separation of the proceedings, the court will issue a decision against which no appeal is allowed.

Initiation of misdemeanor procedure

Article 89

(1) If the court does not pass a decision rejecting the request, the court is obliged to schedule a hearing and notify the accused thereof.

(2) The court, together with the summons for examination, will deliver to the accused a request for initiation of criminal proceedings together with the written evidence.

Chapter twelve

MEASURES TO ENSURE ATTENDANCE OF THE ACCUSED

Types of measures

Article 90

Measures that can be taken against the accused in order to ensure his presence and to conduct the criminal procedure are: summons, detention, guarantee and temporary confiscation of a foreigner's travel document and detention of a foreigner in a reception center.

An invitation

Article 91

(1) The presence of the accused during the hearing in the misdemeanor procedure is ensured by summons. The summons is sent by the court conducting the misdemeanor procedure.

(2) With the summons, the accused is informed of what he is accused of and that they are obliged to appear in person or to give his defense in writing. The accused who is invited to come personally to the warning should be warned that they will be detained if they do not respond to the invitation. If it is not necessary for the defendant to be heard in order to make a correct decision, they will be warned in the summons that the decision on the offense will be made without a hearing, if they do not respond to the summons.

(3) A copy of the request for initiation of misdemeanor proceedings shall be submitted together with the summons.

Apprehension

Article 92

(1) If the duly summoned defendant does not appear on the summons and does not justify his absence, or if it was not possible to deliver the summons properly, and it is obvious from the circumstances that the defendant is evading, and his presence is necessary for correct decision-making, detention was ordered. Detention can be determined only in the case where the summons instructs the accused that he is obliged to appear in person.

(2) Detention is determined in writing. The order shall state the name and surname of the accused to be detained, his unique identification number, the date of birth, the place of residence of the accused, the case in which the detention is determined and the reason for which the detention is determined.

(3) The order must have the stamp and signature of the judge who ordered the detention.

Guarantee

Article 93

(1) When the misdemeanor procedure is initiated against the defendant who does not live permanently in the Republic of Macedonia, and wants to leave it before the end of the procedure, upon his request, the court may allow him to post a guarantee as security for the fulfillment of the obligations that can be determined in the decision on the offence.

(2) The court may require the defendant, in addition to providing a guarantee, to appoint a proxy who will receive the letters on his behalf and represent him in the proceedings, if his property rights are in question.

(3) Bail cannot be determined before the defendant has been heard. (4) The guarantee always amounts to a monetary amount that is determined considering the gravity of the offense, the amount of the damage caused, the personal and family circumstances of the accused and the property status of the person who gives it.

(5) The guarantee consists in depositing cash, securities, valuables or other movable objects of greater value that can be converted into money or kept.

(6) If the procedure is stopped by a decision, the deposited guarantee will be returned.

(7) If the perpetrator of the offense does not pay the imposed fine, or does not compensate the damage caused, the acquired property benefit and the costs of the procedure after the finality of the decision on the offense, the following will be paid from the posted guarantee: the fine, the determined damage, the acquired property benefit and the costs of the procedure, and the excess will be returned.

(8) The court will pass a separate decision on the provision of the guarantee and its return.

Retention

Article 94

(1) If there is a well-founded suspicion that the accused has committed an offense, the court may order detention if it is not possible to establish his identity or if they do not have a place of residence in the Republic of Macedonia, and there is a well-founded suspicion of repeating the offense or that they will flee or if by leaving due to staying abroad can avoid responsibility for an offense.

(2) The accused who is detained has the right to be immediately notified in their native language or the language they understand of the reasons for detention, as well as to be instructed that they are not obliged to declare anything, that they have the right to immediate legal assistance from a defense attorney who freely he can also choose that the competent authority, at their request, is obliged to notify their relatives, i.e. the employer, of the detention, and if they are a foreign citizen, at their request, the diplomatic representation of their country.

(3) The accused must immediately, and at the latest within six hours from the moment of detention, be handed a written decision, issued by a competent court, on the reasons for detention with a legal instruction, and the place where the person will be detained must be designated.

(4) While the detention lasts, the accused has the right to appeal against the decision. An appeal does not delay the retention decision.

(5) After the appeal, the criminal council in the basic court decides on the legality of the detention within 24 hours from the receipt of the appeal.

(6) Detention can last a maximum of 12 hours from the hour when the offender was detained, during which time they are interrogated and a decision is made on the offense or they are released.

(7) The provisions of the Law on Criminal Procedure, on execution of detention, shall be applied accordingly to the detention of the accused, unless otherwise determined by this Law.

Keeping a foreigner in a reception center

Article 95

(1) If the perpetrator of the offense is a foreigner whose identity cannot be determined, the court immediately determines a measure of detention in a reception center.

(2) With a decision, the detention of a foreigner can last up to 30 days from the day of detention, and the court can extend it for another 30 days.

(3) Against the decision, the foreigner has the right to appeal to the second instance court within 48 hours from the moment of detention in the reception center. The appeal does not suspend the execution of the decision.

(4) When the court decides to detain a foreigner in a reception center, it will notify the Ministry of the Interior and oblige it to take measures to determine the identity of the foreigner.

(5) The court will pass a decision on termination of detention immediately when it receives the data on the identity of the foreigner.

(6) Accommodation in a reception center is regulated by a separate law.

Detention of persons under the influence of alcohol or other narcotic substances

Article 96

(1) The Ministry of Internal Affairs can decide to detain the offender who is caught committing the offense under the influence of alcohol or other narcotic substances, if there is a danger that they will continue to commit offenses in the future, and there are no conditions to immediately arrest them or transport to a health facility. The retention can last a maximum of 12 hours from the moment of retention. The costs of the stay shall be borne by the offender.

(2) For each detention, the Ministry of Internal Affairs compiles a record in which the measures taken and if medical measures are taken and the medical measures are entered. A copy

of the minutes is handed over to the detained person.

(3) A person under the influence of alcohol or other narcotic substances is considered a person for whom it was determined in accordance with the law, using technical means and equipment, or if it follows from their appearance, behavior, psychophysical condition and other circumstances that they are not able to manage their own actions.

Apprehension of persons caught in the commission of an offense

Article 97

(1) The Ministry of Internal Affairs may detain the person caught committing an offense even without a court order, if it is not possible to establish the identity of the offender or if they have no place of residence or if he could avoid responsibility by going abroad for the purpose of residence for an offense or if there are circumstances that make it reasonable to believe that the offender would continue with the offense or that they would repeat it.

(2) If, in the case referred to in paragraph (1) of this article, the offender is caught committing an offense at a time when the court is not working, or if there are circumstances that indicate a danger that they will run away or continue with the offense or repeat the offense, they may keep the police officer. Detention lasts until it is possible to bring the perpetrator before the competent court, but no longer than 12 hours.

(3) The perpetrator who is detained must immediately be notified in their native language or in the language he understands of the reasons for detention, as well as be instructed that they are not obliged to declare anything, that they have the right to immediate legal assistance from a defense attorney who freely they can also choose that at their request the competent authority is obliged to inform their next of kin about the detention.

Notice of detention for the purpose of apprehension

Article 98

(1) The court, i.e. the Ministry of Internal Affairs, which determined the detention, at the request of the detained person, is obliged to inform their family about the detention. Upon the detainee's request, their employer, i.e. the diplomatic mission of the foreign country, will be notified of the detention, if something needs to be done for the protection or care of the children and other family members, for whom the detained person cares, as well as the competent center for social work.

(2) The military unit, that is, the command to which the military person belongs, will be notified of the detention of a military personnel on official duty.

Chapter thirteen

PROOF

Admission of offence

Article 99

If the defendant admits to committing the offense and the confession is voluntary, conscious, clear and complete, the court does not need to collect other evidence.

Hearing of witnesses

Article 100

(1) The witness will be heard before the court before which the misdemeanor proceedings are conducted.

(2) If the witness has a place of residence or residence outside the seat of the court, the hearing of the witness will be conducted by request to the court according to the place of residence or residence of the witness.

Chapter Fourteen

INTERRUPTION AND STOPPING OF CRIMINAL PROCEEDINGS

BEFORE THE COURT

Suspension of the procedure

Article 101

(1) The court that conducts the misdemeanor procedure will terminate the procedure by decision if: - the domicile, i.e. the place of residence of the accused cannot be determined and if for any other reasons they are not available to the public authorities or is abroad for an indefinite period of time,

- the defendant has a temporary mental illness or temporary mental disorder,
- criminal proceedings have been initiated for the same offense until the completion of the criminal proceedings and

- the procedure that has been stopped on the basis of paragraph 3 of this article will continue when the criminal procedure has been stopped on some other basis, and there are still conditions for conducting a misdemeanor procedure.

(2) Before making a decision to terminate the misdemeanor procedure, all the evidence of the misdemeanor and the responsibility of the defendant that can be found will be collected.

(3) The interrupted procedure will continue when the reasons for it cease.

(4) The petitioner will be notified of the termination and continuation of the procedure.

(5) The decision from paragraph (1) of this article does not contain a legal instruction.

Partial suspension of the misdemeanor procedure

Article 102

(1) If the fine has been paid and if the payment order has been executed within the terms established by this law, the court passes a decision stopping the procedure in that part and conducts proceedings after the submitted request for the imposition of the criminal sanctions from Article 23 paragraphs (5), (6), (7), (8) and (9) of this law as independent criminal sanctions for an offense committed.

(2) An appeal is allowed against the decision from paragraph (1) of this article.

(3) When the procedure is stopped by a decision, the costs are borne by the Budget of the Republic of Macedonia.

Procedure of confiscation by court decision

Article 103

(1) Items that can be confiscated according to Article 40 of this law can be temporarily confiscated even before the decision is made on the offense for which a certificate is issued.

(2) During the conduct of the misdemeanor procedure, the court may temporarily confiscate an object by written order. The copy of the order must be submitted to the authority in charge of keeping the confiscated items as well as the person from whom the items were confiscated.

(3) If the object is easily perishable or if its storage requires disproportionate costs, the court

responsible for conducting the misdemeanor procedure hands it over to the Agency for Management of Confiscated Property, which acts in accordance with the law.

Chapter fifteen

FLOW OF THE PROCEDURE

Short procedure

Article 104

- (1) An abbreviated procedure is conducted when:
 - the request for initiation of misdemeanor proceedings contains all the facts and evidence on the basis of which the court can decide without the presence of a party,
 - the request for initiation of the procedure is based on public documents issued by competent public authorities and
 - the perpetrator is caught while committing the offense by an authorized official.
- (2) In abbreviated proceedings, the court decides without examining the offender when they have been duly summoned, but they have not appeared and have not provided proof of justified inability to appear before the court.

The accused and his right of defence

Article 105

If the accused appears for examination in order to verify the allegations in the submitted request for the initiation of criminal proceedings, the court can also call for the minutes to hear witnesses or experts.

Judge on duty

Article 106

- (1) Due to the speed of the procedure, the court ensures constant work during 24 hours.
- (2) The work schedule of the court determines the duty judge and court worker throughout the day, non-working days and holidays.

Urgency of the misdemeanor procedure

Article 107

- (1) The court is obliged to initiate misdemeanor proceedings immediately after receiving the request for initiation of misdemeanor proceedings, and no later than within three days from the day of receipt of the request.
- (2) The procedure before the first-instance court must be completed within three months from the date of submission of the request for initiation of misdemeanor procedure.
- (3) When the defendant is a foreigner, the court decides in an urgent procedure in the shortest possible time, but no longer than three days from the day of receipt of the request for initiation of misdemeanor proceedings.
- (4) The appeal made by the foreigner does not delay the execution of the decision.

Oral search

Article 108

- (1) The court conducting the misdemeanor procedure will determine an oral search, if it is necessary to clarify the factual situation.

(2) The petitioner for initiation of the misdemeanor procedure, the accused, their defense counsel and the witness, and if necessary the person who ascertained the offense, the injured party and the expert are invited to the search. If the defendant is a legal entity, their representative is called to the search.

Oral examination in the absence of the accused

Article 109

(1) The court conducting the procedure may decide to hold an oral hearing in the absence of the accused, who has been duly summoned, if the court determines that their presence is not necessary for the correct determination of the factual situation. Under the same conditions, the search can be held in the absence of the duly summoned representative of the accused legal entity.

(2) The search will be held when the properly summoned representative of the petitioner does not come, if their presence is not necessary to clarify the factual situation.

(3) The search will be held even if the duly summoned defense counsel of the accused does not come.

Course of oral examination

Article 110

(1) The search begins with the publication of the main content of the request. Then the examination of the accused is started. If a legal entity and a responsible person within the legal entity are accused, the representative of the legal entity is heard first, followed by the responsible person. After the examination of the accused, an evidentiary procedure is carried out with the hearing of witnesses, experts and presentation of other evidence.

(2) The petitioner, the accused and his counsel and the representative of the legal entity have the right to propose evidence and make other proposals during the investigation, and with the approval of the judge conducting the misdemeanor proceedings, they can ask questions to the persons who are they interrogate.

(3) At the search, the accused always has the last word, that is, the representative of the accused legal entity.

(4) If the judge conducting the misdemeanor procedure finds that the investigation should not be postponed for the purpose of supplementing the procedure or clarifying certain issues, they will conclude the investigation and make a decision on the offense and publicly announce the sentence of the decision with a brief explanation of the reasons.

(5) A record is kept for the work of the search, in which the entire course of the search is entered in essential features. The minutes are signed by the judge and the recorder.

Proceedings in a case where the defendant committed an offense during the procedure

Article 111

(1) If, during the execution of the actions in the misdemeanor procedure, the defendant committed a new offense or a previously committed offense is discovered, the court conducting the misdemeanor procedure, as a rule, upon the request of the present petitioner, will extend the procedure for that offense as well.

(2) If the petitioner is not present or is not authorized to submit a request for initiation of the misdemeanor procedure and with regard to the offense from paragraph (1) of this article or the defendant has committed a criminal offense, the judge will draw up a record of this and with he will be introduced to the competent petitioner, i.e. the public prosecutor. The same will be done if someone else commits an offense during the performance of the actions in the misdemeanor

procedure.

Making and communicating decisions

Article 112

- (1) The misdemeanor procedure ends with the adoption of a verdict or decision.
- (2) The verdict or decision for a misdemeanor applies only to the person for whom the initiation of the misdemeanor procedure is requested and only to the misdemeanor that is the subject of the request.
- (3) The court is not bound by the proposals and assessment regarding the legal qualification of the offense.
- (4) The verdict or the solution for the offense is based on the presented evidence and the facts determined in the offense procedure.

Judgment

Article 113

- (1) With a verdict for a misdemeanor, the defendant is declared guilty and a misdemeanor sanction is imposed on them or they are released from responsibility.
- (2) If the misdemeanor procedure is conducted for several misdemeanors, the verdict will state for which misdemeanors they are declared guilty and which misdemeanor sanction is imposed on them, that is, they are released from responsibility.
- (3) The written verdict for a misdemeanor must have an introduction, dispositive and reasoning.
- (4) The introduction of the judgment for a misdemeanor contains the name of the court that issued it, the name and surname of the judge who issued the judgment, the name and surname of the accused and the defense attorney, the company, i.e. the name and headquarters of the accused legal entity and the offense that is the subject of the procedure.
- (5) The dispositive of the judgment for a misdemeanor must contain the personal data of the accused, the data of the accused legal entity, that the accused is responsible for a misdemeanor or the misdemeanor sanction that is imposed or the accused is released from responsibility.
- (6) When the verdict for a misdemeanor has a rationale, the court will state the evidence and circumstances on which it bases its decision.
- (7) The judgment passed in a summary procedure, as well as the judgment which recognizes the offense and waives the right to appeal, does not have a rationale. (8) The judgment contains a legal instruction.

A judgment acquitting the accused

Article 114

A verdict acquitting the defendant of responsibility will be passed, if:

- 1) the action is not a misdemeanor;
- 2) the accused did not commit the offence;
- 3) there are circumstances that exclude responsibility for an offense;
- 4) the procedure was conducted without a request from the authorized body (Article 83 paragraph (1) of this law);
- 5) the procedure is conducted by a factually incompetent court;
- 6) the accused for the same offense was legally sanctioned in a misdemeanor proceeding or the misdemeanor proceeding was legally stopped, but not due to incompetence;
- 7) the defendant in a criminal proceeding is legally declared guilty of an offense that includes the features of the offense;
- 8) the accused enjoys diplomatic immunity;

- 9) statute of limitations has occurred for conducting the misdemeanor procedure;
- 10) there is no evidence that the accused committed the offense, and
- 11) the petitioner waived the request before the verdict for a misdemeanor entered into force.

Decision to stop misdemeanor proceedings

Article 115

- (1) The misdemeanor procedure is stopped by a decision, if:
 - the accused died,
 - the legal entity ceased to exist,
 - the court determined that the offense was committed in a state of insanity and - during the procedure, the accused person suffered a permanent mental illness and in other cases determined by this law.
- (2) The misdemeanor procedure will be stopped in other cases determined by law.

A verdict in which the defendant pleads guilty

Article 116

- (1) In the verdict for a misdemeanor by which the defendant will plead guilty, it will be stated: - for which misdemeanor, i.e. misdemeanors, the defendant is sentenced to a misdemeanor sanction, a description of the misdemeanor and legal qualification for the misdemeanor, - the misdemeanor sanction imposed on him pronounces on the accused, i.e. the decision on release from the sanction,
 - misdemeanor sanctions for individual misdemeanors and a single misdemeanor sanction, if it is a stack of misdemeanors,
 - the decision on the confiscation of property and property benefits, and confiscation of objects, - the decision on imposing retention,
 - the decision on costs of the procedure, and
 - the decision on property-legal claim.
- (2) In the verdict for an offense, the term in which the fine should be paid will be determined and a warning for collection by forced means will be stated.

Costs of the procedure

Article 117

- (1) Costs of the misdemeanor procedure are:
 - expenses for witnesses, experts, translators, interpreters and other persons needed in the procedure, inspections and storage of confiscated items,
 - detention expenses,
 - expenses for official actions and for authorized officials,
 - expenses for treatment of the accused, for the time they are detained,
 - travel expenses of the accused,
 - lump sum,
 - award and necessary expenses for the defender.
- (2) The lump sum is determined within the limits of the amounts determined according to the duration and complexity of the procedure and according to the general condition of the person who is obliged to pay it.
- (3) The costs from paragraph (1) paragraphs 1, 2, 3 and 4 of this article in the misdemeanor procedure are paid in advance from the funds of the court, and later the court reimburses them from the person who is obliged to pay them according to article 118 of this law.

Payment of the costs of the misdemeanor procedure

Article 118

(1) The costs of the misdemeanor procedure shall be paid by the convicted person, to whom a misdemeanor sanction has been imposed.

(2) If misdemeanor proceedings were conducted for several misdemeanors, the person to whom a misdemeanor sanction was imposed will not bear the costs for the misdemeanors for which an acquittal was passed, if those costs can be separated from the total costs.

(3) If a misdemeanor sanction has been imposed on several defendants by the same decision, it will be determined how much part of the costs each of them pays, and if this cannot be determined, all the defendants will jointly pay the costs of the procedure.

(4) The costs of the misdemeanor procedure in which an acquittal was passed shall be borne by the Budget of the Republic of Macedonia.

(5) The court conducting the misdemeanor proceedings may release the defendant who was sentenced to a misdemeanor sanction from the reimbursement of the costs of the procedure referred to in Article 117 paragraph (1) of this law and the necessary expenses for the defense attorney, if due to the payment of the costs threatened their livelihood or the persons they are obliged to support.

Cost decision

Article 119

(1) In the decision on a violation, it is determined who pays the costs and their amount.

(2) If there is not enough data to determine the costs, a separate decision will be made regarding the costs of the procedure.

(3) The request with data on the amount of the costs of the procedure that was stopped or an acquittal was passed can be submitted within three months from the day when the final judgment or decision was delivered to the person who has the right to submit such a request.

Special costs

Article 120

(1) The accused, the legal representative, the representative of the legal entity, the defense attorney, the attorney, the witness, the expert, the translator, the interpreter and any other person required in the procedure, regardless of the outcome of the misdemeanor procedure, shall pay the costs of their detention, delay of the action in the misdemeanor procedure and other costs that they caused through their own fault.

(2) A separate decision is made for the costs of the procedure from paragraph (1) of this article.

Costs in the remedy procedure

Article 121

(1) The second-instance court will decide on the payment of costs in the appeal procedure in accordance with the provisions of articles 117, 118, 119 and 120 of this law.

(2) The lump sum shall not be determined, if the decision of the second-instance court was decided in whole or in part in favor of the defendant.

(3) A lump sum will be determined even if the appeal is rejected.

Costs of the procedure with extraordinary legal remedies

Article 122

The provisions of articles 117, 118, 119 and 120 of this law shall be applied accordingly for the payment of the costs incurred in the misdemeanor procedure with the extraordinary legal means.

Adoption of regulations for costs of the procedure

Article 123

The amount and method of determining the costs actually incurred for the misdemeanor procedure that is conducted before the courts is determined by the president of the Supreme Court of the Republic of Macedonia.

Chapter sixteen

LEGAL REMEDIES

Types of remedies

Article 124

(1) Against the verdict and decision of the first-instance court, an appeal may be filed with the second-instance court.

(2) Extraordinary legal remedies may be used in the misdemeanor procedure concluded with a verdict: a request to repeat the misdemeanor procedure and a request for protection of legality.

Procedure for legal remedies

Article 125

(1) In the misdemeanor procedure for regular and extraordinary legal remedies, the defense attorney must submit a power of attorney, and if the defense attorney does not submit a power of attorney, it is considered that the submitted legal remedy is improper.

(2) In the procedure for regular and extraordinary legal remedies, the party cannot propose new evidence that they knew about and could have proposed in the first degree misdemeanor procedure.

Time limits for remedies

Article 126

(1) The appeal is submitted within eight days from the day of receipt of the decision.

(2) The second-instance court decides at the latest within 60 days from the day of receipt of the appeal, in a closed session.

(3) When it comes to a foreigner, the second-instance court decides immediately, and at the latest within three days from the day of receipt of the appeal.

(4) The second-instance court can cancel the first-instance decision and return the case to the first-instance court if it is proposed to introduce new evidence that the party did not know about and could not propose in the first-instance procedure.

(5) When the second-instance court acts upon a stated appeal against a decision that was once revoked and returned for re-settlement, it will mandatorily decide the case itself.

(6) The second-instance court is not bound by the legal qualification contained in the decision

when re-deciding.

(7) When the second-instance court confirms the first-instance decision made according to Article 113 paragraph (7) of this law, it does not have to give a written explanation in its decision.

Part six

Chapter seventeen

SPECIAL PROCEDURES AND ENFORCEMENT OF DECISIONS

Procedure for confiscation of property, property benefit and for confiscation of objects

Article 127

In the procedure for confiscation of property, property benefit and confiscation of objects, the provisions of the Law on Criminal Procedure are applied.

Compensation for damage and other rights of persons who were imposed criminal sanctions

Article 128

In the procedure for compensation of damage and other rights of the persons who were imposed criminal sanctions, the provisions of the Law on Criminal Procedure are applied.

Enforcement of sanctions

Article 129

(1) The provisions of the Law on the Execution of Sanctions shall be applied to the execution of the sanctions, except for the fine, imposed in the misdemeanor procedure.

(2) The provisions of the Law on Tax Procedure apply to forced collection of the fine and the costs of the procedure.

(3) Within 15 days from the day of payment, the convicted person is obliged to submit a copy of the fine payment and the costs of the misdemeanor procedure to the court, i.e. the misdemeanor authority.

Part seven

Chapter Eighteen

TRANSITIONAL AND FINAL PROVISIONS

Article 130

Proceedings started before the courts and criminal authorities until the day this law enters into force will be completed according to the provisions of the Law on Offenses ("Official Gazette of the Republic of Macedonia" number 124/15).

Article 131

(1) An appeal can be submitted to the State Commission for decision-making in the second instance in the field of inspection supervision and misdemeanor proceedings against decisions on misdemeanors made by the misdemeanor authority until December 31, 2020.

(2) The cases after the initiated procedures on appeal before the State Commission for decision-making in the second instance in the field of inspection supervision and misdemeanor procedure that will not end within the term of paragraph (1) of this article, will be handed over

and will continue before the Administrative Court.

Article 132

(1) Laws in which misdemeanor sanctions are prescribed shall be harmonized with the provisions of this law within six months from the date of entry into force of this law.

(2) The laws in which misdemeanor sanctions are prescribed will continue to be applied until they are harmonized with the provisions of this law, but no later than six months from the date of entry into force of this law.

Article 133

The by-laws provided for by this law shall be adopted within three months from the date of entry into force of this law.

Article 134

With the entry into force of this law, the Law on Misdemeanors ("Official Gazette of the Republic of Macedonia" number 124/15) ceases to be valid, except for the provisions of Articles 68 and 69 of this law which will be applied until December 31, 2020.

Article 135

This law enters into force on the eighth day from the day of publication in the "Official Gazette of the Republic of Macedonia", except for the provisions of Article 70 of this law, which will begin to be applied from January 1, 2021.