

Based on Articles 46, 47, 54 and 55 of the Law on Misdemeanours ("Official Gazette of the Republic of North Macedonia" No. 96/2019), and in connection with Articles 38, 39 and 40 of the Law on Free Access to Public Information ("Official Gazette of the Republic of North Macedonia" no. 101/2019), the Misdemeanours Commission in the Agency for the Protection of the Right to Free Access to Public Information on 10.07.2020, adopted

RULEBOOK

on the procedure of the misdemeanour Commission in the Agency for the Protection of the Right to Free Access to Public Information after a settlement procedure has been carried out with the issuance of a misdemeanour payment order

Article 1

This Rulebook prescribes the procedure of the misdemeanor Commission (hereinafter: **The Commission**) in the Agency for the Protection of the Right to Free Access to Public Information (hereinafter: **The Agency**).

Article 2

The Commission initiates misdemeanour proceedings following a request submitted by an authorized official in the Agency.

For the received request from paragraph (1) of Article 1, the Commission forms a separate case and keeps separate records, in accordance with the Plan for archival signs in the Agency for the Protection of the Right to Free Access to Public Information.

Article 3

According to the provisions established in Articles 38, 39 and 40 of the Law on Free Access to Public Information, before criminal proceedings are initiated, the authorized official in the Agency is obliged

- to draw up a record of a detected misdemeanour and
- to implement a settlement procedure by issuing a misdemeanour Payment Order;

The form and content of the Misdemeanour Payment Order from paragraph 1 and paragraph 2 of this article are prescribed by the Director of the Agency.

Article 4

The perpetrator of the misdemeanour is obliged to pay the offence payment order within 8 days of the receipt.

If the perpetrator of the misdemeanour, who was duly invited to a settlement procedure by issuing an misdemeanour payment order, does not justify his absence or refuses to receive the misdemeanour order, the same shall be recorded in the minutes of Article 3 paragraph (1) paragraph 1 of this Rulebook, and the authorized official submits a request for initiation of misdemeanour proceedings to the Commission.

Article 5

The request from Article 2 of this Regulation contains the following elements:

- Basic data on the identity of the perpetrator of the misdemeanour with the Information Holder
- name and headquarters of the Information Holder;
- Factual description of the misdemeanour;
- Time and place of committing the misdemeanour;
- Legal qualification of the offence;
- Evidence to be adduced and
- Signature of the applicant.

Article 6

The Commission is obliged to immediately act on the received request from the authorized official in the Agency, to obtain the evidence and determine the factual situation, i.e. to carry out criminal proceedings if there is a legal basis for it and to make an appropriate decision within three months from the date on the submission of the request for initiation of misdemeanour proceedings.

Article 7

If the Commission finds that the conditions for initiating criminal proceedings have not been met, that there is not enough evidence, that the request was submitted by an unauthorized person, that it was not submitted within the legally stipulated period, or there are other decisive circumstances, the Commission shall issue a Decision rejecting it the request for initiation of misdemeanour proceedings.

Article 8

The commission ex officio without delay obtains the evidence and determines the factual situation necessary for making a decision on the misdemeanour

Before making a decision, the Commission obligatorily informs the offender about the misdemeanour charged against him and instructs him that he has the right to state the facts and evidence within three days of receiving the notification.

If additional evidence is needed for making an appropriate decision, the Commission can request it from the parties concerned in the procedure.

Article 9

The commission works and makes decisions at a session attended by the president and all members of the Commission. In case of absence of the president, i.e. one of the members of the Commission, the deputy president, i.e. the deputy members, attend.

The session of the Commission begins with the determination of the agenda and the adoption of the minutes from the previous session.

The Commission decides individually on each item on the agenda, i.e. subject to resolution.

At the session of the Commission, it is also decided whether the conditions for conducting an abbreviated procedure have been met for the cases that are on the daily schedule, or whether it is necessary to hold an oral hearing for some of them.

Article 10

The Commission makes its decisions with a majority of votes from the total number of members. A member of the Commission cannot abstain from voting.

Decisions of the Commission are decisions and conclusions. They contain an introduction, dispositive (sentence), explanation, instructions for a legal remedy, name of the Commission and signature of the President of the Commission.

Decisions are made by public voting of the members of the Commission.

The method of voting and the number of votes are entered in a separate record that is kept for the criminal case.

A decision is made when the merits are decided on the misdemeanour case. A conclusion is drawn on the procedural issues that arose during the procedure.

Article 11

A separate record is kept for the course of the session of the Misdemeanors Commission, which must contain the time and place of the session and the names of the present members, i.e. substitute members of the Commission.

The minutes are signed by the president and the members of the misdemeanours Commission. If the president, i.e. one of the members is absent, the minutes are signed by the deputy - the president, i.e. the corresponding deputy - member.

Article 12

This Rulebook enters into force on the day of its adoption and publication on the website of the Agency for the Protection of the Right to Free Access to Public Information.

Amendments and additions to this Rulebook will be made in the manner and procedure as it is enacted.

**President of the Misdemeanors Commission,
Cvetan Stanoeski**