

Law on amending the Law on Protection of Competition
(Official Gazette of Republic of Macedonia no.22/07)

Article 1

In the Law on Protection of Competition (“Official Gazette of Republic of Macedonia”

No.4/05 and 70/06), a new paragraph (2) is added in Article 6 as follows:

“(2) The Commission is a competent misdemeanor body which conducts a misdemeanor procedure and imposes misdemeanor sanctions.”

Article 2

In the Article 27 paragraph 1 after the word “Administrative” and in the paragraph 3 in the

introductory sentence after the word “administrative” , the word “misdemeanor” is added.

Article 3

New Article 27-a is added after Article 27, as follows:

“Commission for misdemeanor matters

Article 27a

(1) Within the Qualified Personnel Unit of the Commission, a Commission for misdemeanor matters of three official persons authorized by the President of the

Commission will be formed for conducting a misdemeanor procedure.

(2) The members of the Commission for misdemeanor matters have university degree and above three years working professional experience, from whom at least one of the members is a graduated lawyer with passed bar examination.”

Article 4

The title of the Article 40 is changed as follows:

“Judicial protection”

Article 40 is amended as follows:

(1) The decisions of the Commission are final.

(2) Against the decisions of the Commission a complaint for initiating an administrative dispute can be lodged before the competent court.

(3) The complaint for initiating an administrative dispute against the decisions of the

Commission can be lodged within 30 days from the day of their delivery. The complaint postpones the execution of the decisions. Article 5

The title of Part Six is amended as follows:

“MISDEAMENOR PROVISIONS”

Article 6

The title before Article 45 is amended as follows:

” Initiation of a misdemeanor procedure” .

The Article 45 is amended as follows :

On the basis of a decision by which an infringement of the provisions of this Law is

determined, the Commission ex officio initiates a misdemeanor procedure against the

legal person, its responsible person, as well as against a natural person.

Article 7

The title before the Article 46 is amended as follows:

“The competence for deciding in misdemeanor procedure and judicial protection”

Article 46 is amended as follows:

(1) For deciding on misdemeanors determined by this Law and for imposing misdemeanor sanctions, the Commission is the competent misdemeanor body.

(2) The decisions of the Commission by which a misdemeanor sanction is imposed,

according to the Articles 47, 48, and 49 of this Law are final.

(3) Against the decisions of the Commission by which a misdemeanor sanction is imposed, according to the Articles 47, 48, and 49 of this Law, a complaint for

initiating an administrative dispute before a competent court can be lodged.

(4) Against the decisions of the Commission by which a misdemeanor sanction is

imposed, according to the Articles 47, 48, and 49 of this Law, the complaint for

initiating an administrative dispute can be lodged within eight days from their

delivery. The complaint postpones the execution of the decisions.

Article 8

In the Article 47, the introductory sentence of the paragraph (1) is amended as follows:

“(1) A fine in an amount of up to 10% of the value of the total annual income of the

undertaking (articulated in absolute amount), realized in the business year preceding the year

of the misdemeanor, shall be imposed to a legal person, if with intention or by negligence.” The paragraph (2) is amended as follows:

“(2) A fine in an amount of 10.000 Euros up to 20.000 Euros, in Denar equivalency, shall

be imposed for a misdemeanor from paragraph (1) of this Article to a natural person,

which according to the provisions of this Law has the capacity of an undertaking.”

The paragraph (3) is amended as follows:

“(3) A fine in an amount of 2.000 Euros up to 10.000 Euros, in Denar equivalency, is

imposed for misdemeanor from paragraph (1) to the responsible person in the legal person.”

In the paragraph (4) the word: “fine” (paricna kazna) is substituted with the word “fine” (globa).

Article 9

In Article 48 the introductory sentence of paragraph (1) is amended as follows:

“(1) A fine in an amount of up to 1% of the value of the total annual income of the undertaking (articulated in absolute amount), realized in the business year preceding the year of the misdemeanor, shall be imposed to a legal person, if with intention or by negligence:”

The paragraph (2) is amended as follows:

“(2) A fine in an amount of 2.000 Euros up to 5.000 Euros, in Denar equivalency, shall be imposed for a misdemeanor from paragraph (1) of this Article to a natural person, which according to the provisions of this Law has the capacity of an undertaking.”

The paragraph (3) is amended as follows:

“(3) A fine in an amount of 500 Euros up to 2.000 Euros, in Denar equivalency, is imposed for misdemeanor from paragraph (1) to the responsible person in the legal person.”

In the paragraph (4) the word: “fine” (paricna kazna) is substituted with the word “fine” (globa).

Article 10

The title of Article 49 is amended as follows:

“Other misdemeanor sanctions”

The Article 49 is amended as follows:

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The word “fine” translated in the Macedonian language makes linguistically difference between the two words: PARICNA KAZNA and GLOBA. Unfortunately, we are not able to find any certain approximation

of this difference within the English language. (1) “Besides the imposed fine, a misdemeanor sanction in the form of a temporary ban for performing certain activity in the duration of 30 days, may also be imposed on the legal person which commits a misdemeanor from the Article 47

paragraph (1) of this Law

(2) Besides the imposed fine, a misdemeanor sanction in the form of a ban for performing of profession, activity or duty in the duration of 15 days may be imposed on the natural person who according to the provisions of this Law has the capacity of the undertaking and on the responsible person in the legal person,

for committing a misdemeanor from the Article 47 paragraph (1) of this Law.

Article 11

This Law enters into force on the eighth day of the day of its publication in the “Official

Gazette of Republic of Macedonia” .

